

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 679**

Introduced by Heidemann, 1.

Read first time January 19, 2011

Committee: Nebraska Retirement Systems

A BILL

1 FOR AN ACT relating to retirement; to amend sections 24-701, 24-721,  
2 24-732, 29-2709, 33-103, 33-103.01, 33-106.02, 33-123,  
3 33-124, 33-125, 33-126.02, 33-126.03, 33-126.06,  
4 48-155.01, 81-2014, 84-1301, 84-1309, 84-1320, 84-1325,  
5 84-1333, and 84-1501, Reissue Revised Statutes of  
6 Nebraska, and sections 25-2804, 84-1317, and 84-1331,  
7 Revised Statutes Cumulative Supplement, 2010; to provide  
8 for new judges and members of the Nebraska State Patrol  
9 to become members of the State Employees Retirement Act;  
10 to redefine terms; to provide for a fee, retirement age  
11 options and requirements for members of the Nebraska  
12 State Patrol, and the filling of judicial vacancies; to  
13 eliminate obsolete language; to harmonize provisions; to  
14 provide an operative date; to repeal the original  
15 sections; and to declare an emergency.

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

1                   Section 1. Section 24-701, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   24-701 For purposes of the Judges Retirement Act, unless  
4 the context otherwise requires:

5                   (1) Fund means the Nebraska Retirement Fund for Judges;

6                   (2) Judge means and includes (a) all duly elected or  
7 appointed Chief Justices or judges of the Supreme Court and judges of  
8 the district courts of Nebraska who serve in such capacity on and  
9 after January 3, 1957, and until the operative date of this act, (b)  
10 (i) all duly appointed judges of the Nebraska Workmen's Compensation  
11 Court who served in such capacity on and after September 20, 1957,  
12 and prior to July 17, 1986, and (ii) judges of the Nebraska Workers'  
13 Compensation Court who serve in such capacity on and after July 17,  
14 1986, and until the operative date of this act, (c) judges of  
15 separate juvenile courts until the operative date of this act, (d)  
16 judges of the county courts of the respective counties who serve in  
17 such capacity on and after January 5, 1961, and until the operative  
18 date of this act, except acting judges of the county court appointed  
19 pursuant to section 24-507, (e) judges of the county court and clerk  
20 magistrates until the operative date of this act, who were associate  
21 county judges and members of the fund at the time of their  
22 appointment as clerk magistrates, (f) judges of municipal courts  
23 established by Chapter 26, article 1, who served in such capacity on  
24 and after October 23, 1967, and prior to July 1, 1985, and (g) judges  
25 of the Court of Appeals until the operative date of this act;

1           (3) Prior service means all the periods of time any  
2 person has served as a (a) judge of the Supreme Court or judge of the  
3 district court prior to January 3, 1957, (b) judge of the county  
4 court prior to January 5, 1961, (c) judge of the Nebraska Workmen's  
5 Compensation Court prior to September 20, 1957, (d) judge of the  
6 separate juvenile court, or (e) judge of the municipal court prior to  
7 October 23, 1967;

8           (4)(a) Current service means the period of service (i)  
9 any judge of the Supreme Court or judge of the district court serves  
10 in such capacity from and after January 3, 1957, (ii)(A) any judge of  
11 the Nebraska Workmen's Compensation Court served in such capacity  
12 from and after September 20, 1957, and prior to July 17, 1986, and  
13 (B) any judge of the Nebraska Workers' Compensation Court serves in  
14 such capacity on and after July 17, 1986, (iii) any county judge  
15 serves in such capacity from and after January 5, 1961, (iv) any  
16 judge of a separate juvenile court serves in such capacity, (v) any  
17 judge of the municipal court served in such capacity subsequent to  
18 October 23, 1967, and prior to July 1, 1985, (vi) any judge of the  
19 county court or associate county judge serves in such capacity  
20 subsequent to January 4, 1973, (vii) any clerk magistrate, who was an  
21 associate county judge and a member of the fund at the time of  
22 appointment as a clerk magistrate, serves in such capacity from and  
23 after July 1, 1986, and (viii) any judge of the Court of Appeals  
24 serves in such capacity on or after September 6, 1991.

25           (b) Current service shall not be deemed to be interrupted

1 by (i) temporary or seasonal suspension of service that does not  
2 terminate the employee's employment, (ii) leave of absence authorized  
3 by the employer for a period not exceeding twelve months, (iii) leave  
4 of absence because of disability, or (iv) military service, when  
5 properly authorized by the board. Current service does not include  
6 any period of disability for which disability retirement benefits are  
7 received under section 24-709;

8 (5) Military service means active service of (a) any  
9 judge of the Supreme Court or judge of the district court in any of  
10 the armed forces of the United States during a war or national  
11 emergency prior or subsequent to September 18, 1955, if such service  
12 commenced while such judge was holding the office of judge, (b) any  
13 judge of the Nebraska Workmen's Compensation Court or the Nebraska  
14 Workers' Compensation Court in any of the armed forces of the United  
15 States during a war or national emergency prior or subsequent to  
16 September 20, 1957, if such service commenced while such judge was  
17 holding the office of judge, (c) any judge of the municipal court in  
18 any of the armed forces of the United States during a war or national  
19 emergency prior or subsequent to October 23, 1967, and prior to July  
20 1, 1985, if such service commenced while such judge was holding the  
21 office of judge, (d) any judge of the county court or associate  
22 county judge in any of the armed forces of the United States during a  
23 war or national emergency prior or subsequent to January 4, 1973, if  
24 such service commenced while such judge was holding the office of  
25 judge, (e) any clerk magistrate, who was an associate county judge

1 and a member of the fund at the time of appointment as a clerk  
2 magistrate, in any of the armed forces of the United States during a  
3 war or national emergency on or after July 1, 1986, if such service  
4 commenced while such clerk magistrate was holding the office of clerk  
5 magistrate, and (f) any judge of the Court of Appeals in any of the  
6 armed forces of the United States during a war or national emergency  
7 on or after September 6, 1991, if such service commenced while such  
8 judge was holding the office of judge. The board shall have the power  
9 to determine when a national emergency exists or has existed for the  
10 purpose of applying this definition and provision;

11 (6) Creditable service means the total number of years  
12 served as a judge, including prior service, military service, and  
13 current service, computed to the nearest one-twelfth year. For  
14 current service prior to the time that the member has contributed the  
15 required percentage of salary until the maximum benefit as limited by  
16 section 24-710 has been earned, creditable service does not include  
17 current service for which member contributions are not made or are  
18 withdrawn and not repaid;

19 (7)(a) Compensation means the statutory salary of a judge  
20 or the salary being received by such judge pursuant to law.  
21 Compensation does not include compensation for unused sick leave or  
22 unused vacation leave converted to cash payments, insurance premiums  
23 converted into cash payments, reimbursement for expenses incurred,  
24 fringe benefits, or bonuses for services not actually rendered,  
25 including, but not limited to, early retirement inducements, cash

1 awards, and severance pay, except for retroactive salary payments  
2 paid pursuant to court order, arbitration, or litigation and  
3 grievance settlements. Compensation includes overtime pay, member  
4 retirement contributions, and amounts contributed by the member to  
5 plans under sections 125 and 457 of the Internal Revenue Code as  
6 defined in section 49-801.01 or any other section of the code which  
7 defers or excludes such amounts from income.

8 (b) Compensation in excess of the limitations set forth  
9 in section 401(a)(17) of the Internal Revenue Code as defined in  
10 section 49-801.01 shall be disregarded. For an employee who was a  
11 member of the retirement system before the first plan year beginning  
12 after December 31, 1995, the limitation on compensation shall not be  
13 less than the amount which was allowed to be taken into account under  
14 the retirement system as in effect on July 1, 1993;

15 (8) Beneficiary means a person so designated by a judge  
16 in the last designation of beneficiary on file with the board or, if  
17 no designated person survives or if no designation is on file, the  
18 estate of such judge;

19 (9) Normal form annuity means a series of equal monthly  
20 payments payable at the end of each calendar month during the life of  
21 a retired judge as provided in sections 24-707 and 24-710, except as  
22 provided in section 42-1107. The first payment shall include all  
23 amounts accrued since the effective date of the award of the annuity.  
24 The last payment shall be at the end of the calendar month in which  
25 such judge dies. If at the time of death the amount of annuity

1 payments such judge has received is less than contributions to the  
2 fund made by such judge, plus regular interest, the difference shall  
3 be paid to the beneficiary or estate;

4 (10) Board means the Public Employees Retirement Board;

5 (11) Member means a judge eligible to participate in the  
6 retirement system established under the Judges Retirement Act;

7 (12) Original member means a judge who first served as a  
8 judge prior to December 25, 1969, who does not elect to become a  
9 future member pursuant to subsection (8) of section 24-703 or section  
10 24-710.01, and who was retired on or before December 31, 1992;

11 (13) Future member means a judge who first served as a  
12 judge on or after December 25, 1969, or means a judge who first  
13 served as a judge prior to December 25, 1969, who elects to become a  
14 future member on or before June 30, 1970, as provided in subsection  
15 (8) of section 24-703 or section 24-710.01;

16 (14) Final average compensation means the average monthly  
17 compensation for the three twelve-month periods of service as a judge  
18 in which compensation was the greatest or, in the event of a judge  
19 serving less than three twelve-month periods, the average monthly  
20 compensation for such judge's period of service;

