



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 760

Hearing Date: February 5, 2003
Committee On: Judiciary

Introducer(s): (Brashear, Mines)
Title: Require continuing education for judges and court employees

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

8	Yes	Senators Brashear, Chambers, Foley, Mines, Mossey, Pedersen, Quandahl, Tyson
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Kermit Brashear
Chief Justice John Hendry
John Murphy
Jim Rembolt

Representing:

Introducer
Nebraska Supreme Court
Nebraska District Judges Association
Nebraska State Bar Association

Opponents:

Representing:

Neutral:

Shawn Nolan
Jack Cheloha

Representing:

Public Employees Retirement Board
City of Omaha

Summary of purpose and/or changes:

Legislative Bill 760 makes several changes relating to court administration.

LB 760 requires the Supreme Court to provide for mandatory training for all judges and court staff. By January 1, 2004 the Supreme Court shall promulgate court rules that provide for ongoing legal education and training for court employees. The bill provides that the Supreme Court may appoint an advisory committee to develop the curriculum for such education and training.

To pay for such mandatory education, LB 760 creates a new court fee of \$1 for all court cases. The money collected from the fee shall be deposited into a fund that is dedicated solely for such mandatory training.

LB 760 proposes several changes to the Judges' Retirement Fund (Fund). Currently the judges contribute 6% of their salary towards their retirement, and after 20 years judges no longer contribute.

At present, the court fee for the Fund is one dollar per court case. LB 760 increases the court fee to five dollars.

LB 760 provides for an unreduced, early retirement benefit for judges. The current retirement plan provides that judges may retire at age sixty-five and receive normal retirement benefits, which are calculated based on compensation and years of service, but which are capped at seventy percent of the judges final average salary. The current early retirement provides that judges may retire between ages fifty-five to sixty-five and receive actuarially reduced benefits.

LB 760 would also provide for an enhanced benefit for surviving spouses of judges. Specifically, the surviving spouse of a judge who dies subsequent to retirement would receive fifty percent of the judge's benefit if the judge was not more than five years older than the spouse. If the judge was more than five years older than his or her spouse, the benefit to the surviving spouse would be actuarially reduced.

Explanation of amendments, if any:

The committee amendment (AM 1586) makes several changes to the original bill and incorporates several other bills relating to court administration.

With respect to the judges' retirement plan, the amendment increases the contribution rates for members, beginning July 1, 2003, as follows:

- 1) For judges who have not achieved the maximum retirement benefit (fewer than 20 years service), the contribution would equal 8% of compensation (up from the current rate of 6%);
- 2) For judges who have achieved the maximum benefit (20 or more years of service), the contribution would equal 4% of compensation (currently such judges do not contribute to the plan).

With respect to the benefit enhancements, the amendment provides an early retirement benefit that is effective July 1, 2003. Under the enhancement, judges could retire at age 62 and receive a 3% per year reduction in his or her benefits for each year the member is retired before age 65.

The amendment maintains the benefit enhancement of providing a surviving spouse with fifty percent of the retired judge's benefit, but such enhancement to the retirement act begins July 1, 2004.

With respect to the provision of LB 760 that relates to continuing education for court staff, the fee for such is lowered to fifty cents and the purpose of the fund is broadened slightly to include court operations.

Herewith is a summary of the bills incorporated by the committee amendment.

Legislative Bill 62

Legislative Bill 62 changes provisions relating to the Commission on Public Advocacy (Commission).

As amended by the committee amendment, LB 62 would impose a \$2.75 indigent defense fee to be taxed on all cases filed in each county court, separate juvenile court, and district court, including appeals to such courts, and for each appeal and original action filed in the Court of Appeals and the Supreme Court. The money collected by the fee shall be deposited into the Commission of Public Advocacy Operations Cash Fund.

Legislative Bill 489

Under current law, a litigant initiating a civil or criminal action is required to pay a fifteen dollar complete record fee. The fee is remitted to the county in which such case is filed. Such fee is imposed as part of the costs of filing the case but can be expressly waived by the parties to the action.

Legislative Bill 489 provides that the complete record fee is automatically waived, unless agreed otherwise, in Title IV-D (state initiated child support cases); actions brought *in forma pauperis* (in which the citizen-litigant is determined by the judge to be too poor to pay for the cost of the action; and therefore the county assumes the costs) filings, and in any case filed by the county attorney.

Legislative Bill 699

As amended by the committee amendment, Legislative Bill 699 would assess a seventy-five cent dispute resolution filing fee for all cases filed in the separate juvenile, county or district courts or appealed to the district courts. The fee would also be assessed to actions filed in or appealed to the Court of Appeals or the Supreme Court of Nebraska. The money collected by the fee is deposited into the Dispute Resolution Cash Fund (Fund).

The proceeds from the filing fee shall be used for the administration of the Office of Dispute Resolution and to support centers approved by the Office of Dispute Resolution.

Legislative Bill 808

Legislative Bill 808 would allow the Chief Justice to designate certain days as nonjudicial days, during which certain courts would be closed. In addition, the bill amends corollary statutes to accommodate the effect of allowing the Chief Justice to designate nonjudicial days.

Senator Kermit A. Brashear, Chairperson