

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 490

Introduced by Wayne, 13.

Read first time January 22, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to courts; to amend sections 11-119, 11-125,
2 11-126, 22-417, 23-120, 23-121, 23-1114.03, 23-1114.04, 23-1114.05,
3 23-1114.06, 24-228, 24-507, 24-508, 32-524, 32-567, 33-106.02,
4 43-2,123, and 43-512.05, Reissue Revised Statutes of Nebraska, and
5 section 23-2504, Revised Statutes Cumulative Supplement, 2018; to
6 provide for judicial reform; to transition the office of the clerk
7 of the district court from an elected county-reimbursed position to
8 an appointed state-reimbursed position; to consolidate the positions
9 of clerk magistrate and clerk of the district court into the clerk
10 of the courts; to transfer employees of such positions from county
11 to state employees; to require judges and clerks to develop
12 consolidation plans; to change provisions relating to courts,
13 clerks, clerk magistrates, court fees, and court facilities; to
14 provide duties for the State Court Administrator; to harmonize
15 provisions; to provide an operative date; and to repeal the original
16 sections.
17 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 12 of this act,
2 transferred employees means the clerk of the district court and clerk
3 magistrate and any employees of such clerks who are county employees.
4 This includes, but is not limited to: Bailiffs, law clerks, juvenile
5 court staff, child support referees, and judicial administrators and
6 their support staff.

7 Sec. 2. On and after the operative date of this act, (1) if the
8 position of elected clerk of the district court is vacated in a county or
9 (2) if there is an ex officio clerk of the district court in a county,
10 the Supreme Court may order that the position of clerk magistrate and
11 clerk of the district court in such county be consolidated into the
12 position of clerk of the courts as provided in section 6 of this act. The
13 clerk of the courts and any transferred employees shall become state
14 employees as of the date of consolidation. Before the consolidation of
15 the positions is ordered by the Supreme Court, a consolidation plan shall
16 be developed pursuant to section 5 of this act.

17 Sec. 3. (1) Each person serving as an elected clerk of the district
18 court on the operative date of this act may serve the remainder of his or
19 her term of office if he or she so chooses.

20 (2) On and after the operative date of this section, in a county
21 which has an elected clerk of the district court position, if a vacancy
22 exists in the position of clerk of the district court and the position of
23 clerk of the district court has not been consolidated under section 2 of
24 this act, the district court judges of the district court judicial
25 district shall appoint a clerk of the district court, and the clerk shall
26 serve at the pleasure of such judges. The clerk is subject to personnel
27 rules adopted by the Supreme Court.

28 (3) Until consolidation under section 2 or 4 of this act, a clerk
29 appointed pursuant to this section:

30 (a) Shall be deemed the appointed clerk appointed by the appropriate
31 county board; and

1 (b) May continue to serve as the appointed clerk of the district
2 court unless removed for cause by such county board, the appointing
3 district court judges, or the Supreme Court.

4 Sec. 4. (1) Unless consolidation has already occurred under section
5 2 of this act, on and after the dates set forth in subsection (2) of this
6 section:

7 (a) The position of appointed clerk of the district court under
8 section 3 of this act shall be consolidated with the position of clerk
9 magistrate into the position of clerk of the courts as provided in
10 section 6 of this act; and

11 (b) The clerk of the courts and any transferred employees shall
12 become state employees.

13 (2) Consolidation under this section shall occur:

14 (a) On July 1, 2021, for district court judicial district numbers 8,
15 10, 11, and 12;

16 (b) On July 1, 2022, for district court judicial district numbers 1,
17 3, 5, 6, 7, and 9; and

18 (c) On July 1, 2023, for district court judicial district numbers 2
19 and 4.

20 Sec. 5. (1) At the request of the Supreme Court, the judges of the
21 district court, county courts, and separate juvenile court of a district
22 court judicial district, in conjunction with any remaining clerk of the
23 district court or clerk magistrate and any representative of a vacated
24 office, shall develop a plan to consolidate the positions of clerk of the
25 district court and clerk of the county court into the position of clerk
26 of the courts for the county.

27 (2) Each consolidation plan shall address, but not be limited to,
28 the facilities, assignment of magistrate duties to a clerk or to an
29 existing court employee who will become part of the consolidated office
30 under the plan, selection of an administrative judge from within the
31 district for the purposes of administration of the consolidated office of

1 the clerk of the courts, and personnel structure. Each plan shall also
2 identify other employees who are not employed by the clerk of the
3 district court or clerk magistrate at the time of the consolidation but
4 who are integral to the operation of the court, and employees so
5 identified shall remain county employees.

6 (3) The county board shall provide information needed concerning
7 accrual rate value for sick leave and vacation leave concerning a clerk
8 of the district court, clerk magistrate, and any transferred employees.

9 (4) In developing the consolidation plan, interests and comments
10 from the public and attorneys who regularly practice in the county shall
11 be considered.

12 (5) A consolidation plan shall be submitted to the State Court
13 Administrator in a format prescribed by the administrator within one
14 hundred twenty days after the request by the Supreme Court. A majority of
15 the judges affected by the consolidation shall approve the plan prior to
16 submission to the State Court Administrator. A consolidation plan shall
17 not become effective unless approved and adopted by the Supreme Court. If
18 a plan is not submitted within such one hundred twenty days, the Supreme
19 Court shall develop a substitute consolidation plan.