21 (15) Regular interest means interest fixed at a rate  
22 equal to the daily treasury yield curve for one-year treasury  
23 securities, as published by the Secretary of the Treasury of the  
24 United States, that applies on July 1 of each year, which may be  
25 credited monthly, quarterly, semiannually, or annually as the board

1 may direct;

2 (16) Normal retirement date means the first day of the  
3 month following attainment of age sixty-five;

4 (17) Actuarial equivalence means the equality in value of  
5 the aggregate amounts expected to be received under different forms  
6 of payment. The determinations are to be based on the 1994 Group  
7 Annuity Mortality Table reflecting sex-distinct factors blended using  
8 seventy-five percent of the male table and twenty-five percent of the  
9 female table. An interest rate of eight percent per annum shall be  
10 reflected in making these determinations;

11 (18) Current benefit means (a) until July 1, 2000, the  
12 initial benefit increased by all adjustments made pursuant to section  
13 24-710.08 and (b) on or after July 1, 2000, the initial benefit  
14 increased by all adjustments made pursuant to the Judges Retirement  
15 Act;

16 (19) Initial benefit means the retirement benefit  
17 calculated at the time of retirement;

18 (20) Plan year means the twelve-month period beginning on  
19 July 1 and ending on June 30 of the following year;

20 (21) Retirement system or system means the Nebraska  
21 Judges Retirement System as provided in the Judges Retirement Act;

22 (22) Surviving spouse means (a) the spouse married to the  
23 member on the date of the member's death or (b) the spouse or former  
24 spouse of the member if survivorship rights are provided under a  
25 qualified domestic relations order filed with the board pursuant to



1 the Spousal Pension Rights Act. The spouse or former spouse shall  
2 supersede the spouse married to the member on the date of the  
3 member's death as provided under a qualified domestic relations  
4 order. If the benefits payable to the spouse or former spouse under  
5 the qualified domestic relations order are less than the value of  
6 benefits entitled to the surviving spouse, the spouse married to the  
7 member on the date of the member's death shall be the surviving  
8 spouse for the balance of the benefits; and

9 (23) Termination of employment occurs on the date on  
10 which the State Court Administrator's office determines that the  
11 judge's employer-employee relationship with the State of Nebraska is  
12 dissolved. The State Court Administrator's office shall notify the  
13 board of the date on which such a termination has occurred.  
14 Termination of employment does not include ceasing employment as a  
15 judge if the judge returns to regular employment as a judge or is  
16 employed on a regular basis by another agency of the State of  
17 Nebraska and there are less than one hundred twenty days between the  
18 date when the judge's employer-employee relationship ceased and the  
19 date when the employer-employee relationship recommences.

20 Sec. 2. Section 24-721, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 24-721 Any citizen of the State of Nebraska shall have  
23 the right at all times to complain to the Commission on Judicial  
24 Qualifications with reference to the acts, activities, or  
25 qualifications of any Justice or judge of the Supreme Court or judge

1 of any of the courts of the State of Nebraska or to request that the  
2 commission consider the qualifications of any Justice or judge of the  
3 Supreme Court or judge of any of the courts of the State of Nebraska.  
4 Upon receipt of any such complaint or request, the commission shall  
5 make such investigation as it determines to be necessary. The  
6 commission shall have the right to subpoena witnesses; to hold  
7 hearings; to require the Justice or judge to submit to physical or  
8 mental examination by medical experts; to appoint special masters to  
9 conduct hearings; to make independent investigations, either by  
10 members of the commission or by special investigators employed by the  
11 commission; to hold confidential prehearing proceedings with the  
12 person or persons filing the complaint or request, or with his or her  
13 or their agents or attorneys; and to hold confidential prehearing  
14 proceedings with the judge or Justice involved in the complaint or  
15 request. If the commission finds probable cause for the existence of  
16 any of the grounds for disciplinary action or retirement specified in  
17 section 24-722, it shall reprimand the Justice or judge or order a  
18 formal open hearing to be held before it concerning the reprimand,  
19 discipline, censure, suspension, removal, or retirement of such  
20 Justice or judge. Any reprimand shall be public and shall be  
21 announced in a fashion similar to that of a published opinion of the  
22 Supreme Court. A judge who receives official notice of a complaint or  
23 request pursuant to this section shall not be allowed to retire  
24 pursuant to the Judges Retirement Act or the State Employees  
25 Retirement Act until the matter is resolved by the commission or the

1 Supreme Court, if the commission recommends action by the court. If a  
2 hearing is ordered, the commission shall advise the judge or Justice  
3 involved, in writing, of the specific charges which have been made  
4 and supported, substantiated, or revealed by the independent  
5 investigation of the commission. The judge or Justice shall be given  
6 reasonable time in which to formally answer such charges in writing  
7 and the matter shall then be set for formal open hearing, at which  
8 time the commission shall cause the testimony and the documentary  
9 evidence relating to the charges to be produced and recorded in such  
10 manner as the commission shall determine to be advisable, giving the  
11 judge or Justice involved and his or her attorney a full opportunity  
12 to question and cross-examine the witnesses and evidence so produced.  
13 The judge or Justice shall have an opportunity to produce at such  
14 hearing, testimony, evidence, and documents relating to the charges  
15 involved; thereafter any rebuttal evidence may be produced. In the  
16 alternative or in addition, the commission may request the Supreme  
17 Court to appoint one or more special masters who shall be judges of  
18 courts of record to hold a formal open hearing to take evidence in  
19 any such matter, and to report to the commission. Whenever any person  
20 shall refuse to testify or to produce books, papers, or other  
21 evidence when required to do so in any hearing held before the  
22 Commission on Judicial Qualifications or before a special master or  
23 masters appointed under the provisions of this section for the reason  
24 that the testimony or evidence required of him or her may tend to  
25 incriminate him or her or subject him or her to a forfeiture or

1 penalty, he or she may nevertheless be compelled to testify or  
2 produce such evidence by order of the Commission on Judicial  
3 Qualifications or special master or masters on motion of counsel to  
4 the commission. No person who testifies or produces evidence in  
5 obedience to the command of the commission or special master or  
6 masters in such case shall be liable to any forfeiture or penalty for  
7 or on account of any transaction, matter, or thing concerning or  
8 arising from that as to which he or she may so testify or produce  
9 evidence, nor shall such testimony or evidence be used directly or  
10 indirectly in any proceedings against him or her, except that no  
11 person shall be exempt from prosecution and punishment for perjury or  
12 contempt committed in so testifying. The requirement to testify or  
13 produce evidence shall not apply when such person proves the real and  
14 substantial danger of a prosecution against him or her in another  
15 jurisdiction based on the admissions to be made by him or her in this  
16 state. The commission or special master or masters shall have power  
17 to punish for contempt for any action specified in section 25-2121.  
18 If, after formal open hearing, or after considering the record and  
19 report of the masters, the commission finds that the charges are  
20 established by clear and convincing evidence, it shall recommend to  
21 the Supreme Court that the Justice or judge of the Supreme Court or  
22 other judge involved shall be reprimanded, disciplined, censured,  
23 suspended without pay for a definite period of time not to exceed six  
24 months, removed, or retired as the case may be. All hearings before  
25 the commission and all proceedings before masters and before the

1 Supreme Court shall be conducted in accordance with rules promulgated  
2 or to be promulgated by the Supreme Court.

3 Sec. 3. Section 24-732, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 24-732 A retired judge on temporary duty shall not be  
6 required to contribute to the Nebraska Retirement Fund for Judges or  
7 the State Employees Retirement Act, and the retirement benefits of  
8 such a retired judge shall neither be increased nor decreased on  
9 account of his or her temporary duty.

10 Sec. 4. Section 25-2804, Revised Statutes Cumulative  
11 Supplement, 2010, is amended to read:

12 25-2804 (1) Actions in the Small Claims Court shall be  
13 commenced by the filing of a claim, personally or by mail, by the  
14 plaintiff on a form provided by the clerk of a county court. The  
15 claim form shall be executed by the plaintiff in the presence of a  
16 judge, a clerk or deputy or assistant clerk of a county court, or a  
17 notary public or other person authorized by law to take  
18 acknowledgments. If not filed in person, the claim form and  
19 appropriate fees shall be mailed by the plaintiff to the court of  
20 proper jurisdiction.

21 (2) At the time of the filing of the claim, the plaintiff  
22 shall pay a fee of six dollars and twenty-five cents to the clerk.  
23 One dollar and twenty-five cents of such fee shall be remitted to the  
24 State Treasurer for credit to the Nebraska Retirement Fund for  
25 Judges, and XX dollars of such fee shall be remitted to the State

1 Employees Retirement Fund.

2           (3) Upon filing of a claim in the Small Claims Court, the  
3 court shall set a time for hearing and shall cause notice to be  
4 served upon the defendant. Notice shall be served not less than five  
5 days before the time set for hearing. Notice shall consist of a copy  
6 of the complaint and a summons directing the defendant to appear at  
7 the time set for hearing and informing the defendant that if he or  
8 she fails to appear, judgment will be entered against him or her.  
9 Notice shall be served in the manner provided for service of a  
10 summons in a civil action. If the notice is to be served by certified  
11 mail, the clerk shall provide the plaintiff with written  
12 instructions, prepared and provided by the State Court Administrator,  
13 regarding the proper procedure for service by certified mail. The  
14 cost of service shall be paid by the plaintiff, but such cost and  
15 filing fee shall be added to any judgment given the plaintiff.

