

LEGISLATIVE BILL 13

Approved by the Governor August 15, 2002

Introduced by Brashear, 4

AN ACT relating to courts; to amend section 29-2709, Revised Statutes Supplement, 2001, as amended by Laws 2002, LB 876, section 63; to create a fund; to assess a fee for each court proceeding; to change provisions relating to uncollectible costs; to provide an operative date; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Supreme Court Automation Cash Fund is created. The State Court Administrator shall administer the fund. The fund shall only be used to support automation expenses of the Supreme Court, Court of Appeals, district courts, separate juvenile courts, county courts, and Nebraska Probation System from the computer automation budget program. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. In addition to all other court costs assessed according to law, a court automation fee of six dollars shall be taxed as costs for each case filed in each county court, separate juvenile court, and district court, including appeals to such courts, and for each appeal and original action filed in the Court of Appeals and the Supreme Court. The fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the end of each month. The State Treasurer shall credit the fees to the Supreme Court Automation Cash Fund.

Sec. 3. Section 29-2709, Revised Statutes Supplement, 2001, as amended by Laws 2002, LB 876, section 63, is amended to read:

29-2709. When any costs in misdemeanor, traffic, felony preliminary, or juvenile cases in county court, except for those costs provided for in subsection (3) of section 24-703, ~~and~~ two dollars of the fee provided in section 33-107.01, and the court automation fee provided in section 2 of this act, are found by a county judge to be uncollectible for any reason, including the dismissal of the case, such costs shall be deemed waived unless the judge, in his or her discretion, enters an order assessing such portion of the costs as by law would be paid over by the court to the State Treasurer as follows:

(1) In all cases brought by or with the consent of the county attorney, all such uncollectible costs shall be certified by the clerk of the court to the county clerk who shall present the bills therefor to the county board. The county board shall pay from the county general fund all such bills found by the board to be lawful; and

(2) In all cases brought under city or village ordinance, all such uncollectible costs shall be certified to the appropriate city or village officer authorized to receive claims who shall present the bills therefor to the governing body of the city or village in the same manner as other claims. Such governing body shall pay from the general fund of the city or village all such bills as are found to be lawful.

Sec. 4. This act becomes operative on September 1, 2002.

Sec. 5. Original section 29-2709, Revised Statutes Supplement, 2001, as amended by Laws 2002, LB 876, section 63, is repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.