20 Sec. 6. Upon consolidation under section 2 or 4 of this act:

21 (1) Subject to personnel rules adopted by the Supreme Court, the
22 State Court Administrator shall appoint the clerk of the courts for a
23 county from among the transferred clerks and transferred employees of
24 such county;

25 (2) Before assuming the duties of office, each clerk of the courts
26 shall take the oath prescribed by law for district judges;

27 (3) The clerk of the courts shall have all the duties, obligations,
28 and powers of the clerk of the district court and clerk magistrate;

29 (4) All furniture, computers, equipment, and personal property owned
30 by the county and used to perform the district court function prior to
31 consolidation shall remain the property of the county. All books, files,

1 and records used to perform the district court function shall be
2 transferred to the State Court Administrator;

3 (5) Each county shall be responsible for all costs involved in
4 establishing, furnishing, and maintaining appropriate courtroom and
5 office facilities for the district court and any separate juvenile court
6 at the county seat. Such buildings and facilities shall comply with
7 standards established under section 11 of this act;

8 (6) The county board of any county may request in writing that the
9 State Court Administrator review office space or facilities provided by
10 the county for the district court and any separate juvenile court to
11 determine if such courts can reduce or eliminate the need for space or
12 facilities within county-owned buildings. The State Court Administrator
13 shall respond in writing to such request within thirty days after
14 receiving the request. The final decision with respect to maintaining,
15 increasing, reducing, or eliminating office space provided by such county
16 shall be made by the county board; and

17 (7) Whenever reference is made in statute, rule, or regulation to
18 clerk of the district court, clerk magistrate, or clerk of the county
19 court, such reference shall be construed to refer to the clerk of the
20 courts for counties with such a consolidated office.

21 Sec. 7. The State of Nebraska shall directly pay, with funds
22 appropriated to the Supreme Court, all salaries, benefits, and expenses
23 of transferred employees.

24 Sec. 8. (1) No transferred employee who continues employment shall
25 incur a loss of income as a result of becoming a state employee pursuant
26 to section 2 or 4 of this act. For purposes of this section, income
27 means:

28 (a) For a person that was formerly an elected clerk of the district
29 court, his or her salary at the end of his or her elected term; and

30 (b) For all other transferred employees, such employee's salary on
31 the day prior to becoming a state employee.

1 (2) The salary for any new position created after the operative date
2 of this act and any change of benefits or salary which is inconsistent
3 with other county salary adjustments made after the operative date of
4 this act shall be at the discretion of the Supreme Court.

5 (3) Transferred employees shall continue employment unless removed
6 for cause pursuant to personnel rules adopted by the Supreme Court.

7 (4) Nothing in sections 1 to 12 of this act shall prevent a review
8 and subsequent reduction in staffing in a particular consolidated office.

9 Sec. 9. (1)(a) A county shall transfer all accrued sick leave of a
10 transferred employee up to the maximum number of accumulated hours for
11 sick leave allowed by the personnel rules adopted by the Supreme Court.
12 The county shall reimburse the state within a reasonable time after the
13 transfer for twenty-five percent of the value of such accrued sick leave
14 hours based on the straight-time rate of pay for the employee. For any
15 accrued sick leave hours which are in excess of the amount that can be
16 transferred, the county shall reimburse the employee within a reasonable
17 time for twenty-five percent of the value of the sick leave hours based
18 on the straight-time rate of pay for the employee.

19 (b) A clerk of the district court who becomes a state employee and
20 who does not have any accrued sick leave shall be granted the number of
21 hours of sick leave, based upon his or her years of service as a clerk
22 and any other past county employment, allowed by the personnel rules
23 adopted by the Supreme Court, not to exceed one hundred sixty hours of
24 sick leave. The county shall reimburse the state for twenty-five percent
25 of the value of such sick leave hours granted based on the straight-time
26 rate of pay for the clerk.

27 (2)(a) A transferred employee may transfer accrued vacation leave
28 earned as an employee of the county in an amount up to the maximum amount
29 allowed by the personnel rules adopted by the Supreme Court. The county
30 shall reimburse the state within a reasonable time after the transfer for
31 one hundred percent of the value of the hours of accrued vacation leave

1 transferred based on the employee's straight-time rate of pay. The county
2 shall reimburse the employee within a reasonable time for one hundred
3 percent of the hours of any accrued vacation leave in excess of the
4 amount which may be transferred based on the employee's straight-time
5 rate of pay.

6 (b) A clerk of the district court who becomes a state employee and
7 who does not have any accrued vacation leave shall be granted the number
8 of hours of vacation leave, based upon his or her years of service as a
9 clerk and any other past county employment, allowed by the personnel
10 rules adopted by the Supreme Court, not to exceed ninety-six hours of
11 vacation leave. The county shall reimburse the state for one hundred
12 percent of the value of the hours of vacation leave based on the
13 straight-time rate of pay for the clerk.

14 (3) No transferred employee shall lose any accrual rate value for
15 his or her sick leave and vacation leave hours as a result of becoming a
16 state employee. The employee may use each year's service with the county
17 as credit in qualifying for the accrual rate values for the sick leave
18 and vacation leave hours allowed by the personnel rules adopted by the
19 Supreme Court. When accrued sick leave or vacation leave hours for the
20 employee are at a greater accrual rate value than allowed by the
21 personnel rules adopted by the Supreme Court, the county shall pay the
22 state the difference between the value of the benefits allowed by the
23 county and the state based on, at the time of transfer, twenty-five
24 percent of the employee's straight-time rate of pay for sick leave hours
25 and one hundred percent of the employee's straight-time rate of pay for
26 vacation leave hours. The State Court Administrator shall bill each
27 county annually for reimbursement of sick leave and vacation leave due
28 under this subsection, and the counties shall reimburse the state for
29 such expenses annually.