16           (4) The defendant may file a setoff or counterclaim. Any  
17 setoff or counterclaim shall be filed and a copy delivered to the  
18 plaintiff at least two days prior to the time of trial. If the setoff  
19 or counterclaim exceeds the jurisdictional limits of the Small Claims  
20 Court as established pursuant to section 25-2802, the court shall  
21 cause the entire matter to be transferred to the regular county court  
22 docket and set for trial.

23           (5) No prejudgment actions for attachment, garnishment,  
24 replevin, or other provisional remedy may be filed in the Small  
25 Claims Court.

1           (6) All forms required by this section shall be  
2 prescribed by the Supreme Court. The claim form shall provide for the  
3 names and addresses of the plaintiff and defendant, a concise  
4 statement of the nature, amount, and time and place of accruing of  
5 the claim, and an acknowledgment for use by the person in whose  
6 presence the claim form is executed and shall also contain a brief  
7 explanation of the Small Claims Court procedure and methods of appeal  
8 therefrom.

9           (7) For a default judgment rendered by a Small Claims  
10 Court (a) the default judgment may be appealed as provided in section  
11 25-2807, (b) if a motion for a new trial, by the procedure provided  
12 in sections 25-1142, 25-1144, and 25-1144.01, is filed ten days or  
13 less after entry of the default judgment, the court may act upon the  
14 motion without a hearing, or (c) if more than ten days have passed  
15 since the entry of the default judgment, the court may set aside,  
16 vacate, or modify the default judgment as provided in section  
17 25-2720.01. Parties may be represented by attorneys for the purpose  
18 of filing a motion for a new trial or to set aside, vacate, or modify  
19 a default judgment.

20           Sec. 5. Section 29-2709, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           29-2709 When any costs in misdemeanor, traffic, felony  
23 preliminary, or juvenile cases in county court, except for those  
24 costs provided for in subsection (3) of section 24-703 and subsection  
25 (3) of section 84-1309, two dollars of the fee provided in section

1 33-107.01, the court automation fee provided in section 33-107.03,  
2 and the uniform data analysis fee provided in section 47-633, are  
3 found by a county judge to be uncollectible for any reason, including  
4 the dismissal of the case, such costs shall be deemed waived unless  
5 the judge, in his or her discretion, enters an order assessing such  
6 portion of the costs as by law would be paid over by the court to the  
7 State Treasurer as follows:

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

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

21 Sec. 6. Section 33-103, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 33-103 At the time of filing an appeal, original action,  
24 or other proceeding in the Court of Appeals or Supreme Court there  
25 shall be paid to the clerk the sum of one hundred dollars as a docket



1 fee. Fifty dollars of such fee shall be remitted to the State  
2 Treasurer for credit to the Nebraska Retirement Fund for Judges, and  
3 XX dollars of such fee shall be remitted to the State Treasurer for  
4 credit to the State Employees Retirement Fund.

5 The clerk shall charge fees for copies of documents and  
6 certificates at the rate provided in section 25-1280.

7 Sec. 7. Section 33-103.01, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 33-103.01 At the time of filing a petition for further  
10 review to the Supreme Court from the Court of Appeals, there shall be  
11 paid to the clerk the sum of fifty dollars as a docket fee in lieu of  
12 any other filing fees. ~~The XX dollars of the fee shall be remitted to~~  
13 ~~the State Treasurer for credit to the Nebraska Retirement Fund for~~  
14 ~~Judges, and XX dollars of the fee shall be remitted to the State~~  
15 ~~Treasurer for credit to the State Employees Retirement Fund.~~

16 Sec. 8. Section 33-106.02, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 33-106.02 (1) The clerk of the district court of each  
19 county shall not retain for his or her own use any fees, revenue,  
20 perquisites, or receipts, fixed, enumerated, or provided in this or  
21 any other section of the statutes of the State of Nebraska or any  
22 fees authorized by federal law to be collected or retained by a  
23 county official. The clerk shall on or before the fifteenth day of  
24 each month make a report to the county board, under oath, showing the  
25 different items of such fees, revenue, perquisites, or receipts

1 received, from whom, at what time, and for what service, and the  
2 total amount received by such officer since the last report, and also  
3 the amount received for the current year.

4 (2) The clerk shall account for and pay any fees,  
5 revenue, perquisites, or receipts not later than the fifteenth day of  
6 the month following the calendar month in which such fees, revenue,  
7 perquisites, or receipts were received in the following manner:

8 (a) Of the forty-two-dollar docket fee imposed pursuant  
9 to section 33-106, five dollars shall be remitted to the State  
10 Treasurer for credit to the General Fund, ~~and~~ two dollars shall be  
11 remitted to the State Treasurer for credit to the Nebraska Retirement  
12 Fund for Judges, and XX dollars shall be remitted to the State  
13 Treasurer for credit to the State Employees Retirement Fund;

14 (b) Of the twenty-seven-dollar docket fee imposed for  
15 appeal of a criminal case to the district court pursuant to section  
16 33-106, two dollars shall be remitted to the State Treasurer for  
17 credit to the Nebraska Retirement Fund for Judges, and XX dollars  
18 shall be remitted to the State Treasurer for credit to the State  
19 Employees Retirement Fund; and

20 (c) The remaining fees, revenue, perquisites, or receipts  
21 shall be credited to the general fund of the county.

22 Sec. 9. Section 33-123, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 33-123 The county court shall be entitled to the  
25 following fees in civil matters: For any and all services rendered up

1 to and including the judgment or dismissal of the action other than  
2 for a domestic relations matter, twenty dollars of which two dollars  
3 shall be remitted to the State Treasurer for credit to the Nebraska  
4 Retirement Fund for Judges, and XX dollars shall be remitted to the  
5 State Treasurer for credit to the State Employees Retirement Fund,  
6 and for any and all services rendered up to and including the  
7 judgment or dismissal of a domestic relations matter, forty dollars;  
8 for filing a foreign judgment or a judgment transferred from another  
9 court in this state, fifteen dollars; and for writs of execution,  
10 writs of restitution, garnishment, and examination in aid of  
11 execution, five dollars each.

12           Sec. 10. Section 33-124, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           33-124 In criminal matters, including preliminary and  
15 juvenile hearings, the county court shall receive, for any and all  
16 services rendered up to and including the judgment or dismissal of  
17 the action and the issuance of mittimus or discharge to the jailer,  
18 the sum of twenty dollars of which two dollars shall be remitted to  
19 the State Treasurer for credit to the Nebraska Retirement Fund for  
20 Judges, and XX dollars shall be remitted to the State Treasurer for  
21 credit to the State Employees Retirement Fund.

22           Sec. 11. Section 33-125, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           33-125 (1) In probate matters the county court shall be  
25 entitled to receive the following fees:

1           (a) For probate proceedings commenced and closed  
2 informally, twenty-two dollars of which two dollars shall be remitted  
3 to the State Treasurer for credit to the Nebraska Retirement Fund for  
4 Judges, and XX dollars shall be remitted to the State Treasurer for  
5 credit to the State Employees Retirement Fund; for each petition or  
6 application filed within the informal proceedings, twenty-two dollars  
7 of which two dollars shall be remitted to the State Treasurer for  
8 credit to the Nebraska Retirement Fund for Judges, and XX dollars  
9 shall be remitted to the State Treasurer for credit to the State  
10 Employees Retirement Fund; and for any other proceeding under the  
11 Nebraska Probate Code for which no court fee is established by  
12 statute, twenty-two dollars of which two dollars shall be remitted to  
13 the State Treasurer for credit to the Nebraska Retirement Fund for  
14 Judges, and XX dollars shall be remitted to the State Treasurer for  
15 credit to the State Employees Retirement Fund. The fees assessed  
16 under this subdivision shall not exceed the fees which would be  
17 assessed for a formal probate under subdivision (b) of this  
18 subsection; and

19           (b) For probate proceedings commenced or closed formally:

20           (i) When the value does not exceed one thousand dollars,  
21 twenty-two dollars;

22           (ii) When the value exceeds one thousand dollars and is  
23 not more than two thousand dollars, thirty dollars;

24           (iii) When the value exceeds two thousand dollars and is  
25 not more than five thousand dollars, fifty dollars;

1                   (iv) When the value exceeds five thousand dollars and is  
2 not more than ten thousand dollars, seventy dollars;

3                   (v) When the value exceeds ten thousand dollars and is  
4 not more than twenty-five thousand dollars, eighty dollars;

5                   (vi) When the value exceeds twenty-five thousand dollars  
6 and is not more than fifty thousand dollars, one hundred dollars;

7                   (vii) When the value exceeds fifty thousand dollars and  
8 is not more than seventy-five thousand dollars, one hundred twenty  
9 dollars;

10                  (viii) When the value exceeds seventy-five thousand  
11 dollars and is not more than one hundred thousand dollars, one  
12 hundred sixty dollars;

13                  (ix) When the value exceeds one hundred thousand dollars  
14 and is not more than one hundred twenty-five thousand dollars, two  
15 hundred twenty dollars;

16                  (x) When the value exceeds one hundred twenty-five  
17 thousand dollars and is not more than one hundred fifty thousand  
18 dollars, two hundred fifty dollars;

19                  (xi) When the value exceeds one hundred fifty thousand  
20 dollars and is not more than one hundred seventy-five thousand  
21 dollars, two hundred seventy dollars;

22                  (xii) When the value exceeds one hundred seventy-five  
23 thousand dollars and is not more than two hundred thousand dollars,  
24 three hundred dollars;

25                  (xiii) When the value exceeds two hundred thousand

1 dollars and is not more than three hundred thousand dollars, three  
2 hundred fifty dollars;

3 (xiv) When the value exceeds three hundred thousand  
4 dollars and is not more than four hundred thousand dollars, four  
5 hundred dollars;

6 (xv) When the value exceeds four hundred thousand dollars  
7 and is not more than five hundred thousand dollars, five hundred  
8 dollars;

9 (xvi) When the value exceeds five hundred thousand  
10 dollars and is not more than seven hundred fifty thousand dollars,  
11 six hundred dollars;

12 (xvii) When the value exceeds seven hundred fifty  
13 thousand dollars and is not more than one million dollars, seven  
14 hundred dollars;

15 (xviii) When the value exceeds one million dollars and is  
16 not more than two million five hundred thousand dollars, eight  
17 hundred dollars;

18 (xix) When the value exceeds two million five hundred  
19 thousand dollars and is not more than five million dollars, one  
20 thousand dollars; and

21 (xx) On all estates when the value exceeds five million  
22 dollars, one thousand five hundred dollars.

