

LEGISLATIVE BILL 529

Approved by the Governor April 10, 1986

Introduced by Hoagland, 6

AN ACT relating to courts; to amend sections 8-1401, 24-507 to 24-509, 24-511, 24-520, 24-589, 25-217, 25-1901, 29-2249, 29-2250, 29-2251, 29-2257, 29-2258, 29-2265, 29-2270, 29-2275, 30-2218, 30-2402, 43-2,106, 44-1627, 48-182, 48-185, and 81-1401, Reissue Revised Statutes of Nebraska, 1943, sections 24-513, 24-517, 24-541.01 to 24-541.05, 24-709, 24-709.02, 25-1912, 25-1916, 29-103, 29-403, 29-611, 29-812, 29-1804.14, 29-2246, 29-2249.04, 29-2252, 29-2253, 29-2259, and 84-1301, Revised Statutes Supplement, 1984, sections 24-519 and 24-532.01, Revised Statutes Supplement, 1985, section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, section 24-701, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, and section 24-703, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986; to change provisions relating to disclosure of certain information; to provide for clerk magistrates rather than associate county judges; to provide duties for clerk magistrates; to eliminate pro tempore associate county judges; to eliminate a provision relating to county clerks as ex officio clerks of the county court; to change provisions relating to civil and criminal procedure; to provide for rules of the Supreme Court; to change provisions relating to the commencement of actions; to change provisions relating to the jurisdiction of the county court and investments by county court clerks; to change provisions relating to the Nebraska Probation Administration Act; to eliminate the Field Probation Service; to establish the Nebraska Probation System; to provide powers and duties for the Supreme

Court; to provide a termination date for the Nebraska Probation System Committee; to change provisions relating to certain appeals; to change provisions relating to proceedings for the termination of parental rights; to provide for the payment of certain expenses; to eliminate provisions relating to the transfer of certain actions; to eliminate certain provisions relating to the trial of minor criminal offenses; to eliminate provisions relating to complaints to keep the peace; to eliminate certain provisions relating to probation; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also sections 24-510, 24-513.01, 24-518, 25-225, 25-404, 25-405, 25-407 to 25-409, 29-302, 29-302.03 to 29-312, 29-612, 29-2249.01, and 29-2255.01, Reissue Revised Statutes of Nebraska, 1943, and sections 25-406, 29-301, 29-302.01, 29-302.02, 29-613, 29-614, 29-2249.02, and 29-2249.03, Revised Statutes Supplement, 1984; and to declare an emergency.

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

Section 1. That section 8-1401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1401. No person or corporation or association organized under Chapter 8, article 1, 2, 3, or 4, or Chapter 21, article 17, 19, 20, 22, or 23, or otherwise authorized to conduct business in Nebraska or organized under the laws of the United States shall be required to disclose any information, financial or otherwise, that it deems confidential, concerning its affairs or the affairs of any person or corporation with which it is doing business to any person, party, agency, or organization unless there shall first be presented to such person, corporation, or association a court order of a court of competent jurisdiction setting forth the exact nature and limits of such required disclosure and a showing that all persons or organizations to be affected by such order have had reasonable notice and an opportunity to be heard upon the merits of such order. The requesting party shall pay the costs of providing such information as provided in section 8-1402. This section shall not apply to any duly constituted supervisory regulatory agency of such person,

corporation, or association, to disclosures governed by rules for discovery adopted and promulgated pursuant to section 25-1273.01, or to such cases for which where specific disclosures are specifically required by other sections of the statutes heretofore or hereafter enacted, except that the Department of Banking and Finance shall be subject to the payment of cost provision of this section when making inquiries that are beyond those normally made in conducting examinations and inquiries for the purpose of determining the safety and soundness of a financial institution, but shall not be subject to the disclosure and reasonable notice provisions of this section when making reasonable inquiries of any person, corporation, or association for the purpose of enforcing any of the laws over which the department has jurisdiction.

Sec. 2. That section 24-507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-507. Except as provided in this section, at least one associate county judge (1) There shall be appointed in a clerk magistrate to serve each county. Associate county judges Clerk magistrates shall be appointed by the county judge, or judges if the district has more than one county judge, and shall serve at the pleasure of the county judge or judges, subject to personnel rules adopted by the Supreme Court, for terms of two years unless sooner removed by order of the county judge or judges- in county judge districts having a population of one hundred fifty thousand or more according to the latest federal census, one or more associate county judges may be appointed by the county judges, and such associate judges shall serve for terms of two years unless sooner removed by the county judges-

(2) The clerk magistrate shall be the clerk of the county court and if appointed as clerk magistrate for more than one county shall be the clerk of the county court for each county.

Sec. 3. That section 24-508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-508. (1) Each associate county judge shall be a legal voter in the county for which he is appointed and shall reside there so long as he serves as associate county judge, but Clerk magistrates may be assigned by the presiding county judge to perform the duties of a clerk magistrate associate county judge in any other county within the district, in which the county for which he was appointed is located-

(2) No A person shall be eligible for appointment as a clerk magistrate if he or she an associate county judge unless he is a graduate of a high school or holds a certificate of equivalency issued by the State Board of Education.

(3) A clerk magistrate shall be permitted to take office on the condition that the clerk magistrate will attend the first available No person shall take office for the first time as an associate county judge until he has attended an institute on the duties and functions of the office, unless such attendance is specifically waived by the Supreme Court. The Supreme Court shall provide for the establishment of such institute, and also shall provide for annual institutes or training courses for all county judges and clerk magistrates. A clerk magistrate associate county judges. No associate county judge shall not be eligible for reappointment if he or she does not have a satisfactory record of attendance at such annual institutes or training courses, unless such attendance is specifically waived by the Supreme Court.

(4) Notwithstanding the requirements of subsection (2) of this section, all county judges, justices of the peace, and police magistrates holding office on July 6, 1972 shall be eligible for appointment as associate county judges, and all such county judges desiring such appointment shall be appointed as associate county judges. All associate county judges holding office on the operative date of this section shall be eligible for appointment as clerk magistrates, and all associate county judges desiring such appointment shall be appointed clerk magistrates. If a county has more than one associate county judge holding office on the operative date of this section, such associate county judges shall be appointed as clerk magistrates for the remainder of the terms for which they were appointed as associate county judges.

Sec. 4. That section 24-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-509. Each county judge and associate county judge clerk magistrate before assuming the duties of office shall take the oath prescribed by law for district judges. Oaths of county judges shall be filed with the Secretary of State. Oaths of associate county judges clerk magistrates shall be filed in the office of the county clerk.

Sec. 5. That section 24-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

24-511. The clerk shall have the same power in the county court, unless otherwise specifically provided in sections 24-501 to 24-590, as the clerk of the district court. The clerk may sign and issue marriage licenses in the name of the county judge. The clerk shall keep and be the custodian of the records of the court. He The clerk shall receive and account for all fees and money received by the court, and shall deposit all money received in a bank approved pursuant to sections 77-2326.01 to 77-2326.09. Provisions of law relating to dockets of the district court shall, as nearly as may be, apply to the dockets of the county court for dockets and records of the county courts shall be established by rule of the Supreme Court.

Sec. 6. That section 24-513, Revised Statutes Supplement, 1984, 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 provided in sections 84-306.01 to 84-306.05 for state employees. Salaries of associate county judges, clerks, clerk magistrates 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 by rule by the Supreme Court.

Sec. 7. That section 24-517, Revised Statutes Supplement, 1984, be amended to read as follows:

24-517. Each county court shall have the following jurisdiction:

(1) Exclusive original jurisdiction of all matters relating to decedents' estates, including the probate of wills and the construction thereof;

(2) Exclusive original jurisdiction of all matters relating to guardianship or conservatorship of any person, including (a) original jurisdiction to consent to and authorize a voluntary selection, partition, and setoff of a ward's interest in real estate owned in common with others and to exercise any right of the ward in connection therewith which the ward could exercise if competent and (b) original jurisdiction to license the sale of such real estate for cash or on such terms of credit as shall seem best calculated to produce the highest price subject only to the requirements set forth in section 24-601;

(3) Concurrent jurisdiction with the district court to involuntarily partition a ward's interest in real estate owned in common with others;

(4) Concurrent original jurisdiction with the district court in all civil actions of any type when the amount in controversy does not exceed ten thousand dollars. When the pleadings or discovery proceedings in a civil action indicate an amount in controversy may exceed ten thousand dollars, the county court shall certify the proceedings to the district court as provided in section 24-302.01;

(5) Concurrent original jurisdiction with the district court in any criminal matter classified as a misdemeanor or for any infraction; when the penalty does not exceed one year imprisonment or a fine over one thousand dollars or both;

(6) Exclusive original jurisdiction in any action based on violation of a city or village ordinance;

(7) Exclusive original jurisdiction in all juvenile matters, except in counties which have established separate juvenile courts;

(8) Exclusive original jurisdiction in all matters of adoption; and

(9) All other jurisdiction heretofore provided and not specifically repealed by Laws 1972, Legislative Bill 1032, and such other jurisdiction as hereafter provided by law.

