

AMENDMENTS TO LB602

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 24-703, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 24-703 (1) Each original member shall contribute monthly four
6 percent of his or her monthly compensation to the fund until the maximum
7 benefit as limited in subsection (1) of section 24-710 has been earned.
8 It shall be the duty of the Director of Administrative Services in
9 accordance with subsection (10) of this section to make a deduction of
10 four percent on the monthly payroll of each original member who is a
11 judge of the Supreme Court, a judge of the Court of Appeals, a judge of
12 the district court, a judge of a separate juvenile court, a judge of the
13 county court, a clerk magistrate of the county court who was an associate
14 county judge and a member of the fund at the time of his or her
15 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
16 Compensation Court showing the amount to be deducted and its credit to
17 the fund. The Director of Administrative Services and the State Treasurer
18 shall credit the four percent as shown on the payroll and the amounts
19 received from the various counties to the fund and remit the same to the
20 director in charge of the judges retirement system who shall keep an
21 accurate record of the contributions of each judge.

22 (2)(a) In addition to the contribution required under subdivision
23 (c) of this subsection, beginning on July 1, 2004, each future member who
24 has not elected to make contributions and receive benefits as provided in
25 section 24-703.03 shall contribute monthly six percent of his or her
26 monthly compensation to the fund until the maximum benefit as limited in
27 subsection (2) of section 24-710 has been earned. After the maximum

1 benefit as limited in subsection (2) of section 24-710 has been earned,
2 such future member shall make no further contributions to the fund,
3 except that (i) any time the maximum benefit is changed, a future member
4 who has previously earned the maximum benefit as it existed prior to the
5 change shall contribute monthly six percent of his or her monthly
6 compensation to the fund until the maximum benefit as changed and as
7 limited in subsection (2) of section 24-710 has been earned and (ii) such
8 future member shall continue to make the contribution required under
9 subdivision (c) of this subsection.

10 (b) In addition to the contribution required under subdivision (c)
11 of this subsection, beginning on July 1, 2004, a judge who first serves
12 as a judge on or after such date or a future member who elects to make
13 contributions and receive benefits as provided in section 24-703.03 shall
14 contribute monthly eight percent of his or her monthly compensation to
15 the fund until the maximum benefit as limited by subsection (2) of
16 section 24-710 has been earned. In addition to the contribution required
17 under subdivision (c) of this subsection, after the maximum benefit as
18 limited in subsection (2) of section 24-710 has been earned, such judge
19 or future member shall contribute monthly four percent of his or her
20 monthly compensation to the fund for the remainder of his or her active
21 service.

22 (c) Beginning on July 1, 2009, a member or judge described in
23 subdivisions (a) and (b) of this subsection shall contribute monthly an
24 additional one percent of his or her monthly compensation to the fund.

25 (d) It shall be the duty of the Director of Administrative Services
26 to make a deduction on the monthly payroll of each such future member who
27 is a judge of the Supreme Court, a judge of the Court of Appeals, a judge
28 of the district court, a judge of a separate juvenile court, a judge of
29 the county court, a clerk magistrate of the county court who was an
30 associate county judge and a member of the fund at the time of his or her
31 appointment as a clerk magistrate, or a judge of the Nebraska Workers'

1 Compensation Court showing the amount to be deducted and its credit to
2 the fund. This shall be done each month. The Director of Administrative
3 Services and the State Treasurer shall credit the amount as shown on the
4 payroll and the amounts received from the various counties to the fund
5 and remit the same to the director in charge of the judges retirement
6 system who shall keep an accurate record of the contributions of each
7 judge.

8 (3) Except as otherwise provided in this subsection, a Nebraska
9 Retirement Fund for Judges fee of six dollars shall be taxed as costs in
10 each (a) civil cause of action, criminal cause of action, traffic
11 misdemeanor or infraction, and city or village ordinance violation filed
12 in the district courts, the county courts, and the separate juvenile
13 courts, (b) beginning October 1, 2015, enrollment in a pretrial diversion
14 program established under section 29-3602 or 43-260.02, (c) filing in the
15 district court of an order, award, or judgment of the Nebraska Workers'
16 Compensation Court or any judge thereof pursuant to section 48-188, (d e)
17 appeal or other proceeding filed in the Court of Appeals, and (e d)
18 original action, appeal, or other proceeding filed in the Supreme Court.
19 In county courts a sum shall be charged which is equal to ten percent of
20 each fee provided by sections 33-125, 33-126.02, 33-126.03, and
21 33-126.06, rounded to the nearest even dollar. No judges retirement fee
22 shall be charged for filing a report pursuant to sections 33-126.02 and
23 33-126.06. When collected by the clerk of the district or county court,
24 such fees shall be paid and information submitted to the director in
25 charge of the judges retirement system on forms prescribed by the board
26 by the clerk within ten days after the close of each calendar quarter,
27 except that fees related to pretrial diversion programs shall be paid and
28 information submitted by the appropriate county treasurer or city
29 treasurer. Beginning July 1, 2015, the county attorney or city attorney
30 in each county or city that has established a pretrial diversion program
31 shall inform the director in charge of the judges retirement system, in