30 (4) A transferred employee shall not receive any additional accrual
31 rate value for sick leave or vacation leave until the qualifications are

1 met for the increased accrual rate values pursuant to the requirements of
2 the sick leave or vacation leave allowed by the personnel rules adopted
3 by the Supreme Court.

4 (5) A transferred employee and his or her dependents may participate
5 in and be covered by the Nebraska State Insurance Program established by
6 sections 84-1601 to 84-1615. Any waiting period for such health insurance
7 coverage is waived.

8 Sec. 10. (1) Except as provided in subsection (2) of this section,
9 on the date of employment transfer, each transferred employee shall
10 immediately have the right to participate in the State Employees
11 Retirement System of the State of Nebraska.

12 (2) Any employee who is a clerk magistrate and a member of the
13 Nebraska Judges Retirement System on the operative date of this act shall
14 remain a member of such system as provided in the Judges Retirement Act.

15 Sec. 11. The Supreme Court shall establish minimum standards for
16 all courtroom and office facilities after consultation with a
17 representative group of county officials. The Supreme Court may establish
18 standards by class of county and based upon population, caseload, and
19 other pertinent factors.

20 Sec. 12. The Supreme Court shall adopt personnel rules to
21 facilitate the consolidation of clerks of the district courts and clerk
22 magistrates into clerks of the courts, governing transferred employees,
23 and as otherwise necessary to carry out sections 1 to 12 of this act.

24 Sec. 13. Section 11-119, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 11-119 The following named officers shall execute a bond with
27 penalties of the following amounts:

- 28 (1) The Governor, one hundred thousand dollars;
- 29 (2) The Lieutenant Governor, one hundred thousand dollars;
- 30 (3) The Auditor of Public Accounts, one hundred thousand dollars;
- 31 (4) The Secretary of State, one hundred thousand dollars;

1 (5) The Attorney General, one hundred thousand dollars;

2 (6) The State Treasurer, not less than one million dollars and not
3 more than double the amount of money that may come into his or her hands,
4 to be fixed by the Governor;

5 (7) Each county attorney, a sum not less than one thousand dollars
6 to be fixed by the county board;

7 (8) Each elected clerk of the district court, not less than five
8 thousand dollars or more than one hundred thousand dollars to be
9 determined by the county board;

10 (9) Each county clerk, not less than one thousand dollars or more
11 than one hundred thousand dollars to be determined by the county board,
12 except that when a county clerk also has the duties of other county
13 offices the minimum bond shall be two thousand dollars;

14 (10) Each county treasurer, not less than ten thousand dollars and
15 not more than the amount of money that may come into his or her hands, to
16 be determined by the county board;

17 (11) Each sheriff, in counties of not more than twenty thousand
18 inhabitants, five thousand dollars, and in counties over twenty thousand
19 inhabitants, ten thousand dollars;

20 (12) Each district superintendent of public instruction, one
21 thousand dollars;

22 (13) Each county surveyor, five hundred dollars;

23 (14) Each county commissioner or supervisor, in counties of not more
24 than twenty thousand inhabitants, one thousand dollars, in counties over
25 twenty thousand and not more than thirty thousand inhabitants, two
26 thousand dollars, in counties over thirty thousand and not more than
27 fifty thousand inhabitants, three thousand dollars, and in counties over
28 fifty thousand inhabitants, five thousand dollars;

29 (15) Each register of deeds in counties having a population of more
30 than sixteen thousand five hundred inhabitants, not less than two
31 thousand dollars or more than one hundred thousand dollars to be

1 determined by the county board;

2 (16) Each township clerk, two hundred fifty dollars;

3 (17) Each township treasurer, two thousand dollars;

4 (18) Each county assessor, not more than five thousand dollars and
5 not less than two thousand dollars;

6 (19) Each school district treasurer, not less than five hundred
7 dollars or more than double the amount of money that may come into his or
8 her hands, the amount to be fixed by the president and secretary of the
9 district;

10 (20) Each road overseer, two hundred fifty dollars;

11 (21) Each member of a county weed district board and the manager
12 thereof, such amount as may be determined by the county board of
13 commissioners or supervisors of each county with the same amount to apply
14 to each member of any particular board;

15 (22) In any county, in lieu of the individual bonds required to be
16 furnished by county officers, a schedule, position, or blanket bond or
17 undertaking may be given by county officers, or a single corporate surety
18 fidelity, schedule, position, or blanket bond or undertaking covering all
19 the officers, including officers required by law to furnish an individual
20 bond or undertaking, may be furnished. The county may pay the premium for
21 the bond. The bond shall be, at a minimum, an aggregate of the amounts
22 fixed by law or by the person or board authorized by law to fix the
23 amounts, and with such terms and conditions as may be required by
24 sections 11-101 to 11-130; and

25 (23) Each learning community coordinating council treasurer, not
26 less than five hundred dollars or more than double the amount of money
27 that may come into his or her hands, the amount to be fixed by the
28 learning community coordinating council.

29 All other state officers, department heads, and employees shall be
30 bonded or insured as required by section 11-201.

31 Sec. 14. Section 11-125, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 11-125 If any county treasurer, county attorney, elected clerk of
3 the district court, county clerk, county judge, clerk magistrate, county
4 assessor, register of deeds, county sheriff, county commissioner or
5 supervisor, or acting officer who is appointed as provided by section
6 32-561 furnishes a bond executed by a surety company authorized by the
7 laws of this state to execute such bond and such bond is approved by the
8 county board, then the county may pay the premium for such bond. Any
9 surety bond so executed and approved shall contain a covenant to the
10 effect that when the stated term of the bond is reduced to a shorter term
11 by reason of the death, resignation, or removal from office of such
12 official for a cause not imposing liability on the bond, the obligor
13 shall refund to the county the unearned portion of the premium so paid
14 for the term of the bond subject to a reasonable minimum premium charge.