Sec. 8. That section 24-519, Revised Statutes Supplement, 1985, be amended to read as follows:

24-519. The county judge or, where there is more than one county judge in a district, the presiding judge may assign to associate county judges who are not attorneys at law; severally; or by designation of office; or by class or category of cases; or in specific instances; the following matters:

(1) Any civil proceeding when the amount of money or damages or the value of personal property claimed does not exceed the jurisdictional limit established for the Small Claims Court pursuant to section 24-522;

(2) Any proceeding based on violation of a city or village ordinance;

(3) Any criminal proceeding which is a misdemeanor under the laws of this state;

(4) Any proceeding for the issuance of warrants for arrest or for searches and seizures;

(5) Any Clerk magistrates shall have authority to perform the following duties:

(1) To conduct any proceeding which is based on a misdemeanor, traffic infraction, violation of a city or village ordinance, or traffic violation or infraction under the laws of this state, except the trial of defendants who plead not guilty or for whom a not guilty plea has been entered. Any penalty imposed under this subdivision shall be made pursuant to a schedule established by the Supreme Court. Such schedule shall not provide for imprisonment;

(2) to conduct any proceeding for the issuance of warrants for arrest or for searches and seizures when

no county or district judge is available in the county, the county or district judge serving the county is not available by telephone at the time of the issuance of the warrant, and the issuance of such warrant is an emergency;

(3) To hear and determine any nonfelony proceeding for preliminary examination to determine probable cause, commitment prior to trial, or the release on bail of persons charged with criminal bailable offenses;

(6) Any juvenile proceedings except the commitment to a state institution or the termination of parental rights;

(7) Any proceeding to prevent the commission of crimes; and

(8) Any (4) To determine temporary custody of a juvenile pursuant to section 43-253. An order of a clerk magistrate shall be reviewed by the county judge upon the written request of any party to the action within ten days of the order. Such order may be affirmed, modified, or set aside by the county judge; and

(5) To hear and determine noncontested proceedings relating to decedents' estates, noncontested inheritance tax matters, and guardianship or conservatorship, except that matters relating to the construction of wills and trusts, the determination of title to real estate, and an authorization of the sale or mortgaging of real estate shall not be heard by a clerk magistrate.

Sec. 9. That section 24-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-520. All assignments of matters to ~~associate county judges~~ clerk magistrates shall be by written order signed by the presiding county judge and filed with the clerk. No order or judgment shall be void or subject to collateral attack solely because it was rendered pursuant to improper assignment to ~~an associate county judge~~ a clerk magistrate.

Sec. 10. That section 24-532.01, Revised Statutes Supplement, 1985, be amended to read as follows:

24-532.01. When any money received by the clerk of the county court is not immediately paid out and the investment of such money is not otherwise provided for by law, the clerk of the county court shall invest such money or portion thereof as may be provided for by rules issued by the Supreme Court. The rules

shall provide that all amounts invested shall be deposited pursuant to sections 77-2326.01 to 77-2326.09, in accounts insured by the Federal Deposit Insurance Corporation or other federally insured form of deposit insurance, and no account shall contain more than the amount so insured.

Sec. 11. That section 24-541.01, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.01. (1) Any party in a civil case and any defendant in a criminal case may appeal from the final judgment or final order of the county court to the district court of the county where the county court is located, except in cases of appeals from proceedings for the termination of parental rights in the county court sitting as a juvenile court. The same right of appeal exists in those cases in which a final judgment or final order was entered by a municipal court prior to July 1, 1985. In a criminal case, a prosecuting attorney may obtain review by exception proceedings pursuant to sections 29-2317 to 29-2319.

(2) In cases of appeals from adoption proceedings and proceedings under the Nebraska Probate Code, an appeal may also be taken by any person against whom the final judgment or final order may be made or who may be affected thereby.

(3) In cases of appeals from proceedings in the county court sitting as a juvenile court, an appeal may be taken by:

(a) The child;
(b) The child's parent, custodian, or guardian; or

(c) The county attorney or petitioner, except that in any case determining delinquency issues in which the child has been placed legally in jeopardy an appeal of such issues may only be taken by exception proceedings pursuant to sections 29-2317 to 29-2319.

(4) In cases of appeals from proceedings for the termination of parental rights in the county court sitting as a juvenile court, the appeal shall be taken directly to the Supreme Court in the same manner as cases appealed from a separate juvenile court pursuant to section 43-2,126.

(5) ~~(4)~~ In cases of appeals from inheritance tax matters, an appeal may also be taken by any person dissatisfied with and affected by the appraisal or assessment.

(6) ~~(5)~~ The provisions of sections 24-541.01 to 24-541.10 and 24-551 shall not apply to appeals in

eminent domain proceedings as provided in sections 76-715 to 76-723.

Sec. 12. That section 24-541.02, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.02. (1) In order to perfect an appeal from the county court, the appealing party shall within thirty days after the rendition of the judgment or making of the final order complained of:

(a) File with the clerk of the county court a notice of appeal; and

(b) Deposit with the clerk of the county court a docket fee in the amount of the filing fee in district court, ~~for cases originally commenced in district court.~~

(2) Satisfaction of the requirements of subsection (1) of this section shall perfect the appeal and give the district court jurisdiction of the matter appealed, except that in appeals from the county court sitting as a juvenile court, the county court may act in accordance with section ~~43-202-03~~ 43-2,106.

(3) The time of rendition of a judgment or making of a final order is the time at which the action of the judge in announcing the judgment or final order is noted on the trial docket or, if the action is not noted on the trial docket, the time at which the journal entry of the action is filed.

(4) The appealing party shall also within the time fixed by subsection (1) of this section:

(a) In matters arising under the Nebraska Probate Code only, when the appeal is by someone other than an executor, administrator, personal representative, conservator, trustee, guardian, or guardian ad litem, deposit with the clerk of the county court a cash bond or undertaking in such sum as the court shall direct, with at least one good and sufficient surety approved by the court, conditioned that the appellant will satisfy any judgment and costs that may be adjudged against him or her, including costs under subsection (2) of section 24-541.10, unless the court directs that no cash bond or undertaking need be deposited; and

(b) In appeals from the Small Claims Court only, deposit with the clerk of the county court a cash bond or undertaking, with at least one good and sufficient surety approved by the court, in the amount of fifty dollars, conditioned that the appellant will satisfy any judgment and costs that may be adjudged against him or her.

(5) A notice of appeal or docket fee filed or deposited after the announcement of a decision or final order but before the rendition of the judgment or making of the final order shall be treated as filed or deposited after the rendition of the judgment or making of the final order and on the day thereof.

(6) The party appealing shall serve a copy of the notice of appeal upon all parties who have appeared in the action or upon their attorney of record. Proof of service shall be filed with the notice of appeal.

(7) If an appellant fails to comply with any provision of subsection (4) or (6) of this section, the district court on motion and notice may take such action, including dismissal of the appeal, as is just.

Sec. 13. That section 24-541.03, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.03. (1) In cases involving a money judgment or a judgment for the possession of specified personal property, no appeal shall operate as a supersedeas unless the appellant within thirty days after the rendition of the judgment deposits with the clerk of the county court a cash bond or an undertaking with at least one good and sufficient surety approved by the court. In cases involving a money judgment, the bond or undertaking shall be in the amount of the judgment, costs, and estimated interest pending appeal and conditioned that the appellant shall pay the judgment, interest, and costs adjudged against him or her on appeal. In cases involving a judgment for the possession of specified personal property, the bond or undertaking shall be in an amount at least double the value of the property and conditioned that the appellant shall pay all costs and damages adjudged against him or her on appeal and deliver the property in accordance with the judgment on appeal.

(2) In appeals in matters arising under the Nebraska Probate Code, the appeal shall be a supersedeas for the matter from which the appeal is specifically taken, but not for any other matter.

(3) In appeals in cases of forcible entry and detainer no appeal shall operate as a supersedeas unless the party appealing shall deposit an undertaking or cash bond in accordance with section 24-583.

(4) In appeals in criminal cases, the execution of judgment and sentence, other than any sentence to a period of confinement, shall be suspended during the appeal. Execution of a sentence to a period of confinement shall be suspended only if (a) the county

court, in its discretion, allows the defendant to continue at liberty under the prior recognizance or bail or (b) the defendant enters into a written recognizance to the State of Nebraska, with surety or sureties approved by the county court or with a cash bond, filed with the clerk of the county court. The condition of the recognizance shall be that the defendant will prosecute the appeal without delay and abide and perform the judgment and sentence of the district court. Upon the filing of the notice of appeal, the county court shall fix the amount of the recognizance or cash bond, which shall be a reasonable amount. The cash bond shall be returned upon the fulfillment of the conditions of the bond.

(5) (4) In appeals in cases under the Uniform Residential Landlord and Tenant Act, no appeal shall operate as a supersedeas of any writ of restitution until the defendant shall deposit deposits an undertaking or cash bond in accordance with section 76-1447.

