

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 865**

Introduced by McGill, 26.

Read first time January 06, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to juror compensation; to amend sections 23-131,  
2 23-1801, and 33-138, Reissue Revised Statutes of  
3 Nebraska; to authorize the voluntary waiver of  
4 compensation by jurors; and to repeal the original  
5 sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 23-131, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           23-131 (1) Upon the allowance of any claim or account  
4 against the county, the county board shall direct the county clerk to  
5 draw a warrant upon the county treasurer in payment thereof. The  
6 warrant shall be signed by the chairperson of the county board,  
7 except as hereinafter provided, and countersigned by the county  
8 clerk. Warrants may also be issued as provided in section 23-1303.  
9 All warrants payable to officers or employees of the county and  
10 claims or accounts allowed in full shall be delivered by the county  
11 clerk upon completion of entries so required in the warrant and  
12 distribution records of the officer in charge of such records. If a  
13 claim or account is not allowed in full, the warrant shall not be  
14 delivered to the party until the time for taking an appeal has  
15 expired and, if such appeal be taken, then not until the appeal has  
16 been determined.

17           (2) Jurors in the district courts shall, immediately upon  
18 the completion of their services, be entitled to a statement under  
19 seal from the clerk of the court wherein their services were  
20 rendered, certifying the amount due them for service as jurors in  
21 such court. Upon presentation by a juror of the certified statement  
22 to the county clerk, the county clerk shall immediately issue a  
23 warrant upon the county general fund for the amount due as shown by  
24 the certified statement, unless the juror has voluntarily waived such  
25 amount due for service as a juror. Before delivery of the warrant,

1 the county clerk ~~shall~~may deduct therefrom the amount of any  
2 delinquent personal taxes or real estate taxes then due from the  
3 juror, except that in a county having a county comptroller, the  
4 county board shall direct the comptroller to draw the warrant, and  
5 the warrant shall be executed as provided in this section, except  
6 that it shall be countersigned and issued by the comptroller. If the  
7 county clerk or the county comptroller is unable to issue the warrant  
8 to the jurors because of insufficient funds, a record of the date of  
9 presentation of the certified statements, together with the names and  
10 addresses of the jurors, shall be made by the county clerk or the  
11 county comptroller and the amount due thereon shall draw interest  
12 until there are sufficient funds upon which to draw and pay the  
13 warrants, whereupon each juror shall be immediately notified by  
14 registered letter, return receipt requested, that upon presentation  
15 of a certified statement for juror's fee, a warrant will be drawn  
16 therefor with interest, less whatever delinquent personal taxes are  
17 then due from him or her.

18           Sec. 2. Section 23-1801, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           23-1801 (1) The coroner shall hold an inquest upon the  
21 dead bodies of such persons only as are supposed to have died by  
22 unlawful means. When the coroner has notice of the presence in the  
23 county of the body of a person supposed to have died by unlawful  
24 means, the coroner may, at his or her discretion, issue a warrant to  
25 a sheriff of the county requiring the sheriff to summon six residents

1 of the county to appear before the coroner at a time and place named  
2 in the warrant.

3 (2) Each juror shall receive for each day employed in the  
4 discharge of his or her duty the sum of twenty dollars to be paid by  
5 certificate drawn by the coroner on the general funds of the county.

6 (3) A juror may voluntarily waive payment under this  
7 section for his or her service as a juror.

8 Sec. 3. Section 33-138, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 33-138 (1) Each member of a grand or petit jury in a  
11 district court or county court shall receive for his or her services  
12 thirty dollars for each day employed in the discharge of his or her  
13 duties prior to January 1, 1994, and thirty-five dollars for each  
14 such day on or after such date and mileage at the rate provided in  
15 section 81-1176 for each mile necessarily traveled. No juror shall be  
16 entitled to pay for the days he or she is voluntarily absent or  
17 excused from service by order of the court. No juror shall be  
18 entitled to pay for nonjudicial days unless actually employed in the  
19 discharge of his or her duties as a juror on such days.

20 (2) In the event that any temporary release from service,  
21 other than that obtained by the request of a juror, shall occasion an  
22 extra trip or trips to and from the residence of any juror or jurors  
23 the court may, by special order, allow mileage for such extra trip or  
24 trips.

25 (3) Payment of jurors for service in the district and

1 county courts shall be made by the county.

2 (4) A juror may voluntarily waive payment under this  
3 section for his or her service as a juror.

4 Sec. 4. Original sections 23-131, 23-1801, and 33-138,  
5 Reissue Revised Statutes of Nebraska, are repealed.