

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 369

Introduced by Lowe, 37.

Read first time January 13, 2017

Committee:

1 A BILL FOR AN ACT relating to recording fees; to amend sections 25-2154
2 and 33-109, Reissue Revised Statutes of Nebraska, and sections
3 52-1004 and 77-3903, Revised Statutes Cumulative Supplement, 2016;
4 to provide additional uses of fees charged by a register of deeds
5 for recording certain records as prescribed; to change fees; to
6 harmonize provisions; and to repeal the original sections.

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

1 Section 1. Section 25-2154, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-2154 In all cases of foreclosure of mortgages in the several
4 counties in the state, it shall be the duty of the clerk of the district
5 court, on the satisfaction or payment of the amount of the decree, to
6 forward to the register of deeds a certificate setting forth the names of
7 parties, plaintiff and defendant, descriptions of the premises mentioned
8 in the decree, and the book and page where the mortgage foreclosed is
9 recorded. For such certificate the clerk of the district court shall
10 collect, ~~until January 1, 2018,~~ the fee required pursuant to subdivision
11 (1)(a) of section 33-109 for recording the certificate ~~or, on and after~~
12 ~~January 1, 2018,~~ a fee of three dollars. Such amount shall be taxed as
13 part of the costs in the case, and such sum shall be paid to the register
14 of deeds as the fee for recording the certificate.

15 Sec. 2. Section 33-109, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 33-109 (1)(a) ~~This subdivision applies until January 1, 2018.~~ The
18 register of deeds and the county clerk shall receive for recording a
19 deed, mortgage, or release, recording and indexing of a will, recording
20 and indexing of a decree in a testate estate, recording proof of
21 publication, or recording any other instrument, a fee of ten dollars for
22 the first page and six dollars for each additional page.

23 (b) Two dollars and fifty cents of the ten-dollar fee for recording
24 the first page and fifty cents of the six-dollar fee for recording each
25 additional page

26 shall be used ~~exclusively~~ for the purposes of preserving and maintaining
27 public records of the office of the register of deeds and for
28 modernization and technology needs relating to such records. ~~The funds~~
29 ~~allocated under this subdivision shall not be substituted for other~~
30 ~~allocations of county general funds to the register of deeds for the~~
31 ~~purposes enumerated in this subdivision.~~

1 (c) Two dollars and fifty cents of the ten-dollar fee for recording
2 the first page and fifty cents of the six-dollar fee for recording each
3 additional page shall be used for purposes of preserving and maintaining
4 public records of a register of deeds office that has been consolidated
5 with another county office pursuant to section 22-417 and for
6 modernization and technology needs relating to such records.

7 (d) The funds allocated under this section shall not be substituted
8 for other allocations of county general funds to the register of deeds
9 office or any other county office receiving such funds for the purposes
10 enumerated in this subsection.

11 ~~(b) This subdivision applies on and after January 1, 2018. The~~
12 ~~register of deeds and the county clerk shall receive for recording a~~
13 ~~deed, mortgage, or release, recording and indexing of a will, recording~~
14 ~~and indexing of a decree in a testate estate, recording proof of~~
15 ~~publication, or recording any other instrument, a fee of five dollars per~~
16 ~~page. For entering each instrument presented for record in the numerical~~
17 ~~index, the clerk or register of deeds shall receive the sum of fifty~~
18 ~~cents for each lot and each single block without lots in platted areas~~
19 ~~and fifty cents for each section in unplatted areas to be paid in advance~~
20 ~~by the person offering the instrument for record.~~

21 (2) The cost for a certified copy of any instrument filed or
22 recorded in the office of county clerk or register of deeds shall be one
23 dollar and fifty cents per page.

24 Sec. 3. Section 52-1004, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 52-1004 ~~(1) (1)(a) This subdivision applies until January 1, 2018.~~
27 The uniform fee, payable to the Secretary of State, for presenting for
28 filing and indexing and for filing and indexing each notice of lien or
29 certificate or notice affecting the lien pursuant to the Uniform Federal
30 Lien Registration Act shall be two times the fee required for recording
31 instruments with the register of deeds as provided in subdivision (1)(a)

1 ~~of~~ section 33-109. There shall be no fee for the filing of a termination
2 statement. The uniform fee for each county more than one designated
3 pursuant to subsection (1) of section 52-1001 shall be the fee required
4 for recording instruments with the register of deeds as provided in
5 subdivision (1)(a) of section 33-109. The Secretary of State shall
6 deposit each fee received pursuant to this subdivision in the Uniform
7 Commercial Code Cash Fund. Of the fees received and deposited pursuant to
8 this subsection ~~subdivision~~, the Secretary of State shall remit the fee
9 required for recording instruments with the register of deeds as provided
10 in subdivision (1)(a) of section 33-109 to the register of deeds of a
11 county for each designation of such county in a filing pursuant to
12 subsection (1) of section 52-1001.