(6) (5) In all other cases, perfection of an appeal shall not stay the proceedings.

(7) (6) In any case, the district court, on motion after notice and hearing and upon such terms as justice shall require, may stay any order or judgment appealed from, order a renewal or additional surety of an undertaking, or order the amount of the undertaking or recognizance increased or decreased. The action of the district court shall be certified by the clerk to the clerk of the county court. In those cases in which the order or judgment appealed from was entered by a municipal court prior to July 1, 1985, the action of the district court shall be certified by the clerk to the clerk of the county court in the district in which the municipal court was located.

Sec. 14. That section 24-541.04, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.04. (1) Upon perfection of the appeal, the clerk of the county court shall transmit within ten days to the clerk of the district court a certified copy of the transcript and the docket fee, whereupon the clerk of the district court shall docket the appeal. Any bond or undertaking shall be transmitted to the clerk of the district court within ten days of filing.

(2) The transcript shall contain all pleadings, orders, filings, and docket entries in the case. The Supreme Court shall, by rule, specify the method of ordering the transcript and the form and

content of the transcript.

Sec. 15. That section 24-541.05, Revised Statutes Supplement, 1984, be amended to read as follows:

24-541.05. (1) Testimony in all civil and criminal cases in county court shall be preserved by tape recording, but the court may order the use of a court reporter in any case.

(2) Standards for equipment for tape-recording testimony and rules for using such equipment shall be prescribed by the Supreme Court. Such standards shall require that the equipment be capable of ~~multiple track~~ multiple-track recording and of instantaneous monitoring by the clerk or other court employee operating the equipment.

(3) The transcription of such testimony, when certified to by the stenographer or court reporter who made it and settled by the court as such, shall constitute the bill of exceptions in the case. The cost of preparing the bill of exceptions shall be paid initially by the party for whom it is prepared.

(4) ~~Within sixty days of a demand by any party the clerk of the county court shall prepare the bill of exceptions and file it with the clerk of the district court.~~ The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be governed by rules of practice prescribed by the Supreme Court.

Sec. 16. That section 24-589, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-589. The violation of any of the provisions of sections 24-586 to 24-588 shall be cause for impeachment, and upon conviction thereof the county judge shall be forthwith removed from office. Any such violation by any associate county judge clerk magistrate shall cause his or her removal from office pursuant to section 24-507.

Sec. 17. That section 24-701, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, be amended to read as follows:

24-701. As used in sections 24-701 to 24-714, unless the context otherwise requires:

(1) Fund shall mean the Nebraska Retirement Fund for Judges;

(2) Judge shall mean and include (a) all duly elected or appointed Chief Justices or Judges of the Supreme Court and judges of the district courts of

Nebraska who shall serve in such capacity on and after January 3, 1957, (b) all duly appointed judges of the Nebraska Workmen's Compensation Court who shall serve in such capacity on and after September 20, 1957, (c) judges of separate juvenile courts, (d) judges of the county courts of the respective counties who shall serve in such capacity on and after January 5, 1961, except acting judges of the county court appointed pursuant to section 24-507, (e) judges of the county court, and clerk magistrates who were associate county judges and members of the fund at the time of their appointment as clerk magistrates, except (i) associate county judges serving on a pro tempore basis as designated by the Supreme Court or (ii) associate county judges appointed after August 26, 1983; and (f) judges of municipal courts established by Chapter 26, article 1, who served in such capacity on and after October 23, 1967, and prior to July 1, 1985;

(3) Prior service shall mean all the periods of time any person has served as a (a) Judge of the Supreme Court or judge of the district court prior to January 3, 1957, (b) judge of the county court prior to January 5, 1961, (c) judge of the Nebraska Workmen's Compensation Court prior to September 20, 1957, (d) judge of the separate juvenile court, or (e) judge of the municipal court prior to October 23, 1967;

(4) Current service shall mean the period of service (a) any Judge of the Supreme Court or judge of the district court shall serve in such capacity from and after January 3, 1957, (b) any judge of the Nebraska Workmen's Compensation Court shall serve in such capacity from and after September 20, 1957, (c) any county judge shall serve in such capacity from and after January 5, 1961, (d) any judge of a separate juvenile court shall have served in such capacity, (e) any judge of the municipal court shall serve in such capacity subsequent to October 23, 1967, and prior to July 1, 1985, and (f) any judge of the county court or associate county judge shall serve in such capacity subsequent to January 4, 1973, and (g) any clerk magistrate, who was an associate county judge and a member of the fund at the time of appointment as a clerk magistrate, shall serve in such capacity from and after the operative date of this section;

(5) Military service shall mean active service of (a) any Judge of the Supreme Court or district court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 18, 1955, (b) any judge of the Nebraska

Workmen's Compensation Court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 20, 1957, (c) any judge of the municipal court in any of the armed forces of the United States during a war or national emergency prior or subsequent to October 23, 1967, and prior to July 1, 1985, if such service commenced while such judge was holding the office of judge, and (d) any judge of the county court or associate county judge in any of the armed forces of the United States during a war or national emergency prior or subsequent to January 4, 1973, if such service commenced while such judge was holding the office of judge, and (e) any clerk magistrate, who was an associate county judge and a member of the fund at the time of appointment as a clerk magistrate, in any of the armed forces of the United States during a war or national emergency on or after the operative date of this section, if such service commenced while such clerk magistrate was holding the office of clerk magistrate. The board shall have the power to determine when a national emergency exists or has existed for the purpose of applying this definition and provision;

(6) Total years of service shall mean the total number of years served as a judge, including prior service, military service, and current service as defined in this section computed to the nearest one-twelfth year;

(7) Salary shall mean the statutory salary of a judge or the salary being received by such judge pursuant to law;

(8) Beneficiary shall mean a person so designated by a judge in the last written designation of beneficiary on file with the board or, if no designated person survives or if no designation is on file, the estate of such judge;

(9) Single life annuity shall mean a series of equal monthly payments payable at the end of each calendar month during the life of a retired judge. The first payment shall be made as of the end of the calendar month in which such annuity was awarded and the last payment shall be at the end of the calendar month in which such judge shall die. The first payment shall include all amounts accrued since the effective date of the award of annuities, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such annuity began;

(10) Board shall mean the Public Employees

Retirement Board;

(11) Member shall mean a judge, as defined in subdivision (2) of this section, eligible to participate in the retirement system established under the provisions of sections 24-701 to 24-714;

(12) Original member shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, prior to December 25, 1969, and who does not elect to become a future member pursuant to subsection (8) of section 24-703 or section 24-710.01;

(13) Future member shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, on or after December 25, 1969, or shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, prior to December 25, 1969, who elects to become a future member on or before June 30, 1970, as provided in subsection (8) of section 24-703 or section 24-710.01;

(14) Final average salary shall mean the average monthly salary for the last four years' service as a judge or, in the event of a judge serving less than four years, the average monthly salary for such judge's period of service. The final average salary of any judge who has retired or who will retire during or at the end of the presently current judicial term shall mean the average monthly salary for his or her last year of service before retirement;

(15) Regular interest shall mean the rate of interest earned each fiscal year commencing July 1, 1974, as determined by the retirement board in conformity with actual and expected earnings on its investments; and

(16) Normal retirement date shall mean the first day of the month following attainment of age sixty-five.

Sec. 18. That section 24-703, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, be amended to read as follows:

24-703. (1) Each original member shall contribute monthly four per cent of his or her monthly salary to the fund until the maximum benefit as limited in subsection (1) of section 24-710 has been earned. It shall be the duty of the Director of Administrative Services in accordance with subsection (10) of this section to make a deduction of four per cent on the monthly payroll of each original member who is a Judge of the Supreme Court, a judge of the district court, a judge of a separate juvenile court, a judge or associate

judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. The Director of Administrative Services and the State Treasurer shall credit the four per cent as shown on the payroll and the amounts received from the various counties and cities to the fund and remit the same to the executive officer in charge of the judges' retirement system who shall keep an accurate record of the contributions of each judge.

(2) Each future member shall contribute monthly six per cent of his or her monthly salary to the fund until the maximum benefit as limited in subsection (2) of section 24-710 has been earned. It shall be the duty of the Director of Administrative Services to make a deduction of six per cent on the monthly payroll of each such future member who is a Judge of the Supreme Court, a judge of the district court, a judge of a separate juvenile court, a judge or associate judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. This shall be done each month. The Director of Administrative Services and the State Treasurer shall credit the six per cent as shown on the payroll and the amounts received from the various counties to the fund and remit the same to the executive officer in charge of the judges' retirement system who shall keep an accurate record of the contributions of each judge.