15 Sec. 15. Section 11-126, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 11-126 Whenever any deputy or employee of any county treasurer,
18 county attorney, elected clerk of the district court, county clerk,
19 county assessor, register of deeds, county sheriff, or county
20 commissioner or supervisor shall be required by law or the order of the
21 county board of any county to supply bond, either (1) such deputy or
22 employee shall furnish a bond by a surety company, which bond shall be
23 approved by the county board, and the county may pay the premium for such
24 bond; or (2) the county board may arrange and pay for the writing of a
25 blanket corporate surety bond for the benefit of the county, bonding (a)
26 all such employees of the county or (b) all such deputy county officials
27 or (c) both subdivisions (a) and (b) of this subdivision.

28 Sec. 16. Section 22-417, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 22-417 (1) Any county may consolidate the office of ~~clerk of the~~
31 ~~district court,~~ county assessor, county clerk, county engineer, county

1 surveyor, or register of deeds, except that the consolidated officeholder
2 shall meet the qualifications of each office as required by law. The
3 consolidated office shall have the powers and duties provided by law for
4 each office consolidated. The county board may adopt a resolution for the
5 consolidation of any of such offices and submit the issue of the
6 consolidated office to the registered voters for approval at the next
7 general election or at a special election called for such purpose. The
8 county board shall hold a public hearing prior to adoption of a
9 resolution for the consolidation of offices and shall give notice of the
10 hearing by publication in a newspaper of general circulation in the
11 county once each week for three consecutive weeks prior to the hearing.
12 Final publication shall be within seven calendar days prior to the
13 hearing. The notice shall describe the offices to be consolidated and
14 that the holder of the offices to be consolidated shall have his or her
15 term of office end on the first Thursday after the first Tuesday in
16 January following the general election in which the holder of the
17 consolidated office is elected.

18 (2) The county board shall adopt the resolution for the
19 consolidation of offices by majority vote of the board and shall submit
20 the issue of consolidation to the registered voters for approval at the
21 next general election or at a special election called for such purpose.
22 For each consolidated office submitted for approval, the question shall
23 be submitted to the voters in substantially the following form:

24 "Shall (name of each office proposed to be consolidated) be
25 consolidated into one consolidated office according to the resolution
26 adopted by the county board of (name of county) on (date of adoption of
27 the resolution by the county board)? Yes No".

28 (3) If the majority of the registered voters in the county voting on
29 the question vote in favor of consolidation, the consolidated office
30 shall be filled at the next general election, and the terms of the
31 incumbents shall end on the first Thursday after the first Tuesday in

1 January following the general election in which the holder of the
2 consolidated office is elected.

3 (4) The term of a consolidated officer shall be four years or until
4 his or her successor is elected and qualified, except that the term of a
5 consolidated officer elected in the year 2000 or any fourth year
6 thereafter shall be two years or until his or her successor is elected
7 and qualified.

8 (5) Any election under this section shall be in accordance with the
9 Election Act.

10 Sec. 17. Section 23-120, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 23-120 (1) The county board shall acquire, purchase, construct,
13 renovate, remodel, furnish, equip, add to, improve, or provide a suitable
14 courthouse, jail, and other county buildings and a site or sites therefor
15 and for such purposes borrow money and issue the bonds of the county to
16 pay for the same. Agreements entered into under section 25-412.03 shall
17 be deemed to be in compliance with this section. The board shall keep
18 such buildings in repair and provide suitable rooms and offices for the
19 accommodation of the several courts of record, Nebraska Workers'
20 Compensation Court or any judge thereof, Commissioner of Labor for the
21 conduct and operation of the state free employment service, county board,
22 county clerk, county treasurer, county sheriff, clerk of the district
23 court, clerk of the courts, county surveyor, county agricultural agent,
24 and county attorney if the county attorney holds his or her office at the
25 county seat and shall provide suitable furniture and equipment therefor.
26 All such courts which desire such accommodation shall be suitably housed
27 in the courthouse. Courtroom and office facilities shall comply with
28 standards established under section 11 of this act.

29 (2) No levy exceeding (a) two million dollars in counties having in
30 excess of two hundred fifty thousand inhabitants, (b) one million dollars
31 in counties having in excess of one hundred thousand inhabitants and not

1 in excess of two hundred fifty thousand inhabitants, (c) three hundred
2 thousand dollars in counties having in excess of thirty thousand
3 inhabitants and not in excess of one hundred thousand inhabitants, or (d)
4 one hundred fifty thousand dollars in all other counties shall be made
5 within a one-year period for any of the purposes specified in subsection
6 (1) of this section without first submitting the proposition to a vote of
7 the people of the county at a general election or a special election
8 ordered by the board for that purpose and obtaining the approval of a
9 majority of the legal voters thereon.

10 (3)(a) The county board of any county in this state may, when
11 requested so to do by petition signed by at least a majority of the legal
12 voters in the county based on the average vote of the two preceding
13 general elections, make an annual levy of not to exceed seventeen and
14 five-tenths cents on each one hundred dollars upon the taxable value of
15 all the taxable property in the county for any of the purposes specified
16 in subsection (1) of this section.

