

LEGISLATIVE BILL 398

Approved by the Governor May 22, 1979

Introduced by Judiciary Committee, Nichol, 48, Chmn.;
Pirsch, 10; Stoney, 4; Wagner, 41; Venditte, 7

AN ACT to amend sections 24-201.01, 24-301.01, 24-513, 26-106, and 48-159, Revised Statutes Supplement, 1978, relating to salaries; to provide for an increase in salaries as prescribed; to eliminate supplementary salaries; to provide operative dates; and to repeal the original sections.

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

Section 1. That section 24-201.01, Revised Statutes Supplement, 1978, be amended to read as follows:

24-201.01. As soon as the same may be legally paid under the Constitution of Nebraska, the Chief Justice and Judges of the Supreme Court shall each receive an annual salary of forty-three thousand dollars. 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 forty-three thousand dollars by six per cent. and the The Governor shall receive an annual salary of forty thousand dollars. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. That section 24-301.01, Revised Statutes Supplement, 1978, 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. ~~Each county in their respective districts having a population of one hundred fifty thousand or more according to the last federal census, or according to any succeeding federal census, shall pay to each district~~

~~judge and each judge of a separate juvenile court located within the judicial district--a supplemental salary of fifteen hundred dollars per annum--Such supplemental salary of a district judge shall be payable as other salaries in such county out of the county treasury in addition to the salary paid to the district judges out of the state treasury, and such supplemental salary of a judge of the separate juvenile court shall be paid as other salaries in such court out of the county treasury. Such salary shall be payable in equal installments. Judges of the district courts and judges of the separate juvenile court shall be considered to be of the same class and when one member of the class, either as a judge of the district court or a judge of the separate juvenile court, is entitled to a raise in salary, all members of the class including judges of the district court and judges of the separate juvenile court shall be entitled to such raise in salary.~~

Sec. 3. That section 24-513, Revised Statutes Supplement, 1978, 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 3, 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. Each county in its respective district having a population of one hundred fifty thousand inhabitants or more, according to the most recent federal decennial census, may pay to each county judge serving within the judicial district a supplemental salary of two thousand five hundred dollars per annum. The county board shall decide by a majority vote of all members elected whether the county judges serving within the county shall receive such supplemental salary. If the county board votes in favor of such supplemental salary, it shall be payable as other salaries in such county out of the county treasury in addition to the salary paid to the county judges out of the state treasury, and such salaries shall be payable in equal monthly installments. 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 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 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 will actually be engaged in his duties. Salaries of associate county judges must be approved by the Supreme Court.

Sec. 4. That section 26-106, Revised Statutes Supplement, 1978, 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. 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. 5. That section 48-159, Revised Statutes Supplement, 1978, 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. 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. Sections 1 to 4 and 8 of this act shall become operative on the first Thursday after the first Tuesday in January, 1981. Sections 5 to 7 of this act shall become operative on January 1, 1981.

Sec. 7. That original section 48-159, Revised Statutes Supplement, 1978, is repealed.

Sec. 8. That original sections 24-201.01, 24-301.01, 24-513, and 26-106, Revised Statutes Supplement, 1978, are repealed.