(3) A Nebraska Retirement Fund for Judges fee of one dollar shall be taxed as costs in each civil and criminal cause of action or proceeding filed in the district courts and the county courts, and in county courts a sum shall be charged which is equal to ten per cent of each fee provided by sections 33-125, 33-126, and 33-126.02, except on the fees provided for in section 33-125 for the dismissal of a cause and for filing a report pursuant to sections 33-126 and 33-126.02. A similar fee shall be charged for prosecutions of any city ordinance regulating nonmoving traffic violations, to be credited to the costs of a violations bureau when established by a local governing body, except when such cause, proceeding, or defendant has been dismissed by the court. When collected by the

clerk of the district or county court, such fees shall be paid to the executive officer in charge of the judges' retirement system on forms prescribed by the board by the clerk within ten days after the close of each calendar quarter. Such executive officer shall promptly thereafter remit the same to the state treasury. Upon the receipt thereof, the State Treasurer shall credit the same to the Nebraska Retirement Fund for Judges.

(4) All expenditures from the Nebraska Retirement Fund for Judges shall be authorized by voucher in the manner prescribed in section 24-713. The fund shall be used for the payment of all annuities and other benefits, and for the expenses of administration.

(5) The fund shall consist of the total fund as of December 25, 1969, the contributions of members as provided in this section, all supplementary court fees as provided in subsection (3) of this section, and any required contributions of the state.

(6) Not later than January 1 of each year, the State Treasurer shall transfer to the fund the amount certified by the board as being necessary to pay the cost of any benefits accrued during the fiscal year ending the previous June 30 in excess of member contributions for that fiscal year and court fees as described above, if any, for that fiscal year plus any required contributions of the state, as provided in subsection (9) of this section.

(7) Benefits under the retirement system to members or to their beneficiaries shall be paid from the fund.

(8) Any member who is making contributions to the fund on December 25, 1969, may, on or before June 30, 1970, elect to become a future member by delivering written notice of such election to the board.

(9) Not later than January 1 of each year, the State Treasurer shall transfer to the fund an amount, determined on the basis of an actuarial valuation as of the previous June 30 and certified by the board, to fully fund the unfunded accrued liabilities of the system by level payments up to January 1, 2000.

(10) The state or county shall pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the state or county shall continue to withhold federal

income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The state or county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The state or county shall pick up these contributions by a salary deduction either through a reduction in the salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated for all purposes of sections 24-701 to 24-714 in the same manner and to the extent as member contributions made prior to the date picked up.

Sec. 19. That section 24-709, Revised Statutes Supplement, 1984, be amended to read as follows:

24-709. Any judge, except an ~~associate county judge~~ clerk magistrate, who has become physically or mentally disabled, which disability seriously interferes with the performance of his or her duties and which disability is determined to be permanent or reasonably likely to become permanent, may, upon being found so disabled by the Commission on Judicial Qualifications, retire or be retired, and upon such retirement he or she shall be entitled to receive the retirement annuity as provided in section 24-710. Any judge, or the guardian of any judge, so permanently disabled desiring to so retire, shall file an application for such retirement with the commission, which application shall be in such form and contain such information as such commission shall require. Such commission may require such judge to be examined by a physician appointed by the commission and may require such other evidence and proof of disability as it deems necessary to reach a determination as to whether such judge is so permanently disabled. If the commission ~~shall determine~~ determines that any such judge is so permanently disabled, it shall promptly notify the judge and the Public Employees Retirement Board and thereupon such judge shall be placed on retirement by the board and receive the retirement annuity each month as is provided in section 24-710.

Sec. 20. That section 24-709.02, Revised Statutes Supplement, 1984, be amended to read as follows:

24-709.02. (1) Associate county judges

appointed before August 26, 1983, Clerk magistrates who were associate county judges and members of the fund at the time of their appointment as clerk magistrates shall have questions of disability decided by the Public Employees Retirement Board. Any such clerk magistrate associate county judge may be retired as a result of disability either upon his or her own application or upon the application of an employer or any person acting in his or her behalf. Upon such retirement he or she shall be entitled to receive the retirement annuity as provided in section 24-710. Before any such clerk magistrate associate county judge may be retired, a medical examination shall be made at the expense of the Nebraska Retirement Fund for Judges, which examination shall be conducted by a disinterested physician licensed to practice medicine in this state, such physician to be selected by the board, and the physician shall certify to the board that the clerk magistrate associate county judge is physically or mentally incapable of further performing his or her duties and should be retired. The application for disability retirement shall be made within one year of termination of employment.

(2) The board may require any such disability beneficiary who has not attained the age of sixty-five to undergo a medical examination at the expense of the board once each year. Should any disability beneficiary refuse to undergo such an examination, his or her disability retirement benefit may be discontinued by the board.

Sec. 21. That section 25-217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-217. An action shall be deemed is commenced, within the meaning of this Chapter, as to the defendant, on the date the petition is filed with the court. The action shall stand dismissed without prejudice as to any defendant not served within six months from the date the petition was filed, if proper service is obtained within six months of such filing.

Sec. 22. That section 25-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1901. A judgment rendered, or final order, except an order in proceedings for the termination of parental rights, made, by any tribunal, board, or officer exercising judicial functions, and inferior in jurisdiction to the district court, may be reversed, vacated, or modified by the district court.

Sec. 23. Any action, other than the actions

mentioned in sections 25-401 to 25-403, may be brought (1) in the county where any defendant resides, (2) in the county where the cause of action arose, (3) in the county where the transaction or some part of the transaction occurred out of which the cause of action arose, or (4) if all defendants are nonresidents of this state, in any county. When an action has been commenced in any other county, the court in which the action has been commenced shall have jurisdiction over the action, but upon timely motion by a defendant, the court shall transfer the action to the proper court in a county in which such action might have been properly commenced. The court in the county to which the action is transferred, in its discretion, may order the plaintiff or the plaintiff's attorney to pay to the defendant all reasonable expenses, including attorney's fees, incurred by the defendant because of the improper venue or in proceedings to transfer the action.

Sec. 24. For purposes of venue, the following definitions shall apply:

(1) Any private corporation organized under the laws of this state and any foreign corporation authorized to transact business in this state is a resident of any county in which it has its registered office or other office or is doing business. A foreign corporation not authorized to transact business in this state is not a resident of this state;

(2) A partnership sued in its firm name is a resident of any county in which any partner resides or in which the partnership has an office or is doing business. If all partners are nonresidents of this state and the partnership does not have an office or do business in this state, the partnership is not a resident of this state; and

(3) A voluntary unincorporated association sued in its own name is a resident of any county in which the association has an office or in which any officer of the association resides. If it has no office in this state and no officer resides in this state, the voluntary unincorporated association is not a resident of this state.

Sec. 25. That section 25-1912, Revised Statutes Supplement, 1984, be amended to read as follows:

25-1912. (1) The proceedings to obtain a reversal, vacation, or modification of judgments and decrees rendered or final orders made by the district court, including judgments and sentences upon convictions for felonies and misdemeanors under the

criminal code, shall be by filing in the office of the clerk of the district court in which such judgment, decree, or final order was rendered, within ~~one month~~ thirty days after the rendition of such judgment or decree, or the making of such final order, ~~or within one month from the overruling of a motion for a new trial in said cause,~~ a notice of intention to prosecute such appeal signed by the appellant or appellants or his, her, or their attorney of record; and, except as otherwise provided in sections 29-2306 and 48-641, by depositing with the clerk of the district court the docket fee required by law in appeals to the Supreme Court.

(2) The running of the time for filing a notice of appeal shall be terminated as to all parties (a) by a motion for a new trial under section 25-1143, if such motion is filed by any party within ten days after the verdict, report, or decision was rendered, or (b) by a motion to set aside the verdict or judgment under section 25-1315.02, if such motion is filed by any party within ten days after the receipt of a verdict, and the full time for appeal fixed in subsection (1) of this section commences to run from the entry of the order ruling upon the motion filed pursuant to subdivision (a) or (b) of this subsection. When any motion terminating the time for filing a notice of appeal is timely filed by any party, a notice of appeal filed before the entry of the order ruling upon the motion shall have no effect, whether filed before or after the timely filing of the motion. A new notice of appeal shall be filed within the prescribed time from the ruling on the motion. No additional fees shall be required for such filing.

(3) (2) Except as otherwise provided in subsection (2) of this section and sections 29-2306 and 48-641, an appeal shall be deemed perfected; and the Supreme Court shall have jurisdiction of the cause when such notice of appeal shall have been filed; and such docket fee deposited in the office of the clerk of the district court, and after being so perfected no appeal shall be dismissed without notice, and no step other than the filing of such notice of appeal and the depositing of such docket fee shall be deemed jurisdictional.

(4) (3) The clerk of the district court shall forthwith forward such docket fee; and a certified copy of such notice of appeal; to the Clerk of the Supreme Court, whereupon the Clerk of the Supreme Court shall forthwith docket such appeal.

(5) (4) Within one month thirty days from the date of filing of notice of appeal, the clerk of the district court shall prepare and file with the Clerk of the Supreme Court a transcript certified as a true copy of the proceedings contained therein. The Supreme Court shall, by rule, specify the method of ordering the transcript and the form and content of the transcript. Neither the form nor substance of such transcript shall affect the jurisdiction of the Supreme Court.