23 (2) The fees prescribed in subdivision (1)(b) of this  
24 section shall be based on the gross value of the estate, including  
25 both real and personal property in the State of Nebraska at the time

1 of death. The gross value shall mean the actual value of the estate  
2 less liens and joint tenancy property. Formal fees shall be charged  
3 in full for all services performed by the court, and no additional  
4 fees shall be charged for petitions, hearing, and orders in the  
5 course of such administration. The court shall provide one certified  
6 copy of letters of appointment without charge. In other cases when it  
7 is necessary to copy instruments, the county court shall be allowed  
8 the fees provided in section 33-126.05. In all cases when a petition  
9 for probate of will or appointment of an administrator, special  
10 administrator, personal representative, guardian, or trustee or any  
11 other petition for an order in probate matters is filed and no  
12 appointment is made or order entered and the cause is dismissed, the  
13 fee shall be ten dollars.

14           Sec. 12. Section 33-126.02, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           33-126.02 In matters of guardianship and conservatorship,  
17 the county court shall be entitled to receive the following fees:  
18 Upon the filing of a petition for the appointment of a guardian,  
19 twenty-two dollars; upon the filing of a petition for the appointment  
20 of a conservator, twenty-two dollars; upon the filing of one petition  
21 for a consolidated appointment of both a guardian and conservator,  
22 twenty-two dollars; for the appointment of a successor guardian or  
23 conservator, twenty-two dollars; for the appointment of a temporary  
24 guardian or temporary or special conservator, twenty-two dollars; and  
25 for proceedings for a protective order in the absence of a

1 guardianship or conservatorship, twenty-two dollars. If there is more  
2 than one ward listed in a petition for appointment of a guardian or  
3 conservator or both, only one filing fee shall be assessed. Two  
4 dollars of each twenty-two-dollar fee shall be remitted to the State  
5 Treasurer for credit to the Nebraska Retirement Fund for Judges, and  
6 XX dollars of each twenty-two-dollar fee shall be remitted to the  
7 State Treasurer for credit to the State Employees Retirement Fund.  
8 While such guardianship or conservatorship is pending, the court  
9 shall receive five dollars for filing and recording each report. When  
10 the appointment of a custodian as provided for in the Nebraska  
11 Uniform Transfers to Minors Act is made, the county court shall be  
12 entitled to receive a fee of twenty dollars.

13           Sec. 13. Section 33-126.03, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           33-126.03 In all matters for the determination of  
16 inheritance tax under Chapter 77, article 20, the county court shall  
17 be entitled to receive fees of twenty-two dollars. Fees under this  
18 section shall not be charged if fees have been imposed pursuant to  
19 subdivision (1)(b) of section 33-125. Except in cases instituted by  
20 the county attorney, such fee shall be paid by the person petitioning  
21 for such determination. Two dollars of such fee shall be remitted to  
22 the State Treasurer for credit to the Nebraska Retirement Fund for  
23 Judges, and XX dollars of such fee shall be remitted to the State  
24 Treasurer for credit to the State Employees Retirement Fund.

25           Sec. 14. Section 33-126.06, Reissue Revised Statutes of



1 Nebraska, is amended to read:

2           33-126.06 The county court shall be entitled to collect  
3 the following fees: For the registration of any trust, whether  
4 testamentary or not, twenty-two dollars; for each proceeding  
5 initiated in county court concerning the administration and  
6 distribution of trusts, the declaration of rights, and the  
7 determination of other matters involving trustees and beneficiaries  
8 of trusts, twenty-two dollars; for the appointment of a successor  
9 trustee, twenty-two dollars; and for filing and recording each  
10 report, five dollars. Two dollars of each twenty-two-dollar fee shall  
11 be remitted to the State Treasurer for credit to the Nebraska  
12 Retirement Fund for Judges, and XX dollars of each twenty-two-dollar  
13 fee shall be remitted to the State Treasurer for credit to the State  
14 Employees Retirement Fund.

15           Sec. 15. Section 48-155.01, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           48-155.01 (1) The Governor may, by single order, appoint  
18 a qualified person meeting the eligibility requirements of section  
19 48-153.01 to serve as acting judge of the Nebraska Workers'  
20 Compensation Court. Such appointment shall be for a period of two  
21 years. In determining whether a person is qualified to serve as  
22 acting judge of the compensation court, the Governor shall consider  
23 the person's knowledge of the law, experience in the legal system,  
24 intellect, capacity for fairness, probity, temperament, and industry.  
25 The acting judge shall be subject to call by the presiding judge of

1 the compensation court, who may assign the acting judge to temporary  
2 duty in order to (a) sit in the compensation court to relieve a  
3 congested docket of the court or to prevent the docket from becoming  
4 congested or (b) sit for a judge of the court who may be  
5 incapacitated or absent for any reason. An acting judge appointed and  
6 assigned pursuant to this section shall possess the same powers and  
7 be subject to the duties, restrictions, and liabilities as are  
8 prescribed by law respecting judges of the compensation court, except  
9 that an acting judge is not prohibited from practicing law as  
10 provided in section 7-111.

11 (2) The acting judge shall receive for each day of  
12 temporary duty an amount equal to one-twentieth of the monthly salary  
13 he or she would receive if he or she were a regularly appointed judge  
14 of the compensation court and shall be reimbursed for his or her  
15 expenses while on temporary duty at the same rate as provided in  
16 sections 81-1174 to 81-1177. Within fifteen days following completion  
17 of a temporary duty assignment, the acting judge shall submit to the  
18 presiding judge of the compensation court a request for payment or  
19 reimbursement for services rendered and expenses incurred during such  
20 temporary duty assignment. Upon receipt of such request, the  
21 presiding judge shall endorse on the request that the services were  
22 performed and expenses incurred pursuant to an assignment of the  
23 presiding judge of the compensation court and file such request with  
24 the proper authority for payment.

25 (3) The acting judge shall not pay into the Nebraska

1 Retirement Fund for Judges or the State Employees Retirement Fund nor  
2 be eligible for retirement benefits under the Judges Retirement Act  
3 or the State Employees Retirement Act.

4 Sec. 16. Section 81-2014, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-2014 For purposes of the Nebraska State Patrol  
7 Retirement Act:

8 (1) Actuarial equivalent means the equality in value of  
9 the aggregate amounts expected to be received under different forms  
10 of payment or to be received at an earlier retirement age than the  
11 normal retirement age. The determinations shall be based on the 1994  
12 Group Annuity Mortality Table reflecting sex-distinct factors blended  
13 using seventy-five percent of the male table and twenty-five percent  
14 of the female table. An interest rate of eight percent per annum  
15 shall be reflected in making the determinations until such percent is  
16 amended by the Legislature;

17 (2) Board means the Public Employees Retirement Board;

18 (3)(a) Compensation means gross wages or salaries payable  
19 to the member for personal services performed during the plan year.  
20 Compensation does not include insurance premiums converted into cash  
21 payments, reimbursement for expenses incurred, fringe benefits, or  
22 bonuses for services not actually rendered, including, but not  
23 limited to, early retirement inducements, cash awards, and severance  
24 pay, except for retroactive salary payments paid pursuant to court  
25 order, arbitration, or litigation and grievance settlements. For any

1 officer employed after January 4, 1979, compensation does not include  
2 compensation for unused sick leave or unused vacation leave converted  
3 to cash payments. Compensation includes overtime pay, member  
4 retirement contributions, and amounts contributed by the member to  
5 plans under sections 125 and 457 of the Internal Revenue Code as  
6 defined in section 49-801.01 or any other section of the code which  
7 defers or excludes such amounts from income.