13 ~~(b) This subdivision applies on and after January 1, 2018. The~~
14 ~~uniform fee, payable to the Secretary of State, for presenting for filing~~
15 ~~and indexing and for filing and indexing each notice of lien or~~
16 ~~certificate or notice affecting the lien pursuant to the Uniform Federal~~
17 ~~Lien Registration Act shall be six dollars. There shall be no fee for the~~
18 ~~filing of a termination statement. The uniform fee for each county more~~
19 ~~than one designated pursuant to subsection (1) of section 52-1001 shall~~
20 ~~be three dollars. The Secretary of State shall deposit each fee received~~
21 ~~pursuant to this subdivision in the Uniform Commercial Code Cash Fund. Of~~
22 ~~the fees received and deposited pursuant to this subdivision, the~~
23 ~~Secretary of State shall remit three dollars to the register of deeds of~~
24 ~~a county for each designation of such county in a filing pursuant to~~
25 ~~subsection (1) of section 52-1001.~~

26 (2) The Secretary of State shall bill the district directors of
27 internal revenue or other appropriate federal officials on a monthly
28 basis for fees for documents presented or filed by them.

29 Sec. 4. Section 77-3903, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 77-3903 (1)(a) A notice of lien provided for in the Uniform State

1 Tax Lien Registration and Enforcement Act upon real property shall be
2 presented in the office of the Secretary of State. Such notice of lien
3 shall be transmitted by the Secretary of State to and filed in the office
4 of the register of deeds by the register of deeds of the county or
5 counties in which the real property subject to the lien is situated as
6 designated in the notice of lien. The register of deeds shall enter the
7 notice in the alphabetical state tax lien index, showing on one line the
8 name and residence of the person liable named in such notice, the last
9 four digits of the social security number or the federal tax
10 identification number of such person, the Tax Commissioner's or
11 Commissioner of Labor's serial number of such notice, the date and hour
12 of filing, and the amount due. Such presentments to the Secretary of
13 State may be made by direct input to the Secretary of State's data base
14 or by other electronic means. All such notices of lien shall be retained
15 in numerical order in a file designated state tax lien notices, except
16 that in offices filing by the roll form of microfilm pursuant to section
17 23-1517.01, the original notices need not be retained. A lien subject to
18 this subsection shall be effective upon real property when filed by the
19 register of deeds as provided in this subsection.

20 (b) A notice of lien provided for in the Uniform State Tax Lien
21 Registration and Enforcement Act upon personal property shall be filed in
22 the office of the Secretary of State. The Secretary of State shall enter
23 the notice in the state's central tax lien index, showing on one line the
24 name and residence of the person liable named in such notice, the last
25 four digits of the social security number or the federal tax
26 identification number of such person, the Tax Commissioner's or
27 Commissioner of Labor's serial number of such notice, the date and hour
28 of filing, and the amount due. Such filings with the Secretary of State
29 may be filed by direct input to the Secretary of State's data base or by
30 other electronic means. All such notices of lien shall be retained in
31 numerical order in a file designated state tax lien notices.

1 ~~(2) (2)(a) This subdivision applies until January 1, 2018.~~ The
2 uniform fee, payable to the Secretary of State, for presenting for
3 filing, releasing, continuing, or subordinating or for filing, releasing,
4 continuing, or subordinating each tax lien pursuant to the Uniform State
5 Tax Lien Registration and Enforcement Act shall be two times the fee
6 required for recording instruments with the register of deeds as provided
7 in subdivision (1)(a) of section 33-109. There shall be no fee for the
8 filing of a termination statement. The uniform fee for each county more
9 than one designated pursuant to subdivision (1)(a) of this section shall
10 be the fee required for recording instruments with the register of deeds
11 as provided in subdivision (1)(a) of section 33-109. The Secretary of
12 State shall deposit each fee received pursuant to this subdivision in the
13 Uniform Commercial Code Cash Fund. Of the fees received and deposited
14 pursuant to this subdivision, the Secretary of State shall remit the fee
15 required for recording instruments with the register of deeds as provided
16 in subdivision (1)(a) of section 33-109 to the register of deeds of a
17 county for each designation of such county in a filing pursuant to
18 subdivision (1)(a) of this section.

19 ~~(b) This subdivision applies on and after January 1, 2018.~~ The
20 uniform fee, payable to the Secretary of State, for presenting for
21 filing, releasing, continuing, or subordinating or for filing, releasing,
22 continuing, or subordinating each tax lien pursuant to the Uniform State
23 Tax Lien Registration and Enforcement Act shall be six dollars. There
24 shall be no fee for the filing of a termination statement. The uniform
25 fee for each county more than one designated pursuant to subdivision (1)
26 (a) of this section shall be three dollars. The Secretary of State shall
27 deposit each fee received pursuant to this subdivision in the Uniform
28 Commercial Code Cash Fund. Of the fees received and deposited pursuant to
29 this subdivision, the Secretary of State shall remit three dollars to the
30 register of deeds of a county for each designation of such county in a
31 filing pursuant to subdivision (1)(a) of this section.

1 (3) The Secretary of State shall bill the Tax Commissioner or
2 Commissioner of Labor on a monthly basis for fees for documents presented
3 to or filed with the Secretary of State. No payment of any fee shall be
4 required at the time of presenting or filing any such lien document.

5 Sec. 5. Original sections 25-2154 and 33-109, Reissue Revised
6 Statutes of Nebraska, and sections 52-1004 and 77-3903, Revised Statutes
7 Cumulative Supplement, 2016, are repealed.