(6) (5) Nothing contained in this section shall prevent any person from giving supersedeas bond in the district court in the time and manner provided in section 25-1916, nor affect the right of a defendant in a criminal case to be admitted to bail pending the review of such case in the Supreme Court.

Sec. 26. That section 25-1916, Revised Statutes Supplement, 1984, be amended to read as follows:

25-1916. No appeal in any case shall operate as a supersedeas, unless the appellant or appellants shall within one month thirty days after the rendition of such judgment or decree, or the making of such final order, execute to the adverse party a bond with one or more sureties or in lieu thereof make a cash deposit with the clerk for the benefit of the adverse party, as follows:

(1) When the judgment, decree, or final order appealed from directs the payment of money, the bond shall be in the amount of the judgment, decree, or final order and the taxable court costs in the district court, plus the estimated amount of interest that will accrue on the judgment, decree, or final order between its date and the final determination of the cause in the Supreme Court and the estimated amount of the costs of appeal, ~~said such~~ estimated interest to accrue and estimated court costs to be determined by the trial court, ~~said such~~ supersedeas bond or cash deposit to be conditioned that the appellant or appellants will prosecute such appeal without delay and pay all condemnation money and costs which may be found against him, her, or them on the final determination of the cause in the Supreme Court, except, ~~PROVIDED~~, that when a cash deposit is made or a bond is provided, herein, written by a corporate surety company authorized to do business within the State of Nebraska, is approved by the trial court in which ~~said the~~ judgment was rendered, and is filed in ~~said the~~ court, the general lien of the judgment shall be dissolved;

(2) When the judgment, decree, or final order

directs the execution of a conveyance or other instrument, the bond or cash deposit shall be in such sum as shall be prescribed by the district court, or judge thereof in vacation, conditioned that the appellant or appellants will prosecute such appeal without delay; and will abide and perform the judgment or decree rendered, or final order which shall be made by the Supreme Court in the cause;

(3) When the judgment, decree, or order directs the sale or delivery of possession of real estate, the bond or cash deposit shall be in such sum as the court, or judge thereof in vacation, shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay, and will not during the pendency of such appeal commit, or suffer to be committed, any waste upon such real estate, and will pay all costs, and all rents or damages to such real estate which may accrue during the pendency of such appeal and until the appellee is legally restored thereto;

(4) When the judgment, decree, or final order dissolves or modifies any order of injunction which has been or hereafter may be granted, the supersedeas bond or cash deposit shall be in such reasonable sum as the court or judge thereof in vacation shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay, and will pay all costs which may be found against him, her, or them on the final determination of the cause in the Supreme Court; and such supersedeas bond or cash deposit shall stay the doing of the act or acts sought to be restrained by the suit, and continue such injunction in force until the case is heard and finally determined in the Supreme Court. The undertaking given upon the allowance of the injunction shall be and remain in effect until it is finally decided whether or not the injunction ought to have been granted.

Sec. 27. That section 29-103, Revised Statutes Supplement, 1984, be amended to read as follows:

29-103. The term magistrate in this code, when not otherwise expressly stated, shall mean a judge of the county court or ~~associate county judge~~ clerk magistrate.

Sec. 28. That section 29-403, Revised Statutes Supplement, 1984, be amended to read as follows:

29-403. Judges of the district court, and judges of the county court, ~~and associate county judges~~

shall have power to issue process for the apprehension of any person charged with a criminal offense. Clerk magistrates shall have the power to issue such process as provided in section 24-519.

Sec. 29. That section 29-611, Revised Statutes Supplement, 1984, be amended to read as follows:

29-611. The defendant shall have the right of appeal from any judgment of a county court pursuant to sections 24-541.01 to 24-541.10, or any judgment, if entered prior to July 1, 1985, of a municipal court, imposing fine or imprisonment, or both, to the district court of the county, which appeal shall be taken immediately upon the rendition of such judgment and shall stay all further proceedings upon such judgment. No appeal shall be granted or proceedings stayed unless the appellant, together with his or her surety or sureties, shall, within ten days after the rendition of such judgment, appear before the court and then and there enter into a written recognizance to the people of the State of Nebraska in a sum not less than one hundred dollars, with surety or sureties to be fixed and approved by the court, conditioned for his or her appearance forthwith and without further notice, at the district court of such county, and from day to day thereafter until the final disposition of such appeal, to answer the complaint against him or her, and to abide the judgment of the district court and not depart therefrom without leave. The party appealing may in lieu of such undertaking deposit with the clerk of such court a cash bond in a sum to be fixed by the court but not less than one hundred dollars and such cash bond shall be accepted in the case, upon the same conditions and with like effect as undertakings hereinbefore set out, such cash bond to be returned upon the fulfillment of the conditions of the bond. The court from whose judgment the appeal is taken shall forthwith make return of the proceedings had before it and shall certify the complaint, transcript, bill of exceptions, and the warrant together with all such recognizances to the district court and may also require the complainant and other witnesses to enter into written recognizances, with or without security, as the court deems best, to appear at the district court at the time aforesaid, and abide the order of the court and in case of refusal to enter into such recognizances, may enforce the same by imprisonment if necessary.

Sec. 30. That section 29-812, Revised Statutes Supplement, 1984, be amended to read as

follows:

29-812. A search warrant authorized by sections 29-812 to 29-821 may be issued by any district court judge or Supreme Court Judge of the State of Nebraska for execution anywhere within the State of Nebraska. A similar search warrant authorized by sections 29-812 to 29-821 may be issued by any judge of the county court within his or her district or, subject to section 24-519, associate county judge by any clerk magistrate within the county wherein in which the property sought is located. Any court issuing a search warrant shall receive a fee of five dollars for all services connected therewith, including the taking of necessary acknowledgments and the filing of the return.

Sec. 31. That section 29-1804.14, Revised Statutes Supplement, 1984, be amended to read as follows:

29-1804.14. As used in sections 29-1804.03 to 29-1804.13, unless the context otherwise requires:

(1) Court shall mean a district court or a county court; and

(2) Judge shall mean a judge of the district court, a judge of the county court, or an associate county judge a clerk magistrate.

Sec. 32. That section 29-2246, Revised Statutes Supplement, 1984, be amended to read as follows:

29-2246. As used in the Nebraska Probation Administration Act and sections sections 29-2246 to 29-2269, 43-2,123.01, and 83-1,102 to 83-1,104, unless the context otherwise requires:

(1) Association shall mean the Nebraska District Court Judges Association;

(2) Court shall mean a district court, county court, or juvenile court, except a separate juvenile court established pursuant to sections 43-2,111 to 43-2,113 and 43-2,118 to 43-2,127;

(3) Office shall mean the Office of Probation Administration;

(4) Probation shall mean a sentence under which a person found guilty of a crime upon verdict or plea or adjudicated delinquent or in need of special supervision is released by a court subject to conditions imposed by the court and subject to supervision;

(5) Probationer shall mean a person sentenced to probation;

(6) Probation officer shall mean any person who supervises probationers, except unpaid volunteers from the community;

(7) Juvenile probation officer shall mean any probation officer who supervises probationers of a separate juvenile court;

(8) Chief probation officer shall mean the probation officer in charge of a probation district;

~~(8)~~ (9) Service System shall mean the Field Nebraska Probation Service System; and

~~(9)~~ (10) Administrator shall mean the probation administrator.

Sec. 33. That section 29-2249, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2249. The Office of Probation Administration is hereby created within the judicial branch of government and directly responsible to the Nebraska Probation System Committee Supreme Court. The office shall consist of the probation administrator, the Field Probation Service Nebraska Probation System, and such other employees as may be necessary to carry out ~~its functions~~ the functions of the Nebraska Probation System.

Sec. 34. That section 29-2249.04, Revised Statutes Supplement, 1984, be amended to read as follows:

29-2249.04. Accrued leave and benefits for separate juvenile court probation employees and municipal court employees servng as who have become state employees pursuant to sections 29-2249-02 and 29-2249-03 law shall be subject to this section.

(1) The city or county shall transfer all accrued sick leave of such employees up to the maximum number of accumulated hours for sick leave allowed by the state for state probation officers and the city or county shall reimburse the state in an amount equal to twenty-five per cent of the value of such accrued sick leave hours based on the straight-time rate of pay for the employee. For any accrued sick leave hours of an employee which are in excess of the amount that can be transferred, the city or county shall reimburse the employee for twenty-five per cent of the value of the sick leave hours based on the straight-time rate of pay for the employee.

(2) The transferred employee may transfer the maximum amount of accrued annual leave earned as an employee of the city or county allowed by the state. The city or county shall reimburse the state in an amount equal to one hundred per cent of the value of the hours of accrued annual leave transferred. The city or county shall reimburse the transferred employee in an

amount equal to one hundred per cent of the hours of any accrued annual leave in excess of the amount which may be transferred based on the employee's straight-time rate of pay at the time of transfer.