8 (b) Compensation in excess of the limitations set forth  
9 in section 401(a)(17) of the Internal Revenue Code as defined in  
10 section 49-801.01 shall be disregarded. For an employee who was a  
11 member of the retirement system before the first plan year beginning  
12 after December 31, 1995, the limitation on compensation shall not be  
13 less than the amount which was allowed to be taken into account under  
14 the retirement system as in effect on July 1, 1993;

15 (4) Creditable service means service granted pursuant to  
16 section 81-2034 and all service rendered while a contributing member  
17 of the retirement system. Creditable service includes working days,  
18 sick days, vacation days, holidays, and any other leave days for  
19 which the officer is paid regular wages. Creditable service does not  
20 include eligibility and vesting credit nor service years for which  
21 member contributions are withdrawn and not repaid;

22 (5) Current benefit means (a) until July 1, 2000, the  
23 initial benefit increased by all adjustments made pursuant to section  
24 81-2027.04 and (b) on or after July 1, 2000, the initial benefit  
25 increased by all adjustments made pursuant to the Nebraska State

1 Patrol Retirement Act;

2 (6) DROP means the deferred retirement option plan as  
3 provided in section 81-2041;

4 (7) DROP period means the amount of time the member  
5 elects to participate in DROP which shall be for a period not to  
6 exceed five years from and after the date of the member's DROP  
7 election;

8 (8) Eligibility and vesting credit means credit for  
9 years, or a fraction of a year, of participation in a Nebraska  
10 government plan for purposes of determining eligibility for benefits  
11 under the Nebraska State Patrol Retirement Act. Such credit shall be  
12 used toward the vesting percentage pursuant to subsection (2) of  
13 section 81-2031 but shall not be included as years of service in the  
14 benefit calculation;

15 (9) Initial benefit means the retirement benefit  
16 calculated at the time of retirement;

17 (10) Officer means an officer provided for in sections  
18 81-2001 to 81-2009 until the operative date of this act;

19 (11) Plan year means the twelve-month period beginning on  
20 July 1 and ending on June 30 of the following year;

21 (12) Regular interest means interest fixed at a rate  
22 equal to the daily treasury yield curve for one-year treasury  
23 securities, as published by the Secretary of the Treasury of the  
24 United States, that applies on July 1 of each year, which may be  
25 credited monthly, quarterly, semiannually, or annually as the board

1 may direct;

2 (13) Retirement system or system means the Nebraska State  
3 Patrol Retirement System as provided in the act;

4 (14) Service means employment as a member of the Nebraska  
5 State Patrol and shall not be deemed to be interrupted by (a)  
6 temporary or seasonal suspension of service that does not terminate  
7 the employee's employment, (b) leave of absence authorized by the  
8 employer for a period not exceeding twelve months, (c) leave of  
9 absence because of disability, or (d) military service, when properly  
10 authorized by the board. Service does not include any period of  
11 disability for which disability retirement benefits are received  
12 under subsection (1) of section 81-2025;

13 (15) Surviving spouse means (a) the spouse married to the  
14 member on the date of the member's death if married for at least one  
15 year prior to death or if married on the date of the member's  
16 retirement or (b) the spouse or former spouse of the member if  
17 survivorship rights are provided under a qualified domestic relations  
18 order filed with the board pursuant to the Spousal Pension Rights  
19 Act. The spouse or former spouse shall supersede the spouse married  
20 to the member on the date of the member's death as provided under a  
21 qualified domestic relations order. If the benefits payable to the  
22 spouse or former spouse under a qualified domestic relations order  
23 are less than the value of benefits entitled to the surviving spouse,  
24 the spouse married to the member on the date of the member's death  
25 shall be the surviving spouse for the balance of the benefits; and

1           (16) Termination of employment occurs on the date on  
2 which the Nebraska State Patrol determines that the officer's  
3 employer-employee relationship with the patrol is dissolved. The  
4 Nebraska State Patrol shall notify the board of the date on which  
5 such a termination has occurred. Termination of employment does not  
6 include ceasing employment with the Nebraska State Patrol if the  
7 officer returns to regular employment with the Nebraska State Patrol  
8 or another agency of the State of Nebraska and there are less than  
9 one hundred twenty days between the date when the employee's  
10 employer-employee relationship ceased and the date when the employer-  
11 employee relationship commenced with the Nebraska State Patrol or  
12 another state agency.

13           Sec. 17. Section 84-1301, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           84-1301 For purposes of the State Employees Retirement  
16 Act, unless the context otherwise requires:

17           (1) Actuarial equivalent means the equality in value of  
18 the aggregate amounts expected to be received under different forms  
19 of an annuity payment. The mortality assumption used for purposes of  
20 converting the member cash balance account shall be the 1994 Group  
21 Annuity Mortality Table using a unisex rate that is fifty percent  
22 male and fifty percent female. For purposes of converting the member  
23 cash balance account attributable to contributions made prior to  
24 January 1, 1984, that were transferred pursuant to the act, the 1994  
25 Group Annuity Mortality Table for males shall be used;

1           (2) Annuity means equal monthly payments provided by the  
2 retirement system to a member or beneficiary under forms determined  
3 by the board beginning the first day of the month after an annuity  
4 election is received in the office of the Nebraska Public Employees  
5 Retirement Systems or the first day of the month after the employee's  
6 termination of employment, whichever is later. The last payment shall  
7 be at the end of the calendar month in which the member dies or in  
8 accordance with the payment option chosen by the member;

9           (3) Annuity start date means the date upon which a  
10 member's annuity is first effective and shall be the first day of the  
11 month following the member's termination or following the date the  
12 application is received by the board, whichever is later;

13           (4) Cash balance benefit means a member's retirement  
14 benefit that is equal to an amount based on annual employee  
15 contribution credits plus interest credits and, if vested, employer  
16 contribution credits plus interest credits and dividend amounts  
17 credited in accordance with subdivision (4)(c) of section 84-1319;

18           (5)(a) Compensation means gross wages or salaries payable  
19 to the member for personal services performed during the plan year.  
20 Compensation does not include insurance premiums converted into cash  
21 payments, reimbursement for expenses incurred, fringe benefits, or  
22 bonuses for services not actually rendered, including, but not  
23 limited to, early retirement inducements, cash awards, and severance  
24 pay, except for retroactive salary payments paid pursuant to court  
25 order, arbitration, or litigation and grievance settlements.



1 Compensation includes overtime pay, member retirement contributions,  
2 and amounts contributed by the member to plans under sections 125,  
3 403(b), and 457 of the Internal Revenue Code or any other section of  
4 the code which defers or excludes such amounts from income.

5 (b) Compensation in excess of the limitations set forth  
6 in section 401(a)(17) of the Internal Revenue Code shall be  
7 disregarded. For an employee who was a member of the retirement  
8 system before the first plan year beginning after December 31, 1995,  
9 the limitation on compensation shall not be less than the amount  
10 which was allowed to be taken into account under the retirement  
11 system as in effect on July 1, 1993;

12 (6) Date of disability means the date on which a member  
13 is determined to be disabled by the board;

14 (7) Defined contribution benefit means a member's  
15 retirement benefit from a money purchase plan in which member  
16 benefits equal annual contributions and earnings pursuant to section  
17 84-1310 and, if vested, employer contributions and earnings pursuant  
18 to section 84-1311;

19 (8) Disability means an inability to engage in a  
20 substantially gainful activity by reason of any medically  
21 determinable physical or mental impairment which can be expected to  
22 result in death or to be of long-continued and indefinite duration;

23 (9) Employee means any employee of the State Board of  
24 Agriculture who is a member of the state retirement system on July 1,  
25 1982, and any person or officer employed by the State of Nebraska

1 whose compensation is paid out of state funds or funds controlled or  
2 administered by a state department through any of its executive or  
3 administrative officers when acting exclusively in their respective  
4 official, executive, or administrative capacities, including an  
5 officer provided for in sections 81-2001 to 81-2009 and a judge.  
6 Employee does not include (a) ~~judges as defined in section 24-701,~~  
7 who are members under the Judges Retirement Act, (b) members of the  
8 Nebraska State Patrol, except for those members of the Nebraska State  
9 Patrol who elected pursuant to section 60-1304 to remain members of  
10 the State Employees Retirement System of the State of Nebraska and  
11 those members of the Nebraska State Patrol who become employed on or  
12 after the operative date of this act, (c) employees of the University  
13 of Nebraska, (d) employees of the state colleges, (e) employees of  
14 community colleges, (f) employees of the Department of Labor employed  
15 prior to July 1, 1984, and paid from funds provided pursuant to Title  
16 III of the federal Social Security Act or funds from other federal  
17 sources, (g) the Commissioner of Labor employed prior to July 1,  
18 1984, (h) employees of the State Board of Agriculture who are not  
19 members of the state retirement system on July 1, 1982, (i) the  
20 Nebraska National Guard air and army technicians, (j) persons  
21 eligible for membership under the School Retirement System of the  
22 State of Nebraska who have not elected to become members of the  
23 retirement system pursuant to section 79-920 or been made members of  
24 the system pursuant to such section, except that those persons so  
25 eligible and who as of September 2, 1973, are contributing to the

1 State Employees Retirement System of the State of Nebraska shall  
2 continue as members of such system, or (k) employees of the  
3 Coordinating Commission for Postsecondary Education who are eligible  
4 for and have elected to become members of a qualified retirement  
5 program approved by the commission which is commensurate with  
6 retirement programs at the University of Nebraska. Any individual  
7 appointed by the Governor may elect not to become a member of the  
8 State Employees Retirement System of the State of Nebraska;

9 (10) Employee contribution credit means an amount equal  
10 to the member contribution amount required by section 84-1308;

11 (11) Employer contribution credit means an amount equal  
12 to the employer contribution amount required by section 84-1309;

