

LEGISLATIVE BILL 126

Approved by the Governor April 2, 1977

Introduced by Kahle, 37

AN ACT to amend sections 25-1280 and 33-106, Reissue Revised Statutes of Nebraska, 1943, and section 48-139, Revised Statutes Supplement, 1976, relating to legal fees; to change provisions relating to the amount of fees charged; and to repeal the original sections. Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-1280, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1280. Every state, county or political subdivision officer having the custody of a public record or writing is bound to give any person on demand a certified copy thereof on payment of the legal fees therefor. Where fees are not otherwise expressly provided by statute, the fee shall be fifteen thirty cents per hundred words if the copy is a typewritten copy, and the cost of the mechanically reproduced copy when the copy is made by photographic or offset process. In addition thereto a fee of fifty-cents one dollar shall be charged for the certificate of the officer.

Sec. 2. That section 33-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-106. In addition to the judges retirement fund fee and except as otherwise provided by law, the fees of the clerk of the district court shall be as follows: There shall be a docket fee of twenty-five thirty-five dollars for each civil and criminal case except (1) a case commenced by filing a transcript of judgment as hereinafter provided; (2) proceedings under the Workmen's Compensation Law and the Employment Security Law, where provision is made for the fees that may be charged; and (3) a criminal case appealed to the district court from any court inferior thereto as hereinafter provided. There shall be a docket fee of five ten dollars for each case commenced by filing a transcript of judgment from another court in this state for the purpose of obtaining a lien. There shall be a docket fee of fifteen twenty-five dollars for each criminal case appealed to the district court from any court inferior thereto. In all cases, other than those

appealed from an inferior court or original filings which are within jurisdictional limits of an inferior court and where a jury is demanded in district court, the docket fee shall cover all fees of said clerk except that said clerk shall be paid for each copy or transcript ordered of any pleading, record, or other paper, and that said clerk shall be entitled to a fee of ten fifteen dollars for making a complete record of a case, said fee to be taxed as a part of the costs of the case, except when expressly waived by the parties to the action. In all civil cases, except habeas corpus cases wherein a poverty affidavit is filed and approved by the court, and for all other services, the docket fee or other fee shall be paid by the party filing the case or requesting the service at the time the case is filed or the service requested. For any other service which may be rendered or performed by said clerk but which is not required in the discharge of his official duties, the fee shall be the same as that of a notary public but in no case less than one dollar.

Sec. 3. That section 48-139, Revised Statutes Supplement, 1976, be amended to read as follows:

48-139. Whenever an injured employee or his dependents and the employer agree that the amounts of compensation due as periodic payments for death, permanent disability or claimed permanent disability, under this act, shall be commuted to one or more lump sum payments, such settlement or agreement therefor shall be submitted to the Nebraska Workmen's Compensation Court, in the following manner: An application for the approval of such settlement, signed by both parties, shall be filed with the clerk of the court, and shall be entitled the same as an action by such employee or dependents against such employer and shall contain a concise statement of the terms of the settlement sought to be approved, together with a brief statement of the facts concerning the injury, the nature thereof, the wages received by the injured employee prior thereto, and the nature of the employment. If such application is approved by the Nebraska Workmen's Compensation Court, the application shall be submitted to a judge of the district court in the county in which the accident occurred unless otherwise stipulated by all the parties, but if the accident occurred outside of the State of Nebraska, the application shall, unless otherwise stipulated by all the parties, be submitted to the district court of Lancaster County. The judge of the district court, immediately, or within one week after the filing of such application, unless there be good cause for continuance, at chambers or in open court and in or out of term time, shall hold a hearing on the application, and proof may be adduced, witnesses

subpoenaed and examined the same as in an action in equity. If, after such inquiry, the court finds such settlement is made in conformity with the compensation schedule and for the best interests of the employee or his dependents under all the circumstances, and if such application has been approved by the Nebraska Workmen's Compensation Court, it shall make an order approving the same. If such agreement or settlement be not approved the court may dismiss the application at the cost of the employer or continue the hearing, in the discretion of the court. The fees of the clerk of the district court for filing, docketing, and indexing such application shall be ~~five~~ ten dollars. Every such lump sum settlement shall be final and conclusive unless procured by fraud. After the application is acted upon by the district court, a copy of the order of the district court shall be filed immediately with the Nebraska Workmen's Compensation Court by the employer or insurer.

Sec. 4. That original sections 25-1280 and 33-106, Reissue Revised Statutes of Nebraska, 1943, and section 48-139, Revised Statutes Supplement, 1976, are repealed.