(3) Any employee transferred to the Office of Probation Administration shall not lose any accrual rate value for his or her sick leave or vacation leave as a result of such transfer. The employee may use each year's service with the city or county as credit in qualifying for accrual rates with the state's sick leave and vacation leave programs.

(4) When accrued sick leave and vacation leave for a transferred employee are at a greater rate value than allowed by the state's sick leave and vacation leave plans, the city or county shall pay to the state on July 1, 1985, an amount equal to the difference between the value of such benefits allowed by the city or county and by the state based on, at the time of transfer, twenty-five per cent of the employee's straight-time rate of pay for the sick leave and one hundred per cent of the employee's straight-time rate of pay for vacation leave. The state may receive reimbursement based on such difference in rate values not later than July 1, 1990.

(5) The transferred employee shall not receive any additional accrual rate value for state benefits until the employee meets the qualifications for the increased accrual rates pursuant to the state's requirements.

(6) The transferred employee shall participate in and be covered by the Nebraska State Insurance Program, sections 44-1620 to 44-1632, on July 1, 1985.

Sec. 35. That section 29-2250, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2250. The office shall:

(1) Supervise and administer the service system;

(2) Establish probation policies and standards for the service system, with the concurrence of the Nebraska Probation System Committee Supreme Court; and

(3) Supervise offenders placed on probation in another state who are within the state pursuant to the provisions of section 29-2637.

Sec. 36. That section 29-2251, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2251. The Nebraska Probation System Committee Supreme Court shall appoint a probation

administrator who shall be a person with appropriate experience in the field of probation or with training in relevant disciplines at a recognized college or university, and who shall serve at the pleasure of the Nebraska Probation System Committee Supreme Court.

Sec. 37. That section 29-2252, Revised Statutes Supplement, 1984, be amended to read as follows:

29-2252. The administrator shall:

- (1) Supervise and administer the office;
- (2) Establish and maintain policies, standards, and procedures for the service system, with the concurrence of the Nebraska Probation System Committee Supreme Court;
- (3) Prescribe and furnish such forms for records and reports for the service system as shall be deemed necessary for uniformity, efficiency, and statistical accuracy;
- (4) Establish minimum qualifications for employment as a probation officer in this state and establish and maintain such additional qualifications as he or she deems appropriate for appointment to the service system. Qualifications for probation officers shall be established in accordance with subsection ~~(3)~~ (4) of section 29-2253. An ex-offender released from a penal complex or a county jail may be appointed to a position of deputy probation or parole officer. Such ex-offender shall maintain a record free of arrests, except for minor traffic violations, for one year immediately preceding his or her appointment;
- (5) Establish and maintain advanced periodic inservice training requirements for the service system;
- (6) Cooperate with all agencies, public or private, which are concerned with treatment or welfare of persons on probation;
- (7) Organize and conduct training programs for probation officers;
- (8) Collect, develop, and maintain statistical information concerning probationers, probation practices, and the operation of the probation system;
- (9) Interpret the probation program to the public with a view toward developing a broad base of public support;
- (10) Conduct research for the purpose of evaluating and improving the effectiveness of the probation system;
- (11) Adopt and promulgate such rules and regulations as may be necessary or proper for the operation of the office or service system;

(12) Transmit a report during each even-numbered year to the Nebraska Probation System Committee Supreme Court on the operation of the office for the preceding two calendar years, which report shall be transmitted by the Nebraska Probation System Committee Supreme Court to the Governor and the Clerk of the Legislature; and

(13) Administer the payment by the state of all salaries, travel, and actual and necessary expenses incident to the conduct and maintenance of the office; and

(14) Exercise all powers and perform all duties necessary and proper to carry out his or her responsibilities.

Each member of the Legislature shall receive a copy of the report required by subdivision (12) of this section by making a request for it to the administrator.

Sec. 38. That section 29-2253, Revised Statutes Supplement, 1984, be amended to read as follows:

29-2253. (1) The administrator, with the concurrence of the Nebraska Probation System Committee Supreme Court, shall divide the state into probation districts and may from time to time alter the boundaries of such districts in order to maintain the most economical, efficient, and effective utilization of the service system.

(2) The administrator shall appoint temporary and permanent probation officers and employees for each probation district as may be required to provide adequate probation services. , with the concurrence of all of the district judges and county judges within each probation district; appoint for such district a district probation officer, deputy probation officers, if required; and such other employees as may be required to provide adequate probation services for such district and set the salaries thereof. In the event the administrator is unable to obtain a concurrence of all of the district judges and county judges within a district, the duties prescribed by this subsection shall be performed by the Nebraska Probation System Committee.

(3) The administrator shall appoint a chief probation officer with the concurrence of the majority of all judges within a probation district.

(4) The administrator shall, with the concurrence of all of the separate juvenile court judges within each separate juvenile court, (a) appoint for each separate juvenile court a chief juvenile probation officer, any deputy juvenile probation officers

required, and such other employees as may be required to provide adequate probation services for such court and (b) set the salaries of such officers and employees. The chief and deputy juvenile probation officers shall be selected with reference to experience and understanding of problems of family life and child welfare, juvenile delinquency, community organizations, and training in the recognition and treatment of behavior disorders.

(5) (4) The administrator may direct a probation officer of one probation district to temporarily act as probation officer for a court in another probation district, and such probation officer while so serving shall have all the powers and responsibilities as if he or she were serving in the probation district to which he or she was originally appointed.

(6) (5) The administrator, with the concurrence of the Nebraska Probation System Committee Supreme Court, shall designate the location of the principal office of the service system within each probation district.

Sec. 39. That section 29-2257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2257. The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. There is hereby created within the office the Field Probation Service, consisting of district probation officers and deputy probation officers. The system service shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation, by a court as defined in section 29-2246. The service system shall be sufficient in size to assure that no probation officer carries a case load larger than is compatible with adequate probation investigation or supervision.

Sec. 40. That section 29-2258, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2258. A district probation officer shall:

(1) Make presentence and other investigations, as may be required by law or directed by a court in which he or she is serving;

(2) Supervise probationers in accordance with the rules and regulations of the office and the directions of the sentencing court;

(3) Advise the sentencing court, in accordance with the provisions of sections 29-2246 to 29-2268 Nebraska Probation Administration Act and such rules and regulations of the office, of violations of the conditions of probation by individual probationers;

(4) Advise the sentencing court, in accordance with the rules and regulations of the office and the direction of the court, when the situation of a probationer may require a modification of the conditions of probation, or when a probationer's adjustment is such as to warrant termination of probation;

(5) Provide each probationer with a statement of the period and conditions of his or her probation;

(6) Whenever necessary, exercise the power of arrest as provided in section 29-2266;

(7) Establish procedures for the direction and guidance of deputy probation officers under his or her jurisdiction and advise such officers in regard to the most effective performance of their duties;

(8) Supervise and evaluate deputy probation officers under his or her jurisdiction;

(9) Delegate such duties and responsibilities to a deputy probation officer as he or she deems appropriate;

(10) Make such reports as required by the administrator, the judges of the probation district in which he or she serves, or the Nebraska Probation System Committee Supreme Court;

(11) Keep accurate and complete accounts of all money or property collected or received from probationers and give receipts therefor;

(12) Cooperate fully with and render all reasonable assistance to other probation officers;

(13) In counties with a population of less than twenty-five thousand people, participate in pretrial diversion programs established pursuant to section 29-3602 as requested by judges of the probation district in which he or she serves, except that participation in such programs shall not require appointment of additional personnel and shall be consistent with the probation officer's current caseload;

(14) Perform such other duties not inconsistent with the provisions of sections 29-2246 to 29-2268 Nebraska Probation Administration Act or the rules and regulations of the office as a court may from time to time direct; and

(15) ~~(14)~~ Exercise all powers and perform all duties necessary and proper to carry out his or her

responsibilities.

Sec. 41. That section 29-2259, Revised Statutes Supplement, 1984, be amended to read as follows:

29-2259. (1) The salaries, actual and necessary expenses, and expenses incident to the conduct and maintenance of the office shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 84-306.01 to 84-306.05 for state employees.

(2) The salaries and actual and necessary travel expenses of the service shall be paid by the state. Actual and necessary expenses shall be paid as provided in sections 84-306.01 to 84-306.05 for state employees.

(3) The expenses incident to the conduct and maintenance of the principal office within each probation district shall in the first instance be paid by the county in which it is located but such county shall be reimbursed for such expenses by all other counties within the probation district to the extent and in the proportions determined by the Nebraska Probation System Committee Supreme Court based upon population, number of investigations, and probation cases handled, or upon such other basis as the committee deems fair and equitable.

(4) Each county shall provide office space and necessary facilities for probation officers performing their official duties and shall bear the costs incident to maintenance of such offices, other than salaries and travel expenses.