13 (12) Final account value means the value of a member's  
14 account on the date the account is either distributed to the member  
15 or used to purchase an annuity from the plan, which date shall occur  
16 as soon as administratively practicable after receipt of a valid  
17 application for benefits, but no sooner than forty-five days after  
18 the member's termination;

19 (13) Five-year break in service means five consecutive  
20 one-year breaks in service;

21 (14) Full-time employee means an employee who is employed  
22 to work one-half or more of the regularly scheduled hours during each  
23 pay period;

24 (15) Fund means the State Employees Retirement Fund  
25 created by section 84-1309;

1                   (16) Guaranteed investment contract means an investment  
2 contract or account offering a return of principal invested plus  
3 interest at a specified rate. For investments made after July 19,  
4 1996, guaranteed investment contract does not include direct  
5 obligations of the United States or its instrumentalities, bonds,  
6 participation certificates or other obligations of the Federal  
7 National Mortgage Association, the Federal Home Loan Mortgage  
8 Corporation, or the Government National Mortgage Association, or  
9 collateralized mortgage obligations and other derivative securities.  
10 This subdivision shall not be construed to require the liquidation of  
11 investment contracts or accounts entered into prior to July 19, 1996;

12                   (17) Interest credit rate means the greater of (a) five  
13 percent or (b) the applicable federal mid-term rate, as published by  
14 the Internal Revenue Service as of the first day of the calendar  
15 quarter for which interest credits are credited, plus one and one-  
16 half percent, such rate to be compounded annually;

17                   (18) Interest credits means the amounts credited to the  
18 employee cash balance account and the employer cash balance account  
19 at the end of each day. Such interest credit for each account shall  
20 be determined by applying the daily portion of the interest credit  
21 rate to the account balance at the end of the previous day. Such  
22 interest credits shall continue to be credited to the employee cash  
23 balance account and the employer cash balance account after a member  
24 ceases to be an employee, except that no such credit shall be made  
25 with respect to the employee cash balance account and the employer

1 cash balance account for any day beginning on or after the member's  
2 date of final account value. If benefits payable to the member's  
3 surviving spouse or beneficiary are delayed after the member's death,  
4 interest credits shall continue to be credited to the employee cash  
5 balance account and the employer cash balance account until such  
6 surviving spouse or beneficiary commences receipt of a distribution  
7 from the plan;

8 (19) Judge means and includes (a) all duly elected or  
9 appointed Chief Justices or judges of the Supreme Court and judges of  
10 the district courts of Nebraska who begin serving in such capacity on  
11 and after the operative date of this act, (b) judges of the Nebraska  
12 Workers' Compensation Court who begin serving in such capacity on and  
13 after the operative date of this act, (c) judges of separate juvenile  
14 courts who begin serving on and after the operative date of this act,  
15 (d) judges of the county courts of the respective counties who serve  
16 in such capacity on and after the operative date of this act, except  
17 acting judges of the county court appointed pursuant to section  
18 24-507, (e) judges of the county court and clerk magistrates who were  
19 associate county judges and begin serving on and after the operative  
20 date of this act, and (f) judges of the Court of Appeals who begin  
21 serving on and after the operative date of this act;

22 (19)—(20) Member cash balance account means an account  
23 equal to the sum of the employee cash balance account and, if vested,  
24 the employer cash balance account and dividend amounts credited in  
25 accordance with subdivision (4)(c) of section 84-1319;

1           ~~(20)~~(21) One-year break in service means a plan year  
2 during which the member has not completed more than five hundred  
3 hours of service;

4           ~~(21)~~(22) Participation means qualifying for and making  
5 the required deposits to the retirement system during the course of a  
6 plan year;

7           ~~(22)~~(23) Part-time employee means an employee who is  
8 employed to work less than one-half of the regularly scheduled hours  
9 during each pay period;

10          ~~(23)~~(24) Plan year means the twelve-month period  
11 beginning on January 1 and ending on December 31;

12          ~~(24)~~(25) Prior service means service before January 1,  
13 1964;

14          ~~(25)~~(26) Regular interest means the rate of interest  
15 earned each calendar year commencing January 1, 1975, as determined  
16 by the retirement board in conformity with actual and expected  
17 earnings on the investments through December 31, 1984;

18          ~~(26)~~(27) Required contribution means the deduction to be  
19 made from the compensation of employees as provided in section  
20 84-1308;

21          ~~(27)~~(28) Retirement means qualifying for and accepting  
22 the retirement benefit granted under the State Employees Retirement  
23 Act after terminating employment;

24          ~~(28)~~(29) Retirement board or board means the Public  
25 Employees Retirement Board;

1           ~~(29)~~(30) Retirement system means the State Employees  
2 Retirement System of the State of Nebraska;

3           ~~(30)~~(31) Service means the actual total length of  
4 employment as an employee and shall not be deemed to be interrupted  
5 by (a) temporary or seasonal suspension of service that does not  
6 terminate the employee's employment, (b) leave of absence authorized  
7 by the employer for a period not exceeding twelve months, (c) leave  
8 of absence because of disability, or (d) military service, when  
9 properly authorized by the retirement board. Service does not include  
10 any period of disability for which disability retirement benefits are  
11 received under section 84-1317;

12           ~~(31)~~(32) State department means any department, bureau,  
13 commission, or other division of state government not otherwise  
14 specifically defined or exempted in the act, the employees and  
15 officers of which are not already covered by a retirement plan;

16           ~~(32)~~(33) Surviving spouse means (a) the spouse married  
17 to the member on the date of the member's death or (b) the spouse or  
18 former spouse of the member if survivorship rights are provided under  
19 a qualified domestic relations order filed with the board pursuant to  
20 the Spousal Pension Rights Act. The spouse or former spouse shall  
21 supersede the spouse married to the member on the date of the  
22 member's death as provided under a qualified domestic relations  
23 order. If the benefits payable to the spouse or former spouse under a  
24 qualified domestic relations order are less than the value of  
25 benefits entitled to the surviving spouse, the spouse married to the

1 member on the date of the member's death shall be the surviving  
2 spouse for the balance of the benefits;

3           ~~(33)~~(34) Termination of employment occurs on the date on  
4 which the agency which employs the member determines that the  
5 member's employer-employee relationship with the State of Nebraska is  
6 dissolved. The agency which employs the member shall notify the board  
7 of the date on which such a termination has occurred. Termination of  
8 employment does not occur if an employee whose employer-employee  
9 relationship with the State of Nebraska is dissolved enters into an  
10 employer-employee relationship with the same or another agency of the  
11 State of Nebraska and there are less than one hundred twenty days  
12 between the date when the employee's employer-employee relationship  
13 ceased with the state and the date when the employer-employee  
14 relationship commenced with the same or another agency. It shall be  
15 the responsibility of the current employer to notify the board of  
16 such change in employment and provide the board with such information  
17 as the board deems necessary. If the board determines that  
18 termination of employment has not occurred and a termination benefit  
19 has been paid to a member of the retirement system pursuant to  
20 section 84-1321, the board shall require the member who has received  
21 such benefit to repay the benefit to the retirement system; and

22           ~~(34)~~(35) Vesting credit means credit for years, or a  
23 fraction of a year, of participation in another Nebraska governmental  
24 plan for purposes of determining vesting of the employer account.

25           Sec. 18. Section 84-1309, Reissue Revised Statutes of



1 Nebraska, is amended to read:

2           84-1309 (1) There is hereby established in the state  
3 treasury a special fund to be known as the State Employees Retirement  
4 Fund to consist of such funds as the Legislature shall from time to  
5 time appropriate. ~~The~~ Except as provided in subsection (3) of this  
6 section, the Director of Administrative Services shall credit an  
7 amount each month to the State Employees Retirement Fund equal to one  
8 hundred fifty-six percent of the amounts deducted, in accordance with  
9 section 84-1308, from the compensation of employees who are paid from  
10 funds appropriated from the General Fund.

11           (2) The Director of Administrative Services shall credit  
12 an amount each month to the State Employees Retirement Fund from the  
13 funds of each department with at least one employee who is a member  
14 of the retirement system for a sum equal to one hundred fifty-six  
15 percent of the amounts deducted, in accordance with section 84-1308,  
16 from the compensation of employees who are paid from any funds other  
17 than funds appropriated from the General Fund.

18           (3) Except as otherwise provided in this subsection, a  
19 State Employees Retirement Fund fee of XX dollars shall be taxed as  
20 costs in each (a) civil cause of action, criminal cause of action,  
21 traffic misdemeanor or infraction, and city or village ordinance  
22 violation filed in the district courts, the county courts, and the  
23 separate juvenile courts, (b) filing in the district court of an  
24 order, award, or judgment of the Nebraska Workers' Compensation Court  
25 or any judge thereof pursuant to section 48-188, (c) appeal or other

1 proceeding filed in the Court of Appeals, and (d) original action,  
2 appeal, or other proceeding filed in the Supreme Court. Beginning on  
3 the operative date of this act, and until July 1, 2014, such fee  
4 shall be XX dollars. In county courts a sum shall be charged which is  
5 equal to XX percent of each fee provided by sections 33-125,  
6 33-126.02, 33-126.03, and 33-126.06, rounded to the nearest even  
7 dollar. No such fee shall be charged for filing a report pursuant to  
8 sections 33-126.02 and 33-126.06. When collected by the clerk of the  
9 district or county court, such fees shall be paid and information  
10 submitted to the director of the Nebraska Public Employees Retirement  
11 Systems on forms prescribed by the board by the clerk within ten days  
12 after the close of each calendar quarter. The board may charge a late  
13 administrative processing fee not to exceed twenty-five dollars if  
14 the information is not timely received or the money is delinquent. In  
15 addition, the board may charge a late fee of thirty-eight thousandths  
16 percent of the amount required to be submitted pursuant to this  
17 section for each day such amount has not been received. The director  
18 shall promptly thereafter remit the money to the State Treasurer for  
19 credit to the State Employees Retirement Fund. The fees credited to  
20 the fund pursuant to this subsection shall be used by the employer to  
21 pay one hundred fifty-six percent of the amounts deducted, in  
22 accordance with section 84-1308, from the compensation of judges. No  
23 fee taxed pursuant to this subsection which is uncollectible for any  
24 reason shall be waived by a county judge as provided in section  
25 29-2709.