1 writing, which pretrial diversion programs have been established. The
2 board may charge a late administrative processing fee not to exceed
3 twenty-five dollars if the information is not timely received or the
4 money is delinquent. In addition, the board may charge a late fee of
5 thirty-eight thousandths of one percent of the amount required to be
6 submitted pursuant to this section for each day such amount has not been
7 received. Such director shall promptly thereafter remit the same to the
8 State Treasurer for credit to the fund. No Nebraska Retirement Fund for
9 Judges fee which is uncollectible for any reason shall be waived by a
10 county judge as provided in section 29-2709.

11 (4) All expenditures from the fund shall be authorized by voucher in
12 the manner prescribed in section 24-713. The fund shall be used for the
13 payment of all annuities and other benefits and for the expenses of
14 administration.

15 (5) The fund shall consist of the total fund as of December 25,
16 1969, the contributions of members as provided in this section, all
17 supplementary court fees as provided in subsection (3) of this section,
18 and any required contributions of the state.

19 (6) Not later than January 1 of each year, the State Treasurer shall
20 transfer to the fund the amount certified by the board as being necessary
21 to pay the cost of any benefits accrued during the fiscal year ending the
22 previous June 30 in excess of member contributions for that fiscal year
23 and court fees as provided in subsection (3) of this section and fees
24 pursuant to sections 25-2804, 33-103, 33-103.01, 33-106, 33-106.02,
25 33-123, 33-125, 33-126.02, 33-126.03, and 33-126.06 and directed to be
26 remitted to the fund, if any, for that fiscal year plus any required
27 contributions of the state as provided in subsection (9) of this section.

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

30 (8) Any member who is making contributions to the fund on December
31 25, 1969, may, on or before June 30, 1970, elect to become a future

1 member by delivering written notice of such election to the board.

2 (9) Not later than January 1 of each year, the State Treasurer shall
3 transfer to the fund an amount, determined on the basis of an actuarial
4 valuation as of the previous June 30 and certified by the board, to fully
5 fund the unfunded accrued liabilities of the retirement system as of June
6 30, 1988, by level payments up to January 1, 2000. Such valuation shall
7 be on the basis of actuarial assumptions recommended by the actuary,
8 approved by the board, and kept on file with the board. For the fiscal
9 year beginning July 1, 2013, and each fiscal year thereafter, the actuary
10 for the board shall perform an actuarial valuation of the system using
11 the entry age actuarial cost method. Under this method, the actuarially
12 required funding rate is equal to the normal cost rate, plus the
13 contribution rate necessary to amortize the unfunded actuarial accrued
14 liability on a level percentage of salary basis. The normal cost under
15 this method shall be determined for each individual member on a level
16 percentage of salary basis. The normal cost amount is then summed for all
17 members. Beginning July 1, 2006, any existing unfunded liabilities shall
18 be reinitialized and amortized over a thirty-year period, and during each
19 subsequent actuarial valuation, changes in the funded actuarial accrued
20 liability due to changes in benefits, actuarial assumptions, the asset
21 valuation method, or actuarial gains or losses shall be measured and
22 amortized over a thirty-year period beginning on the valuation date of
23 such change. If the unfunded actuarial accrued liability under the entry
24 age actuarial cost method is zero or less than zero on an actuarial
25 valuation date, then all prior unfunded actuarial accrued liabilities
26 shall be considered fully funded and the unfunded actuarial accrued
27 liability shall be reinitialized and amortized over a thirty-year period
28 as of the actuarial valuation date. If the actuarially required
29 contribution rate exceeds the rate of all contributions required pursuant
30 to the Judges Retirement Act, there shall be a supplemental appropriation
31 sufficient to pay for the differences between the actuarially required

1 contribution rate and the rate of all contributions required pursuant to
2 the Judges Retirement Act.