17 (b) If a county on the day it first initiates a project for any of
18 the purposes specified in subsection (1) of this section had no bonded
19 indebtedness payable from its general fund levy, the county board may
20 make an annual levy of not to exceed five and two-tenths cents on each
21 one hundred dollars upon the taxable value of all the taxable property of
22 the county for a project or projects for any of the purposes specified in
23 subsection (1) of this section without the filing of a petition described
24 in subdivision (3)(a) of this section. The county board shall designate
25 the particular project for which such levy shall be expended, the period
26 of years, which shall not exceed twenty, for which the tax will be levied
27 for such project, and the number of cents of the levy for each year
28 thereof. The county board may designate more than one project and levy a
29 tax pursuant to this section for each such project, concurrently or
30 consecutively, as the case may be, if the aggregate levy in each year and
31 the duration of each levy will not exceed the limitations specified in

1 this subsection. Each levy for a project which is authorized by this
2 subdivision may be imposed for such duration specified by the county
3 board notwithstanding the contemporaneous existence or subsequent
4 imposition of any other levy or levies for another project or projects
5 imposed pursuant to this subdivision and notwithstanding the subsequent
6 issuance by the county of bonded indebtedness payable from its general
7 fund levy.

8 Sec. 18. Section 23-121, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 23-121 The county board shall provide and keep in repair, when the
11 finances of the county will permit, suitable fireproof safes for the
12 county clerk and county treasurer. It shall provide suitable books and
13 stationery for the use of the county board, county clerk, county
14 treasurer, ~~county judge, sheriff, court clerks who are paid by the county~~
15 ~~clerk of the district court,~~ county school administrator, county
16 surveyor, and county attorney.

17 Sec. 19. Section 23-1114.03, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 23-1114.03 In counties of Class 2, the county clerk, assessor,
20 treasurer, sheriff, attorney, and appointive full-time veterans service
21 officer shall each receive a minimum annual salary of six thousand
22 dollars, and in counties entitled by law to have a clerk of the district
23 court and if such clerk is paid by the county, the clerk of the district
24 court shall receive a minimum annual salary of fifty-four hundred
25 dollars, to be paid periodically as other county employees out of the
26 general fund.

27 Sec. 20. Section 23-1114.04, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 23-1114.04 In counties of Class 3, the county clerk, assessor,
30 treasurer, sheriff, attorney, appointive full-time veterans service
31 officer, and the clerk of the district court if such clerk is paid by the

1 county, shall each receive a minimum annual salary of six thousand five
2 hundred dollars, to be paid periodically as other county employees out of
3 the general fund.

4 Sec. 21. Section 23-1114.05, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 23-1114.05 In counties of Class 4, the county clerk, register of
7 deeds, assessor, treasurer, sheriff, attorney, appointive full-time
8 veterans service officer, and the clerk of the district court if such
9 clerk is paid by the county, shall each receive a minimum annual salary
10 of seventy-five hundred dollars, to be paid periodically as other county
11 employees out of the general fund.

12 Sec. 22. Section 23-1114.06, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 23-1114.06 In counties of Class 5, the county clerk, register of
15 deeds, assessor, treasurer, sheriff, attorney, appointive full-time
16 veterans service officer, and the clerk of the district court if such
17 clerk is paid by the county, shall each receive a minimum annual salary
18 of eight thousand dollars, to be paid periodically as other county
19 employees out of the general fund.

20 Sec. 23. Section 23-2504, Revised Statutes Cumulative Supplement,
21 2018, is amended to read:

22 23-2504 (1) The commission shall consist of five members who shall
23 be in sympathy with the application of merit principles to public
24 employment. No member of the commission shall be a member of any local,
25 state, or national committee of a political party or an officer or member
26 of a committee in any partisan political club or organization.

27 (2) The members of the commission shall be as follows: (a) Two
28 elected officers selected from the offices of and elected by the county
29 commissioners, clerk, assessor, treasurer, public defender, register of
30 deeds, clerk of the district court if elected, surveyor, and sheriff,
31 being of opposite political parties if possible, and each party shall

1 separately select its own member, (b) two full-time permanent county
2 employees, and (c) one public member holding no public or political
3 office. The initial two such employees shall be selected by the two
4 elected officers referred to in subdivision (a) of this subdivision as
5 follows: Any such employee who is at least twenty-one years of age may
6 submit his or her name as a candidate to the elected officer of the
7 political party with which the employee is registered who shall then
8 select one commission member from such list of names. The four members of
9 the commission shall then select the public member. The commission shall
10 establish employee election procedures which shall provide that all
11 county employees subject to sections 23-2501 to 23-2516 may vote and, if
12 not less than twenty-one years of age, be candidates for a member of the
13 commission. One employee member of the commission shall be a Democrat
14 elected by the Democrat-registered employees subject to sections 23-2501
15 to 23-2516 and one employee member of the commission shall be a
16 Republican elected by the Republican-registered employees subject to
17 sections 23-2501 to 23-2516. An employee otherwise eligible to vote and
18 be a candidate for the office of employee member of the commission, but
19 who is not registered as either a Democrat or a Republican, may become
20 eligible to vote, and become a candidate for the office of employee
21 member of the commission by making a declaration that he or she desires
22 to vote for such a member of the commission, or be a candidate for such
23 office, and, in the same declaration, designating the party, Democrat or
24 Republican, with which he or she desires to be affiliated for this
25 purpose. After making such declaration, that employee shall have the same
26 right to vote for a candidate, and be a candidate for the office of
27 employee member of the commission as if the employee were a registered
28 member of the party so designated in the declaration. The manner, form,
29 and contents of such declaration shall be initially established by the
30 two elected officials referred to in subdivision (2)(a) of this section,
31 subject to modification by the commission after it has been fully formed.