1           ~~(3)~~(4) The Director of Administrative Services shall  
2 credit an amount each month to the State Employees Retirement Fund  
3 for prior service benefits. After receiving the annual report  
4 required by section 84-1315, the Legislature may make such  
5 adjustments in the funding of prior service benefits as necessary to  
6 keep the plan sound. The contribution for prior service purposes  
7 shall cease when the prior service obligation is properly funded.

8           ~~(4)~~(5) The State Treasurer shall be the custodian of the  
9 funds and securities of the retirement system and may deposit the  
10 funds and securities in any financial institution approved by the  
11 Nebraska Investment Council. The State Treasurer shall transmit  
12 monthly to the board a detailed statement showing all credits to and  
13 disbursements from the fund. He or she shall disburse money from the  
14 fund only on warrants issued by the Director of Administrative  
15 Services upon vouchers signed by a person authorized by the  
16 retirement board.

17           Sec. 19. Section 84-1317, Revised Statutes Cumulative  
18 Supplement, 2010, is amended to read:

19           84-1317 (1) Upon filing an application for benefits with  
20 the board, an employee may elect to retire after the attainment of  
21 age fifty-five, except for members of the Nebraska State Patrol as  
22 provided in section 20 of this act. ~~An~~ ~~or an~~ employee may retire as a  
23 result of disability at any age.

24           (2) The member shall specify in the application for  
25 benefits the manner in which he or she wishes to receive the

1 retirement benefit under the options provided by the State Employees  
2 Retirement Act. Payment under the application for benefits shall be  
3 made (a) for annuities, no sooner than the annuity start date, and  
4 (b) for other distributions, no sooner than the date of final account  
5 value.

6 (3) Payment of any benefit provided under the retirement  
7 system may not be deferred later than April 1 of the year following  
8 the year in which the employee has both attained at least age seventy  
9 and one-half years and terminated his or her employment with the  
10 state. ~~, except that for members participating in the defined  
11 contribution benefit, no distribution is required to be made for the  
12 plan year commencing January 1, 2009, through December 31, 2009.~~

13 (4) The board shall make reasonable efforts to locate the  
14 member or the member's beneficiary and distribute benefits by the  
15 required beginning date as specified by section 401(a)(9) of the  
16 Internal Revenue Code and the regulations issued thereunder. If the  
17 board is unable to make such a distribution, the benefit shall be  
18 distributed pursuant to the Uniform Disposition of Unclaimed Property  
19 Act and no amounts may be applied to increase the benefits any member  
20 would otherwise receive under the State Employees Retirement Act.

21 Sec. 20. (1) Every employee who has been in the employ of  
22 the state as an officer of the Nebraska State Patrol for ten years or  
23 more, as calculated in subsection (6) of this section, and has  
24 attained the age of fifty years or more shall be entitled to retire  
25 and receive an annuity as provided by law. The right to retire at the

1 age of fifty years shall be at the option of the employee, but such  
2 retirement shall be mandatory upon the employee attaining the age of  
3 sixty years.

4 (2) Any employee who has attained the age of sixty years  
5 upon his or her separation from state service but who has not been in  
6 the employ of the state for ten years as an officer of the Nebraska  
7 State Patrol shall be entitled to the annuity as provided for in the  
8 State Employees Retirement Act.

9 (3) Every employee who has been in the employ of the  
10 state as an officer of the Nebraska State Patrol for twenty-five  
11 years or more, as calculated in subsection (6) of this section, and  
12 has attained the age of fifty years shall be entitled to retire and  
13 receive an annuity as provided by law. The right to retire at the age  
14 of fifty years with twenty-five years or more of service shall be at  
15 the option of the employee, but such retirement shall be mandatory  
16 upon the employee attaining the age of sixty years.

17 (4) Every employee who has been in the employ of the  
18 state as an officer of the Nebraska State Patrol for thirty years or  
19 more, as calculated in subsection (6) of this section, shall be  
20 entitled to retire and receive an annuity as provided by law. The  
21 right to retire with thirty years or more of service shall be at the  
22 option of the employee, but such retirement shall be mandatory upon  
23 the employee attaining the age of sixty years.

24 (5) The effective date of retirement payments shall be  
25 the first day of the month following (a) the date a member qualifies

1 for retirement as provided in this section or (b) the date upon which  
2 a member's request for retirement is received on an application form  
3 provided by the system, whichever is later. An application may be  
4 filed no more than ninety days in advance of qualifying for  
5 retirement.

6 (6)(a) In computing length of service under this section,  
7 such service shall include the years of service with the Nebraska  
8 State Patrol, permanent force, as established by the law creating the  
9 Nebraska State Patrol computed to the nearest one-twelfth year and  
10 shall only include such years during which the person was a  
11 contributing member of the State Employees Retirement System. Length  
12 of service shall also include credit for time served in the armed  
13 forces pursuant to subdivision (b) of this subsection.

14 (b) Any member of the Nebraska State Patrol who, while a  
15 member of the Nebraska State Patrol, entered into and served or shall  
16 enter into and serve in the armed forces of the United States during  
17 a declared emergency, as defined and prescribed under such rules and  
18 regulations as the board may adopt, and who, within six months after  
19 honorable discharge or honorable separation from active duty,  
20 returned or returns to the service of the state and again becomes a  
21 member of the Nebraska State Patrol shall be credited, in determining  
22 benefits due such member from the State Employees Retirement Fund,  
23 for all the time actually served in the armed forces as if such  
24 person had been in the service of the Nebraska State Patrol  
25 throughout such declared emergency service in the armed forces. Under

1 such rules and regulations as the board adopts and promulgates, any  
2 member of the Nebraska State Patrol who is reemployed, pursuant to 38  
3 U.S.C. chapter 43, shall be treated as not having incurred a break in  
4 service by reason of his or her period of military service. Such  
5 military service shall be credited for purposes of determining the  
6 nonforfeitability of the member's accrued benefits and the accrual of  
7 benefits under the plan. The state shall be liable for funding any  
8 obligation of the plan to provide benefits based upon such period of  
9 military service.

10           Sec. 21. Section 84-1320, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           84-1320 The prior service retirement benefit shall be a  
13 straight life annuity, payable monthly with the first payment made as  
14 of the annuity start date, in an amount determined in accordance with  
15 the State Employees Retirement Act, except that the payments may be  
16 made less often than monthly if the monthly payment would be less  
17 than fifteen dollars. At the option of the member, the first payment  
18 may be deferred to commence at any time, except that no benefit shall  
19 be deferred later than April 1 of the year following the year in  
20 which the employee has both attained at least seventy and one-half  
21 years of age and has terminated his or her employment with the state.  
22 Such deferred benefit shall be the actuarial equivalent, based on  
23 factors designated by the board, of the prior service benefit. In the  
24 event of retirement before age sixty-five under section 84-1317, the  
25 amount of the prior service annuity shall be reduced in accordance

1 with the principles of actuarial equivalence based on factors  
2 designated by the board. Any member of the retirement system who  
3 ceases to be an employee before becoming eligible for retirement  
4 under section 84-1317, who has accrued a prior service retirement  
5 benefit as defined in the act, and who has been continuously employed  
6 by the state for ten or more years immediately prior to termination  
7 shall receive the prior service retirement benefit determined in  
8 accordance with the act upon attaining age sixty-five, except that  
9 members of the Nebraska State Patrol shall receive such benefit upon  
10 attaining age sixty. At the option of the terminating member, such  
11 annuity may commence as of the first of the month at any time after  
12 such member attains the age of fifty-five, or in the case of a member  
13 of the Nebraska State Patrol, the age at which the member retires, or  
14 may be deferred, except that no benefit shall be deferred later than  
15 April 1 of the year following the year in which the employee has both  
16 attained at least seventy and one-half years of age and has  
17 terminated his or her employment with the state. Such election by the  
18 terminating member may be made at any time prior to the commencement  
19 of the annuity payments. Any terminating employee who forfeits a  
20 vested future service retirement benefit by withdrawing his or her  
21 employee account shall also forfeit any vested prior service  
22 retirement benefit to which he or she would otherwise be entitled.