3 (10) The state or county shall pick up the member contributions
4 required by this section for all compensation paid on or after January 1,
5 1985, and the contributions so picked up shall be treated as employer
6 contributions pursuant to section 414(h)(2) of the Internal Revenue Code
7 in determining federal tax treatment under the code and shall not be
8 included as gross income of the member until such time as they are
9 distributed or made available. The contributions, although designated as
10 member contributions, shall be paid by the state or county in lieu of
11 member contributions. The state or county shall pay these member
12 contributions from the same source of funds which is used in paying
13 earnings to the member. The state or county shall pick up these
14 contributions by a compensation deduction through a reduction in the
15 compensation of the member. Member contributions picked up shall be
16 treated for all purposes of the Judges Retirement Act in the same manner
17 and to the extent as member contributions made prior to the date picked
18 up.

19 Sec. 2. Section 29-3602, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-3602 The county attorney of any county may establish a pretrial
22 diversion program with the concurrence of the county board. Any city
23 attorney may establish a pretrial diversion program with the concurrence
24 of the governing body of the city. Such programs shall be established
25 pursuant to sections 29-3603 and 29-3605 to 29-3609. Beginning July 1,
26 2015, and within sixty days after establishing new or additional pretrial
27 diversion programs, the county attorney or city attorney shall submit
28 written notification to the director in charge of the judges retirement
29 system, regarding the establishment of each program and provide
30 additional information as requested for purposes of remitting fees as
31 required in section 24-703.

1 Sec. 3. Section 29-3606, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-3606 (1) A pretrial diversion plan for minor traffic violations
4 shall consist of a driver's safety training program.

5 (2) A driver's safety training program shall:

6 (a) Provide a curriculum of driver's safety training, as approved by
7 the department, which is designed to educate persons committing minor
8 traffic violations and to deter future violations; and

9 (b) In addition to the fee established in section 24-703, require
10 Require payment of a fee approved by the department which is reasonable
11 and appropriate to defray the cost of the presentation of the program. A
12 jurisdiction shall charge a uniform fee for participation in a driver's
13 safety training program regardless of the traffic violation for which the
14 applicant was cited. Except for the fee established in section 24-703,
15 fees Fees received by a jurisdiction offering a driver's safety training
16 program may be utilized by such jurisdiction to pay for the costs of
17 administering and operating such program, to promote driver safety, and
18 to pay for the costs of administering and operating other safety and
19 educational programs within such jurisdiction.

20 (3) The program administrator of each driver's safety training
21 program shall keep a record of attendees and shall be responsible for
22 determining eligibility. A report of attendees at all driver's safety
23 training programs in the state shall be shared only with similar programs
24 throughout the state. All procedures for sharing records of attendees
25 among such programs shall conform with the rules and regulations adopted
26 and promulgated by the department to assure that no individual takes the
27 approved course more than once within any three-year period in Nebraska.
28 Such record of attendees and any related records shall not be considered
29 a public record as defined in section 84-712.01.

30 (4) The department shall approve the curriculum and fees of each
31 program and shall adopt and promulgate rules and regulations governing

1 such programs, including guidelines for fees, curriculum, and instructor
2 certification.

3 Sec. 4. Section 43-260.02, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-260.02 A county attorney may establish a juvenile pretrial
6 diversion program with the concurrence of the county board. If the county
7 is part of a multicounty juvenile services plan under the Nebraska County
8 Juvenile Services Plan Act, the county attorney may establish a juvenile
9 pretrial diversion program in conjunction with other county attorneys
10 from counties that are a part of such multicounty plan. A city attorney
11 may establish a juvenile pretrial diversion program with the concurrence
12 of the governing body of the city. Such programs shall meet the
13 requirements of sections 43-260.02 to 43-260.07. Beginning July 1, 2015,
14 and within sixty days after establishing new or additional juvenile
15 pretrial diversion programs, the county attorney or city attorney shall
16 submit written notification to the director in charge of the judges
17 retirement system, regarding the establishment of each program and
18 provide additional information as requested for purposes of remitting
19 fees as required in section 24-703.

20 Sec. 5. This act becomes operative on July 1, 2015.

21 Sec. 6. Original sections 29-3602, 29-3606, and 43-260.02, Reissue
22 Revised Statutes of Nebraska, and section 24-703, Revised Statutes
23 Cumulative Supplement, 2014, are repealed.

24 Sec. 7. Since an emergency exists, this act takes effect when
25 passed and approved according to law.