

LEGISLATIVE BILL 111

Approved by the Governor May 28, 1981

Introduced by Chronister, 18

AN ACT relating to judicial salaries; to amend sections 24-301.01, 24-513, and 26-106, Reissue Revised Statutes of Nebraska, 1943, and sections 48-153 and 48-159, Revised Statutes Supplement, 1980; to adjust salaries; to provide a formula for establishing salaries; to change a term of office; and to repeal the original sections.

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

Section 1. That section 24-301.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-301.01. As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the district court and each judge of a separate juvenile court shall be paid a salary of thirty-nine thousand five hundred dollars per annum. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-nine thousand five hundred dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to ninety-two and one half per cent of the salary set for the Chief Justice and Judges of the Supreme Court. Such salary shall be payable in equal installments.

Sec. 2. That section 24-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-513. As soon as the same may be legally paid under the Constitution of Nebraska, each county judge shall receive an annual salary of twenty-eight thousand five hundred dollars per year, except that each county judge in a county judge district having a population of one hundred thousand or more according to the latest federal census shall receive an annual salary of thirty-four thousand four hundred fifty dollars per year. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-two thousand dollars by six per cent, except that for each county judge in a

county judge district having a population of one hundred thousand or more base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to eighty-five per cent of the salary set for the Chief Justice and Judges of the Supreme Court. Judges of the county court shall be considered to be of the same class and when one member of the class, as a judge of the county court, is entitled to a raise in salary, all members of the class shall be entitled to such raise in salary. All county judges shall be compensated for necessary travel expenses in the same manner as judges of the district court. Salaries of associate county judges, clerks, and other employees of the court shall be set by the county judges, subject to the conditions of this section. When the county clerk serves as clerk of the county court, he or she shall receive one thousand dollars annually for such duties, in addition to the salary established pursuant to law for the county clerk. When the county clerk also serves as an associate county judge, he or she shall receive a minimum additional salary of one thousand dollars annually for such duties. The minimum salary for an associate county judge shall be twenty-four hundred dollars annually, but this minimum shall not apply to associate county judges appointed to serve on a pro tempore basis. The maximum salary for an associate county judge shall be three-fourths of the salary of a county judge, and this limitation shall apply when the same person is both associate county judge and clerk of the county court. In setting salaries for associate county judges, the county judges shall consider the caseload for the associate county judge and the amount of time he or she will actually be engaged in his or her duties. Salaries of associate county judges must be approved by the Supreme Court.

Sec. 3. That section 26-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-106. As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the municipal court in a city of the metropolitan or primary class shall be paid a salary of thirty-five thousand seven hundred dollars per annum, except as provided in section 26-103.01. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-five thousand seven hundred dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to eighty-five per cent of the

salary set for the Chief Justice and Judges of the Supreme Court. In cities of the metropolitan or primary class the clerk of the court shall receive such salary as may be fixed by the city council. The employees and assistants of the clerk of the municipal court in a city of the metropolitan or primary class shall receive such salary as may be fixed by the city commission or council. All salaries shall be paid out of the general fund of such cities.

Sec. 4. That section 48-153, Revised Statutes Supplement, 1980, be amended to read as follows:

48-153. The Nebraska Workmen's Compensation Court shall consist of five judges. Judges holding office on the effective date of this act shall continue in office until expiration of their respective terms of office and thereafter for an additional term which shall expire on the first Thursday after the first Tuesday in January immediately following the first general election at which they are retained in office after the effective date of this act. Their right to continue in office shall be determined in the manner provided in sections 24-813 to 24-818, and the terms of office thereafter shall be for six years beginning on January 1 the first Thursday after the first Tuesday in January immediately following their retention at such election. In case of a vacancy occurring in the court, the same shall be filled in accordance with the provisions of Article V, section 21 of the Constitution of the State of Nebraska and the right of any judge so appointed to continue in office shall be determined in the manner provided in sections 24-813 to 24-818. All such judges shall hold office until their successors are appointed and qualified, or until death, voluntary resignation, or removal for cause. No judge of the Nebraska Workmen's Compensation Court shall, during his or her tenure in office as judge, hold any other office or position of profit, pursue any other business or avocation inconsistent or which interferes with his or her duties as such judge, or serve on or under any committee of any political party. The judges of such court shall reside in Lancaster County, Nebraska, unless, for the convenience of the court, they are permitted to reside elsewhere by a majority vote of the court, but no such judge shall be deemed thereby to have lost his or her residence at the place from which he or she was selected unless he or she so chooses.

Sec. 5. That section 48-159, Revised Statutes Supplement, 1980, be amended to read as follows:

48-159. (1) As soon as the same may be legally paid under the Constitution of Nebraska, each judge of

the Nebraska Workmen's Compensation Court shall receive an annual salary of thirty-seven thousand fifty dollars, payable in the same manner as the salaries of other state officers are paid. On January 1, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to eighty-five per cent of the salary set for the Chief Justice and Judges of the Supreme Court. The clerk and all other assistants and employees of the court shall receive such salaries as the court shall determine, but not to exceed the amount of the appropriation made by the Legislature for such purpose. Such salaries shall be payable in the same manner as the salaries of other state employees are paid. Such assistants and employees shall not receive any other salary or pay for their services from any other source.

(2) In addition to the salaries, as provided by subsection (1) of this section, the judges of the court, the clerk, and other assistants and employees of the court shall be entitled, while traveling on the business of the court, to be reimbursed by the state for their necessary traveling expenses, consisting of transportation, subsistence, lodging, and such other items of expense as are necessary, to be paid in the same manner as other claims against the state.

Sec. 6. That original sections 24-301.01, 24-513, and 26-106, Reissue Revised Statutes of Nebraska, 1943, and sections 48-153 and 48-159, Revised Statutes Supplement, 1980, are repealed.