23           Sec. 22. Section 84-1325, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           84-1325 Except as provided in subsection (6) of section



1 20 of this act:

2 (1) Any employee who, while an employee, entered into and  
3 served in the armed forces of the United States and who within ninety  
4 days after honorable discharge or honorable separation from active  
5 duty again became an employee shall be credited, for the purposes of  
6 the provisions of section 84-1317, with all the time actually served  
7 in the armed forces as if such person had been an employee throughout  
8 such service in the armed forces pursuant to the terms and conditions  
9 of ~~subsection~~subdivision (2) of this section; -

10 (2) Under such rules and regulations as the retirement  
11 board adopts and promulgates, any employee who is reemployed on or  
12 after December 12, 1994, pursuant to 38 U.S.C. 4301 et seq., may pay  
13 to the retirement system an amount equal to the sum of all deductions  
14 which would have been made from the employee's compensation during  
15 such period of military service. Payment shall be made within the  
16 period required by law, not to exceed five years. To the extent that  
17 payment is made, (a) the employee shall be treated as not having  
18 incurred a break in service by reason of his or her period of  
19 military service, (b) the period of military service shall be  
20 credited for the purposes of determining the nonforfeitability of the  
21 member's accrued benefits and the accrual of benefits under the plan,  
22 and (c) the employer shall allocate the amount of employer  
23 contributions to the member's employer account in the same manner and  
24 to the same extent the allocation occurs for other employees during  
25 the period of service. For purposes of member and employer

1 contributions under this subsection, the member's compensation during  
2 the period of military service shall be the rate the member would  
3 have received but for the military service or, if not reasonably  
4 determinable, the average rate the member received during the twelve-  
5 month period immediately preceding military service; and -

6 (3) The employer shall pick up the member contributions  
7 made through irrevocable payroll deduction authorizations pursuant to  
8 this section, and the contributions so picked up shall be treated as  
9 employer contributions in the same manner as contributions picked up  
10 under subsection (1) of section 84-1308.

11 Sec. 23. When the Chief Justice or a judge of the Supreme  
12 Court, a judge of the Court of Appeals, a judge of the district  
13 court, or a judge of the Nebraska Workers' Compensation Court becomes  
14 retired under the State Employees Retirement Act, he or she shall be  
15 relieved of further active duties on the court. The Governor may fill  
16 the vacancy caused by such retirement the same as when a vacancy  
17 exists on that court for any other reason. When a judge of the county  
18 court or judge of a separate juvenile court becomes retired under the  
19 act, he or she shall also be relieved of further active duties and a  
20 vacancy shall be deemed to exist, which vacancy shall be filled as  
21 provided by law.

22 Sec. 24. Section 84-1331, Revised Statutes Cumulative  
23 Supplement, 2010, is amended to read:

24 84-1331 Sections 84-1301 to 84-1331 and sections 20 and  
25 23 of this act shall be known and may be cited as the State Employees

1 Retirement Act.

2 Sec. 25. Section 84-1333, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 84-1333 Any county employee who is a member under a  
5 county employees retirement system and whose status as a county  
6 employee is changed by the Legislature to that of a judge shall, upon  
7 application to the Public Employees Retirement Board and to the  
8 county, obtain full and immediate vesting in any prior service  
9 retirement benefits and any future service retirement benefits which  
10 have been accrued to the date of transfer, except that the employee  
11 may not withdraw the amount in his employee account prior to his  
12 retirement and still receive such vested benefits. Any such employee  
13 shall be eligible for immediate participation in the Nebraska  
14 Retirement Fund for Judges or the State Employees Retirement Act.

15 Sec. 26. Section 84-1501, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 84-1501 (1) The Public Employees Retirement Board is  
18 hereby established.

19 ~~(2) Prior to January 1, 2005, the board shall consist of~~  
20 ~~seven appointed members and the state investment officer as a~~  
21 ~~nonvoting, ex officio member. Three of the appointed members shall be~~  
22 ~~participants in the retirement systems administered by the board, one~~  
23 ~~of the appointed members shall be a participant in such retirement~~  
24 ~~systems who has retired, and three of the appointed members shall not~~  
25 ~~be employees of the State of Nebraska or any of its political~~

1 ~~subdivisions. Appointments to such board shall be made by the~~  
2 ~~Governor subject to the approval of the Legislature. All appointed~~  
3 ~~members shall be citizens of the State of Nebraska. The three~~  
4 ~~appointed members who are not employees of the State of Nebraska or~~  
5 ~~any of its political subdivisions shall have at least ten years of~~  
6 ~~experience in the management of a public or private organization or~~  
7 ~~have at least five years of experience in the field of actuarial~~  
8 ~~analysis or the administration of an employee benefit plan. The~~  
9 ~~members serving on March 27, 1997, shall serve for the remainder of~~  
10 ~~their five-year terms which will be extended until the date on which~~  
11 ~~the successor's appointment is effective. For members whose terms~~  
12 ~~begin on January 1, 2000, one shall serve a three-year term and one~~  
13 ~~shall serve a four-year term or until a successor has been appointed~~  
14 ~~and qualified. For members whose terms begin on January 1, 2001, one~~  
15 ~~shall serve a four-year term and two shall serve five-year terms, or~~  
16 ~~until a successor has been appointed and qualified.~~

17 ~~(3)(a) Beginning January 1, 2005, the~~ (2)(a) The board  
18 shall consist of eight appointed members as described in this  
19 subsection and the state investment officer as a nonvoting, ex  
20 officio member. Six of the appointed members shall be active or  
21 retired participants in the retirement systems administered by the  
22 board, and two of the appointed members (i) shall not be an employee  
23 of the State of Nebraska or any of its political subdivisions and  
24 (ii) shall have at least ten years of experience in the management of  
25 a public or private organization or have at least five years of

1 experience in the field of actuarial analysis or the administration  
2 of an employee benefit plan. ~~On and after January 1, 2005, any~~ Any  
3 person who is appointed to the board and who is not an employee of  
4 the State of Nebraska or any of its political subdivisions shall not  
5 own any funds which are administered by the board.

6 (b) ~~On January 1, 2005, the~~ The six appointed members who  
7 are participants in the systems shall be as follows:

8 (i) Two of the appointed members shall be participants in  
9 the School Retirement System of the State of Nebraska and shall  
10 include one administrator and one teacher as provided in this  
11 subdivision; ~~On January 1, 2005, the member of the board who had~~  
12 ~~been a member of the School Retirement System of the State of~~  
13 ~~Nebraska prior to such date shall continue in such position as the~~  
14 ~~member representing the School Retirement System of the State of~~  
15 ~~Nebraska until such member's term expires. A school administrator~~  
16 ~~shall be appointed as a member of the board when the term of the~~  
17 ~~first member of the board expires who was appointed prior to January~~  
18 ~~1, 2005, and who was not an employee of the State of Nebraska or any~~  
19 ~~of its political subdivisions;~~

20 (ii) One of the appointed members shall be a participant  
21 in the Nebraska Judges Retirement System or a judge who is a  
22 participant in the State Employees Retirement System of the State of  
23 Nebraska; ~~On January 1, 2005, the member of the board who had been~~  
24 ~~a member of the Nebraska Judges Retirement System prior to such date~~  
25 ~~shall continue in such position as the member representing the~~

1 ~~Nebraska Judges Retirement System until such member's term expires;~~

2 (iii) One of the appointed members shall be a participant  
3 in the Nebraska State Patrol Retirement System or an officer who is a  
4 participant of the State Employees Retirement System of the State of  
5 Nebraska; ~~. Such member's term shall begin on January 1, 2005;~~

6 (iv) One of the appointed members shall be a participant  
7 in the Retirement System for Nebraska Counties; ~~. On January 1, 2005,~~  
8 ~~the member of the board who had been a member of the Retirement~~  
9 ~~System for Nebraska Counties prior to such date shall continue in~~  
10 ~~such position as the member representing the Retirement System for~~  
11 ~~Nebraska Counties until such member's term expires; and~~

12 (v) One of the appointed members shall be a participant  
13 in the State Employees Retirement System of the State of Nebraska. ~~On~~  
14 ~~January 1, 2005, the member of the board who had been a member of the~~  
15 ~~State Employees Retirement System prior to such date shall continue~~  
16 ~~in such position as the member representing the State Employees~~  
17 ~~Retirement System until such member's term expires.~~

18 (c) ~~Appointments to the board on and after January 1,~~  
19 ~~2005,~~ shall be made by the Governor and shall be subject to the  
20 approval of the Legislature. All appointed members shall be citizens  
21 of the State of Nebraska.

22 (4) All members ~~appointed on and after January 1, 2002,~~  
23 shall serve for terms of five years or until a successor has been  
24 appointed and qualified. The members of the board shall be reimbursed  
25 for their actual and necessary expenses as provided in sections

1 81-1174 to 81-1177. The appointed members of the board may be removed  
2 by the Governor for cause after notice and an opportunity to be  
3 heard.

4           Sec. 27. This act becomes operative on July 1, 2011.

5           Sec. 28. Original sections 24-701, 24-721, 24-732,  
6 29-2709, 33-103, 33-103.01, 33-106.02, 33-123, 33-124, 33-125,  
7 33-126.02, 33-126.03, 33-126.06, 48-155.01, 81-2014, 84-1301,  
8 84-1309, 84-1320, 84-1325, 84-1333, and 84-1501, Reissue Revised  
9 Statutes of Nebraska, and sections 25-2804, 84-1317, and 84-1331,  
10 Revised Statutes Cumulative Supplement, 2010, are repealed.

11           Sec. 29. Since an emergency exists, this act takes effect  
12 when passed and approved according to law.