(5) The probation administrator shall prepare a budget and request for appropriations for the office and shall submit such request to the Nebraska Probation System Committee Supreme Court and with its approval to the appropriate authority in accordance with law.

Sec. 42. That section 29-2265, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2265. (1) Whenever an offender is placed on probation and will reside in a location outside the jurisdiction of the sentencing court, the sentencing court may:

(a) Retain jurisdiction over the probationer and the subject matter of the action; or

(b) Transfer jurisdiction over the probationer and the subject matter of the action to an appropriate court in the judicial district in which the probationer will reside.

(2) When a court determines to transfer jurisdiction under subdivision (1)(b) of this section, it shall:

(a) Obtain the concurrence of the court to which transfer is to be made;

(b) File a certified transcript of the action out of which the probationer's conviction arose with the clerk of the court to which jurisdiction is transferred; and

(c) Furnish the chief probation officer of the district in which the probationer will reside with a copy of any presentence investigation.

(3) Upon the filing of the transcript in accordance with subdivision (2)(b) of this section, the court making the transfer shall have no further jurisdiction of the subject matter of the action or over the probationer. The court to which jurisdiction is transferred shall immediately enter an order placing the transferred probationer on probation under such conditions as it may deem appropriate in accordance with the provisions of sections 29-2246 to 29-2268 Nebraska Probation Administration Act; and

(4) When a court retains jurisdiction under subdivision (1)(a) of this section and the probationer will reside in a different probation district from that of the sentencing court, the court may notify the district chief probation officer in the probation district in which the probationer will reside to supervise such probationer under the terms of the probation order and in accordance with the provisions of sections 29-2246 to 29-2268 Nebraska Probation Administration Act.

Sec. 43. That section 29-2270, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2270. The Nebraska Probation System Committee is hereby created which as an advisory committee to the Supreme Court regarding probation matters. The committee shall consist of nine members to be chosen as provided in sections 29-2271 to 29-2273.

Sec. 44. That section 29-2275, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2275. The Nebraska Probation System Committee shall advise the Supreme Court on matters relating to probation services throughout the state, assist the Office of Probation Administration and the probation administrator in developing policies and standards for the Field Probation Service-

Sec. 45. The Nebraska Probation System Committee shall terminate on June 30, 1988.

Sec. 46. That section 30-2218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2218. Assignment of matters arising under the Nebraska Probate Code to clerk magistrates ~~associate county judges~~ shall be subject to the provisions of sections ~~24-518 to 24-519~~ and 24-520.

Sec. 47. That section 30-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2402. Except as provided in section 30-24,125, to be effective to prove the transfer of any property or to nominate an executor, a will must be declared to be valid by an order of informal probate by the registrar, or an adjudication of probate by the court, except that a duly executed and unrevoked will which has not been probated may be admitted as evidence of a devise if (1) no court proceeding concerning the succession or administration of the estate has occurred; and (2) either the devisee or his or her successors and assigns possessed the property devised in accordance with the provisions of the will, or the property devised was not possessed or claimed by anyone by virtue of the decedent's title during the time period for testacy proceedings. Every will, when proved as provided in this code, shall have a certificate of such proof endorsed thereon or annexed thereto, signed by the registrar, judge, or ~~associate judge~~ clerk magistrate of the county court and attested by the seal of the court. Every will so certified, and the record thereof, or a transcript of such record, certified by the judge or ~~associate judge~~ clerk magistrate of the county court and attested by the seal of the court, may be read in evidence in all courts of this state without further proof.

Sec. 48. That section 43-2,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,106. When a juvenile court proceeding has been instituted before a county court sitting as a juvenile court, the original jurisdiction of the county court shall continue until the final disposition thereof; and, except in proceedings for the termination of parental rights, appeal may be had to the district court as in civil cases, but no such appeal shall stay the enforcement of any order entered in the county court. After appeal has been filed, the district court,

upon application and hearing, may stay any order, judgment, or decree on appeal if suitable arrangement is made for the care and custody of the juvenile. The county court shall continue to exercise supervision over the juvenile until a hearing is had in the district court and the district court enters an order making other disposition. If the district court adjudges the juvenile to be a juvenile defined in meeting the criteria established in subdivision (1), (2), (3), or (4) of section 43-247, the district court shall affirm the disposition made by the county court, unless it is shown by clear and convincing evidence that the disposition of the county court is not in the best interest of such juvenile. Upon determination of the appeal, the district court shall remand the case to the county court for further proceedings consistent with the determination of the district court. In the event of an appeal of a proceeding for termination of parental rights, the matter shall be reviewed by the Supreme Court within the same time and in the same manner prescribed by law for review of an order or judgment of the district court, except that such termination order or judgment shall be advanced for argument before the Supreme Court and the Supreme Court, in order to expedite the preferred disposition of the case and the juvenile, shall render the judgment and write an opinion as speedily as possible.

Sec. 49. That section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, be amended to read as follows:

43-2,113. Where a separate juvenile court is established, the county board of the county shall provide suitable rooms and offices for the accommodation of the judge thereof and the officers and employees appointed by such judge or by the probation administrator pursuant to subsection ~~(3)~~ (4) of section 29-2253. Such separate juvenile court, the judge thereof, and the officers and employees of such court shall have the same and exclusive jurisdiction, powers, and duties that are prescribed in the Nebraska Juvenile Code, concurrent jurisdiction under sections 83-223 and 83-1101 to 83-1139, and such other jurisdiction, powers, and duties as may hereafter be specifically provided by law. A juvenile court created in a separate juvenile court judicial district or a county court sitting as a juvenile court in all other counties shall have and exercise jurisdiction within such juvenile court judicial district or county court judicial district with

the district court in all matters arising under Chapter 42, article 3, when the care, support, custody, or control of minor children under the age of eighteen years is involved. Such cases shall be filed in the district court and may with the consent of the juvenile judge be transferred to the docket of the separate juvenile court or county court. All orders issued by such court which provide for child support or spousal support, as defined in section 42-347, shall be governed by the provisions of sections 42-347 to 42-379 relating to such support. Certified copies of such orders shall be filed by the clerk of the separate juvenile or county court with the clerk of the district court. There shall be no fee charged for the filing of such certified copies.

Sec. 50. That section 44-1627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-1627. The coverages provided for by sections 44-1620 to 44-1632 shall be afforded to each permanent state employee who works one half or more of the regularly scheduled hours during each pay period, commencing after thirty days of such employment, ~~except that coverage shall commence on July 1, 1985, for employees transferred to the state pursuant to sections 24-593, 29-2249-02, and 29-2249-03.~~ Employees who are employed less than the regularly scheduled hours shall be entitled to state contributions on a proportionately reduced basis. No coverages provided for by sections 44-1620 to 44-1632 shall be afforded to any employee after attainment of age seventy. The life and health insurance coverages provided by sections 44-1620 to 44-1632 shall be totally independent of one another and the loss experience and the rates for the two coverages shall be maintained separate and apart from one another.

Sec. 51. That section 48-182, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-182. In case either party at interest refuses to accept any final order of the Nebraska Workmen's Compensation Court after rehearing, such party may, within thirty days ~~one month~~ thereafter, file with the Nebraska Workmen's Compensation Court a notice of intention to appeal and within thirty days ~~one month~~ from the date of such final order file with the Nebraska Workmen's Compensation Court a praecipe for a bill of exceptions. Within two months from the date of the filing of the praecipe, the court reporter or transcriber shall deliver to the clerk of the Nebraska

Workmen's Compensation Court a bill of exceptions which shall include a transcribed copy of the testimony and the evidence taken before the compensation court, which transcript when certified to by the person who made or transcribed the record shall constitute the bill of exceptions. The transcript and bill of exceptions shall be paid for by the party ordering the same, except ; ~~PROVIDED~~, that upon the affidavit of any claimant for ~~workmen's~~ workers' compensation, filed with or before the praecipe, that he or she is without means wherewith to pay, and unable to secure such means, payment may, in the discretion of the Nebraska Workmen's Compensation Court, be waived as to such claimant and the bill of exceptions shall be paid for by the compensation court in the same manner as other compensation court expenses.

The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court, except as otherwise provided in this section.

When a bill of exceptions has been ordered according to law, and the court reporter or transcriber fails to prepare and file the bill of exceptions with the clerk of the Nebraska Workmen's Compensation Court within two months from the date of the filing of the praecipe, the Supreme Court may, on the motion of any party accompanied by a proper showing, grant additional time for the preparation and filing of the bill of exceptions under such conditions as the court may require. Applications for such an extension of time shall be regulated and governed by rules of practice prescribed by the Supreme Court. A copy of such order granting an extension of time shall be filed with the Nebraska Workmen's Compensation Court by the party requesting such extension within five days after the date of such order.