1 (3) The initial term of office of (a) the two elected officers shall
2 be three years from May 21, 1971; (b) the initial term of office of the
3 county employees shall be two years from May 21, 1971; and (c) the
4 initial term of the public member shall be three years from May 21, 1971.

5 At the expiration of the initial term of office, a successor member
6 shall be elected or appointed as provided in sections 23-2501 to 23-2516
7 for a term of three years. Membership on the commission of any member
8 shall terminate upon the resignation of any member or at such time as the
9 member no longer complies with the qualifications for election or
10 appointment to the commission. In the event a member's term terminates
11 prior to the expiration of the term for which the member was elected or
12 appointed, the commission shall appoint a successor complying with the
13 same qualifications for the unexpired term.

14 Sec. 24. Section 24-228, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 24-228 The State of Nebraska shall pay, with funds appropriated to
17 the Supreme Court, the following operational costs of the district courts
18 and separate juvenile courts: (1) Computer hardware and software used for
19 data processing or word processing if the costs are incurred using
20 equipment owned by the state; and (2) costs for communications lines
21 arising from data and word processing pursuant to subdivision (1) of this
22 section. All property purchased by the county as a district court expense
23 shall remain the property of the county. ~~The Supreme Court shall assume~~
24 ~~as expenses the cost of word processing and data processing hardware and~~
25 ~~software involved in the operation of the district courts if those costs~~
26 ~~are for services provided on equipment owned by the State of Nebraska and~~
27 ~~the services have been approved by the State Court Administrator.~~

28 Sec. 25. Section 24-507, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 24-507 (1) In a county where there is not a consolidated clerk of
31 the courts pursuant to sections 1 to 12 of this act:

1 (a) There shall be appointed a clerk magistrate to serve each
2 county. Clerk magistrates shall be appointed by the county judge, or
3 judges if the district has more than one county judge, and shall serve at
4 the pleasure of the county judge or judges, subject to personnel rules
5 adopted by the Supreme Court; -

6 (b) ~~(2)~~ The clerk magistrate shall be the clerk of the county court
7 and if appointed as clerk magistrate for more than one county shall be
8 the clerk of the county court for each county; -

9 (c) ~~(3)~~ In counties when the district court clerk or staff is
10 temporarily unavailable, the clerk magistrate as clerk of the county
11 court shall, under the direction of the district court judge and in
12 cooperation and agreement with the Supreme Court, State Court
13 Administrator, and clerk of the district court, assist the clerk of the
14 district court in the provision of district court services which would
15 otherwise require the presence of district court staff. Any agreement
16 entered into under this subsection must be signed and stipulated to by
17 the State Court Administrator, the county board, and the clerk of the
18 district court after obtaining input from the clerk of the county court,
19 a district court judge, a county court judge, and the county attorney.
20 Any agreement entered into under this subdivision ~~subsection~~ may include,
21 but is not limited to, financial considerations and scheduling; and -

22 (d) ~~If (4) When an agreement has been reached pursuant to~~
23 ~~subdivision (1)(b) of section 32-524 or subsection (3) of section 32-524~~
24 ~~for a clerk magistrate as clerk of the county court~~ is serving as ~~to be~~
25 ~~ex officio clerk of the district court,~~ the clerk magistrate shall
26 perform the duties required by law of the clerk of the district court
27 under the direction of the district court judge for the county and the
28 State Court Administrator.

29 (2) In a county where there is a consolidated clerk of the courts
30 pursuant to sections 1 to 12 of this act, any clerk magistrate duties
31 shall be assigned according to the consolidation plan developed under

1 section 4 of this act. Any clerk magistrate holding office on the
2 operative date of this act may continue to perform clerk magistrate
3 duties if he or she desires and shall serve at the pleasure of the county
4 judge or judges, subject to personnel rules adopted by the Supreme Court.
5 The title clerk magistrate shall be used by the person to whom clerk
6 magistrate duties have been assigned when performing clerk magistrate
7 duties.

8 Sec. 26. Section 24-508, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 24-508 (1) In a county where there is not a consolidated clerk of
11 the courts pursuant to sections 1 to 12 of this act:

12 (a) Clerk magistrates may be assigned by the presiding county judge
13 to perform the duties of a clerk magistrate in any other county within
14 the district; -

15 (b) ~~(2)~~ A person shall be eligible for appointment as a clerk
16 magistrate if he or she is a graduate of a high school or holds a
17 certificate of equivalency issued by the State Board of Education; and -

18 (c) ~~(3)~~ A clerk magistrate shall comply with the Supreme Court
19 judicial branch education requirements as required by the Supreme Court.

20 (2) In a county where there is a consolidated clerk of the courts
21 pursuant to sections 1 to 12 of this act, a person may perform the duties
22 of the clerk magistrate if he or she meets the qualifications established
23 by the Supreme Court and complies with the Supreme Court's judicial
24 branch education requirements.

