

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB102

Hearing Date: Thursday February 25, 2021
Committee On: Judiciary
Introducer: Dorn
One Liner: Provide for transfer of duties of clerks of the district court to clerk magistrates

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	5	Senators DeBoer, Lathrop, McKinney, Morfeld, Pansing Brooks
Nay:	1	Senator Slama
Absent:		
Present Not Voting:	2	Senators Brandt, Geist

Oral Testimony:

Proponents:

Senator Myron Dorn
Amy Prenda

Representing:

Introducer
Nebraska Judicial Branch & Administrative Office of the
Courts & Probation

Opponents:

Janet Wiechelman
Sharilyn Steube
Jon Cannon

Representing:

Clerk of District Court Association
Clerk of District Court Association
Nebraska Association of County Officials

Neutral:

Representing:

Submitted Written Testimony:

Proponents:

Tim Hruza

Representing:

Nebraska State Bar Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 102 establishes a process to transfer clerk of district court duties to the clerk magistrate where the county does not have an elected clerk of district court and the county clerk serves as ex officio clerk of district court. The bill also provides for the elimination of the an elected clerk of district court by the county board under certain circumstances in addition to current law that provides a process for a petition and election to eliminate the office. The bill establishes for transition of the duties beginning in July of 2023 or 2024 depending on the judicial district. The proposal also provides for transfer of files and

records as well as options for employees to become employees of the judicial branch without a reduction in salary.

Section by section

Section 1 New section that beginning in July of 2023, allows a county to eliminate an elected clerk of district court when either a vacancy occurs or the incumbent chooses not to run for the office. If eliminated, the duties would be performed by the clerk magistrate.

Section 2 Amends section 22-417 regarding consolidation of county offices to remove the clerk of district court from the offices that may be consolidated.

Section 3 Amends section 23-120(1) regarding the county providing office space for state and county agencies and officers. A new subsection (1)(a)(ii) adds language to include clerk magistrates.

Section 4 Amends section 23-121 regarding the county providing fireproof safes for certain officers to clarify that such safes are provided to county school administrators, county surveyors, and county attorneys if they are elected.

Section 5 Amends section 24-337.04 which provides that a clerk of district court does not need be a resident when filing but an elected clerk of district must reside in the county.

Section 6 Amends section 24-507 regarding clerk magistrates, to establish a transition date and provide for the transfer of duties to the clerk magistrate where the county clerk is serving as ex officio clerk of district court. The transition dates are July 1, 2023 for judicial districts 8, 11, and 12 and July 1, 2024 for districts 1-7 and 9-10. If an elected clerk of district court office is eliminated after the transition date, the office duties are transferred to the clerk magistrate. A new subsection (8) provides for the transfer of files and other records to the Court Administrator or Supreme Court and provides that employees of the clerk of district court office may choose to become employees of the state judicial branch with no reduction in salary.

Section 7 Amends section 32-524 regarding the election of clerks of district court by adding language that if the office is eliminated by a vote of the county, duties are transferred to the clerk magistrate. A new subsection (2) establishes a process for a petition and public vote to eliminate an elected office of clerk of district court after the transition date. If the office is eliminated by county vote, the duties are transferred to the clerk magistrate.

Section 8 Amends section 33-106.02 regarding docket fees to eliminate some dated language and provide for the clerk magistrate performing clerk of district court to account for, report and distribute the docket fees.

Section 9 Amends section 43-512.05 regarding payments for child, spousal, and medical support payments to provide reimbursement agreements and transfer of payments for counties with a clerk magistrate performing the duties of the clerk of district court.

Section 10 Repeals original sections.

Steve Lathrop, Chairperson