Sec. 52. That section 48-185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-185. Any appeal from the judgment of the Nebraska Workmen's Compensation Court after a rehearing shall be prosecuted and the procedure, including the designation of parties, handling of costs and the amounts thereof, filing of briefs, certifying the opinion of the Supreme Court to the Nebraska Workmen's Compensation Court, handling of the bill of exceptions, and issuance of the mandate, shall be in accordance with the general laws of the state and procedures regulating appeals in actions at law from the district courts to

the Supreme Court except as otherwise provided in section 48-182 and this section. The proceedings to obtain a reversal, vacation, or modification of judgments, awards, or final orders made by the Nebraska Workmen's Compensation Court after a rehearing shall be by filing in the office of the clerk of the Nebraska Workmen's Compensation Court within one month thirty days after the rendition of such judgment or decree, or the making of such final order, a notice of intention to prosecute such appeal signed by the appellant or his or her attorney of record. No motion for a new trial shall be required to be filed. An appeal shall be deemed perfected and the Supreme Court shall have jurisdiction of the cause when such notice of appeal shall have been filed in the office of the clerk of the Nebraska Workmen's Compensation Court, and after being so perfected no appeal shall be dismissed without notice, and no step other than the filing of such notice of appeal shall be deemed jurisdictional. The clerk of the Nebraska Workmen's Compensation Court shall forthwith forward a certified copy of such notice of appeal to the Clerk of the Supreme Court, whereupon the Clerk of the Supreme Court shall forthwith docket such appeal. Within thirty days one month from the date of filing of notice of appeal, the clerk of the Nebraska Workmen's Compensation Court shall prepare and file with the Clerk of the Supreme Court a transcript certified as a true copy of the proceedings contained therein. The transcript shall contain the judgment, decree, or final order sought to be reversed, vacated, or modified and all pleadings filed with such clerk. Neither the form nor the substance of such transcript shall affect the jurisdiction of the Supreme Court. Such appeal shall be perfected within thirty days one month from the rendition of judgment by the Nebraska Workmen's Compensation Court, the cause shall be advanced for argument before the Supreme Court, and the Supreme Court shall render its judgment and write an opinion in such cases as speedily as possible. The findings of fact made by the Nebraska Workmen's Compensation Court after rehearing shall have the same force and effect as a jury verdict in a civil case. A judgment, order, or award of the Nebraska Workmen's Compensation Court may be modified, reversed, or set aside only upon the grounds that (1) the court acted without or in excess of its powers, (2) the judgment, order, or award was procured by fraud, (3) there is not sufficient competent evidence in the record to warrant the making of the order, judgment, or award, or (4) the findings of fact by the

court do not support the order or award.

Sec. 53. That section 81-1401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1401. As used in sections 81-1401 to 81-1414, unless the context otherwise requires:

(1) Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice;

(2) Council shall mean the Nebraska Police Standards Advisory Council;

(3)(a) Law enforcement officer shall mean any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision thereof of the state for more than one hundred hours per year and is authorized by law to make arrests, and includes but is not limited to:

(i) A full or part-time member of the Nebraska State Patrol;

(ii) A county sheriff;

(iii) A full or part-time employee of a county sheriff's office;

(iv) A full or part-time employee of a municipal or village police agency; or

(v) A full-time employee of an organized and paid fire department of any city of the metropolitan class; who is an authorized arson investigator; and whose duties consist of determining the cause, origin, and circumstances of fires or explosions; while on duty in the course of an investigation; but

(b) Law enforcement officer shall not include employees of the Department of Correctional Services, probation officers under the Field Probation Service Nebraska Probation System or appointed under section 43-236, parole officers appointed by the Parole Administrator, or employees of the Department of Revenue under section 77-366;

(4) Director shall mean the director of the Nebraska Law Enforcement Training Center; and

(5) Training center shall mean the Nebraska Law Enforcement Training Center.

Sec. 54. That section 84-1301, Revised Statutes Supplement, 1984, be amended to read as follows:

84-1301. As used in sections 84-1301 to 84-1331, unless the context otherwise requires:

(1) Employee shall mean any employee of the State Board of Agriculture who is a member of the state retirement plan on July 1, 1982, and any person or

officer employed by the State of Nebraska whose compensation is paid out of state funds or funds controlled or administered by a state department through any of its executive or administrative officers when acting exclusively in their respective official, executive, or administrative capacities; but shall not include (a) judges as defined in section 24-701, except associate county judges appointed after August 26, 1983; (b) members of the Nebraska State Patrol, (c) employees of the University of Nebraska, (d) employees of the state colleges, (e) employees of technical community colleges, (f) employees of the Department of Labor employed prior to July 1, 1984, and paid from funds provided pursuant to Title III of the Social Security Act or funds from other federal sources, (g) the Commissioner of Labor employed prior to July 1, 1984, (h) employees of the State Board of Agriculture who are not members of the state retirement plan on July 1, 1982, (i) the Nebraska National Guard air and army technicians, or (j) persons eligible for membership under the School Retirement System of the State of Nebraska who have not elected to become members of the system pursuant to subsection (1) of section 79-1565 or been made members of the system pursuant to subsection (3) of section 79-1565, except that those persons so eligible and who as of September 2, 1973, are contributing to the State Employees Retirement System shall continue as members of such system. Any individual appointed by the Governor may elect not to become a member of such retirement system;

(2) Part-time employee shall mean an employee who works less than one half of the regularly scheduled hours;

(3) Retirement shall mean qualifying for and accepting a retirement allowance granted under sections 84-1301 to 84-1331;

(4) Retirement board or board shall mean the Public Employees Retirement Board;

(5) Retirement system shall mean the State Employees Retirement System of the State of Nebraska;

(6) Required contribution shall mean the deduction to be made from the salary of employees as provided in section 84-1308;

(7) Service shall mean the actual total length of employment as an employee and shall include leave of absence because of disability or military service when properly authorized by the retirement board, but shall not include any period of disability for which disability retirement benefits are received under the

provisions of section 84-1317;

(8) Straight life annuity shall mean an ordinary annuity payable for the life of the primary annuitant only and terminating at his or her death without refund or death benefit of any kind;

(9) Prior service shall mean service before January 1, 1964;

(10) Group annuity contract shall mean the contract or contracts issued by one or more life insurance companies to the board in order to provide the benefits described in sections 84-1319, 84-1320, 84-1321, and 84-1323 to 84-1323.02;

(11) Primary carrier shall mean the life insurance company or trust company designated as the administrator of the group annuity contract;

(12) State department shall mean any department, bureau, commission, or other division of state government, not otherwise specifically defined or exempted in sections 84-1301 to 84-1331, whose employees and officers are not already covered by a retirement plan;

(13) Disability shall mean an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration;

(14) Date of disability shall mean the date on which a member is determined to be disabled by the board;

(15) Regular interest shall mean the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on its investments;

(16) Fund shall mean the State Employees Retirement Fund created by section 84-1309;

(17) Guaranteed investment contract shall mean an investment contract which guarantees that the account maintained for any participant will not decrease in value, but will increase each year by the contribution allocated to the account and by investment earnings and will decrease by the amount of expenses reasonably determined to be allocated to the account; and

(18) Investment manager shall mean one or more insurance companies, bank trust departments, or independent investment advisors designated to invest any portion of the fund.

Sec. 55. Whenever the words associate county judge appear in the following sections they shall be

taken to mean clerk magistrate: Sections 7-111, 11-125, 24-586 to 24-588, 25-2105, 42-108, 49-502, 49-617, 49-801, 65-101, and 77-2019. The Revisor of Statutes shall substitute the words clerk magistrate for associate county judge in such sections.

Sec. 56. Sections 25, 26, 51, 52, and 57 of this act shall become operative on January 1, 1987. The remaining sections of this act shall become operative on July 1, 1986.

Sec. 57. That original sections 48-182 and 48-185, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1912 and 25-1916, Revised Statutes Supplement, 1984, are repealed.

Sec. 58. That original sections 8-1401, 24-507 to 24-509, 24-511, 24-520, 24-589, 25-217, 25-1901, 29-2249, 29-2250, 29-2251, 29-2257, 29-2258, 29-2265, 29-2270, 29-2275, 30-2218, 30-2402, 43-2,106, 44-1627, and 81-1401, Reissue Revised Statutes of Nebraska, 1943, sections 24-513, 24-517, 24-541.01 to 24-541.05, 24-709, 24-709.02, 29-103, 29-403, 29-611, 29-812, 29-1804.14, 29-2246, 29-2249.04, 29-2252, 29-2253, 29-2259, and 84-1301, Revised Statutes Supplement, 1984, sections 24-519 and 24-532.01, Revised Statutes Supplement, 1985, section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, section 24-701, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, and section 24-703, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, and also sections 24-510, 24-513.01, 24-518, 25-225, 25-404, 25-405, 25-407 to 25-409, 29-302, 29-302.03 to 29-312, 29-612, 29-2249.01, and 29-2255.01, Reissue Revised Statutes of Nebraska, 1943, and sections 25-406, 29-301, 29-302.01, 29-302.02, 29-613, 29-614, 29-2249.02, and 29-2249.03, Revised Statutes Supplement, 1984, are repealed.

Sec. 59. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.