25 Sec. 27. Section 32-524, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-524 (1) Except as provided in sections 1 to 12 of this act, in
28 section ~~22-417:(a)~~ In counties having a population of seven thousand
29 inhabitants or more, there shall be elected one clerk of the district
30 court at the statewide general election in 1962 and every four years
31 thereafter. ~~;~~ and

1 ~~(b) In counties having a population of less than seven thousand~~
2 ~~inhabitants, there shall be elected a clerk of the district court at the~~
3 ~~first statewide general election following a determination by the county~~
4 ~~board and the district judge for the county that such officer should be~~
5 ~~elected and each four years thereafter. When such a determination is not~~
6 ~~made in such a county, the county clerk shall be ex officio clerk of the~~
7 ~~district court and perform the duties by law devolving upon that officer,~~
8 ~~unless there is an agreement between the State Court Administrator and~~
9 ~~the county board that the clerk of the county court for such county shall~~
10 ~~be the ex officio clerk of the district court and perform such duties.~~

11 ~~(2) In any county upon presentation of a petition to the county~~
12 ~~board (a) not less than sixty days before the statewide general election~~
13 ~~in 1976 or every four years thereafter, (b) signed by registered voters~~
14 ~~of the county equal in numbers to at least fifteen percent of the total~~
15 ~~vote cast for Governor at the most recent gubernatorial election in the~~
16 ~~county, secured in not less than two-fifths of the townships or precincts~~
17 ~~of the county, and (c) asking that the question of not electing a clerk~~
18 ~~of the district court in the county be submitted to the registered voters~~
19 ~~therein, the county board, at the next statewide general election, shall~~
20 ~~order the submission of the question to the registered voters of the~~
21 ~~county. The form of submission upon the ballot shall be as follows:~~

22 ~~For election of a clerk of the district court;~~

23 ~~Against election of a clerk of the district court.~~

24 ~~(3) If a majority of the votes cast on the question are against the~~
25 ~~election of a clerk of the district court in such county, the duties of~~
26 ~~the clerk of the district court shall be performed by the county clerk,~~
27 ~~unless there is an agreement between the State Court Administrator and~~
28 ~~the county board that the clerk of the county court for such county shall~~
29 ~~be the ex officio clerk of the district court and perform such duties,~~
30 ~~and the office of clerk of the district court shall either cease with the~~
31 ~~expiration of the term of the incumbent or continue to be abolished if no~~

1 ~~such office exists at such time.~~

2 ~~(4) If a majority of the votes cast on the question are in favor of~~
3 ~~the election of a clerk of the district court, the office shall continue~~
4 ~~or a clerk of the district court shall be elected at the next statewide~~
5 ~~general election as provided in subsection (1) of this section.~~

6 ~~(2) (5) The term of the clerk of the district court shall be four~~
7 ~~years or until his or her successor is elected and qualified. The clerk~~
8 of the district court shall meet the qualifications found in section
9 24-337.04. The clerk of the district court shall be elected on the
10 partisan ballot.

11 Sec. 28. Section 32-567, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 32-567 Vacancies in office shall be filled as follows:

14 (1) In state and judicial district offices and in the membership of
15 any board or commission created by the state when no other method is
16 provided, by the Governor;

17 (2) In county offices, by the county board, except as provided in
18 sections 2 and 3 of this act;

19 (3) In the membership of the county board, by the county clerk,
20 county attorney, and county treasurer;

21 (4) In the membership of the city council, according to section
22 32-568 or 32-569, as applicable;

23 (5) In township offices, by the township board or, if there are two
24 or more vacancies on the township board, by the county board;

25 (6) In offices in public power and irrigation districts, according
26 to section 70-615;

27 (7) In offices in natural resources districts, according to section
28 2-3215;

29 (8) In offices in community college areas, according to section
30 85-1514;

31 (9) In offices in educational service units, according to section

1 79-1217;

2 (10) In offices in hospital districts, according to section 23-3534;

3 (11) In offices in metropolitan utilities districts, according to
4 section 14-2104;

5 (12) In membership on airport authority boards, according to section
6 3-502, 3-611, or 3-703, as applicable;

7 (13) In membership on the board of trustees of a road improvement
8 district, according to section 39-1607;

9 (14) In membership on the council of a municipal county, by the
10 council; and

11 (15) For learning community coordinating councils, according to
12 section 32-546.01.

13 Sec. 29. Section 33-106.02, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 33-106.02 (1) The clerk of the district court of each county shall
16 not retain for his or her own use any fees, revenue, perquisites, or
17 receipts, fixed, enumerated, or provided in this or any other section of
18 the statutes of the State of Nebraska or any fees authorized by federal
19 law to be collected or retained by a county official.

20 (2) In a county where there is not a consolidated clerk of the
21 courts pursuant to sections 1 to 12 of this act:

22 (a) The clerk shall on or before the fifteenth day of each month
23 make a report to the county board, under oath, showing the different
24 items of such fees, revenue, perquisites, or receipts received, from
25 whom, at what time, and for what service, and the total amount received
26 by such officer since the last report, and also the amount received for
27 the current year; -

28 (b) ~~(2)~~ The clerk shall account for and pay any fees, revenue,
29 perquisites, or receipts not later than the fifteenth day of the month
30 following the calendar month in which such fees, revenue, perquisites, or
31 receipts were received in the following manner:

1 *(i)* ~~(a)~~ Of the forty-two-dollar docket fee imposed pursuant to
2 section 33-106, through June 30, 2016, five dollars shall be remitted to
3 the State Treasurer for credit to the General Fund and two dollars shall
4 be remitted to the State Treasurer for credit to the Nebraska Retirement
5 Fund for Judges, beginning July 1, 2016, through June 30, 2017, three
6 dollars shall be remitted to the State Treasurer for credit to the
7 General Fund and four dollars shall be remitted to the State Treasurer
8 for credit to the Nebraska Retirement Fund for Judges, and beginning July
9 1, 2017, one dollar shall be remitted to the State Treasurer for credit
10 to the General Fund and six dollars shall be remitted to the State
11 Treasurer for credit to the Nebraska Retirement Fund for Judges;

12 *(ii)* ~~(b)~~ Of the twenty-seven-dollar docket fee imposed for appeal of
13 a criminal case to the district court pursuant to section 33-106, two
14 dollars shall be remitted to the State Treasurer for credit to the
15 Nebraska Retirement Fund for Judges; and

16 *(iii)* ~~(c)~~ The remaining fees, revenue, perquisites, or receipts
17 shall be credited to the general fund of the county.

18 (3) In a county where there is a consolidated clerk of the courts
19 pursuant to sections 1 to 12 of this act:

20 (a) The clerk of the courts shall on or before the fifteenth day of
21 each month make a report to the State Treasurer, under oath, showing the
22 different items of such fees, revenue, perquisites, or receipts received,
23 from whom, at what time, and for what service, and the total amount
24 received by such officer since the last report, and also the amount
25 received for the current year;

26 (b) The clerk of the courts shall account for and pay any fees,
27 revenue, perquisites, or receipts not later than the fifteenth day of the
28 month following the calendar month in which such fees, revenue,
29 perquisites, or receipts were received in the following manner:

30 (i) Of the forty-two-dollar docket fee imposed pursuant to section
31 33-106, one dollar shall be remitted to the State Treasurer for credit to

1 the General Fund and six dollars shall be remitted to the State Treasurer
2 for credit to the Nebraska Retirement Fund for Judges;

3 (ii) Of the twenty-seven-dollar docket fee imposed for appeal of a
4 criminal case to the district court pursuant to section 33-106, two
5 dollars shall be remitted to the State Treasurer for credit to the
6 Nebraska Retirement Fund for Judges; and

7 (c) The remaining fees, revenue, perquisites, or receipts shall be
8 remitted to the State Treasurer for credit to the General Fund.

9 Sec. 30. Section 43-2,123, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-2,123 (1) In a county where there is not a consolidated clerk of
12 the courts pursuant to sections 1 to 12 of this act:

13 (a) Each judge of a separate juvenile court shall appoint his or her
14 own court reporter, bailiff, and other necessary personal staff; -

15 (b) Each court reporter shall be well-skilled in the art of
16 stenography and capable of reporting verbatim the oral proceedings had in
17 court; and -

18 (c) The salaries of the bailiff and other necessary personal staff
19 of the separate juvenile court shall be fixed by the presiding judge,
20 subject to the approval of the board of county commissioners or
21 supervisors, and shall be paid out of the general fund of the county.

22 (2) In a county where there is a consolidated clerk of the courts
23 pursuant to sections 1 to 12 of this act:

24 (a) Each judge of a separate juvenile court shall appoint his or her
25 own court reporter, bailiff, and other necessary personal staff pursuant
26 to personnel rules of the Supreme Court;

27 (b) Each court reporter shall be well-skilled in the art of
28 stenography and capable of reporting verbatim the oral proceedings had in
29 court; and

30 (c) The salaries of the bailiff and other necessary personal staff
31 of the separate juvenile court shall be fixed by the presiding judge

1 pursuant to personnel rules of the Supreme Court. Such persons shall be
2 paid by the state.

3 Sec. 31. Section 43-512.05, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-512.05 (1) It shall be the duty of the clerks of the district
6 courts to furnish the Department of Health and Human Services monthly
7 statistical information and any other information required by the
8 department to properly account for child, spousal, and medical support
9 payments.

10 (2)(a) In a county where there is not a consolidated clerk of the
11 courts pursuant to sections 1 to 12 of this act, the ~~The~~ clerk of each
12 district court shall negotiate and enter into a written agreement with
13 the department in order to receive reimbursement for the costs incurred
14 in carrying out sections 43-512 to 43-512.10 and 43-512.12 to 43-512.18.

15 (b) In a county where there is a consolidated clerk of the courts
16 pursuant to sections 1 to 12 of this act, the State Court Administrator
17 shall negotiate and enter into a written agreement with the department in
18 order to receive reimbursement for the costs incurred in carrying out
19 sections 43-512 to 43-512.10 and 43-512.12 to 43-512.18.

20 (3) (2) The department and the governing board of the county, county
21 attorney, or authorized attorney may enter into a written agreement
22 regarding the determination of paternity and child, spousal, and medical
23 support enforcement for the purpose of implementing such sections.
24 Paternity shall be established when it can be determined that the
25 collection of child support is feasible.

26 (4) (3) The department shall adopt and promulgate rules and
27 regulations regarding the rate and manner of reimbursement for costs
28 incurred in carrying out such sections, taking into account relevant
29 federal law, available federal funds, and any appropriations made by the
30 Legislature.

31 (5)(a) In a county where there is not a consolidated clerk of the

1 courts pursuant to sections 1 to 12 of this act, any Any reimbursement
2 funds shall be added to the budgets of those county officials who have
3 performed the services as called for in the cooperative agreements and
4 carried over from year to year as required by law.

5 (b) In a county where there is a consolidated clerk of the courts
6 pursuant to sections 1 to 12 of this act, any reimbursement funds shall
7 be appropriated to the Supreme Court.

8 Sec. 32. This act becomes operative on January 1, 2020.

9 Sec. 33. Original sections 11-119, 11-125, 11-126, 22-417, 23-120,
10 23-121, 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 24-228, 24-507,
11 24-508, 32-524, 32-567, 33-106.02, 43-2,123, and 43-512.05, Reissue
12 Revised Statutes of Nebraska, and section 23-2504, Revised Statutes
13 Cumulative Supplement, 2018, are repealed.