

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 468

FINAL READING

Introduced by Nordquist, 7.

Read first time January 20, 2015

Committee: Nebraska Retirement Systems

1 A BILL FOR AN ACT relating to judges' retirement; to amend sections
2 33-123, 33-124, and 33-125, Reissue Revised Statutes of Nebraska,
3 and sections 24-701, 24-701.01, 24-703, and 24-710.13, Revised
4 Statutes Cumulative Supplement, 2014; to redefine a term; to provide
5 for and change provisions relating to contributions by judges and
6 cost-of-living adjustments; to provide powers and duties; to change
7 provisions relating to court fees; to harmonize provisions; to
8 repeal the original sections; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-701, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 24-701 For purposes of the Judges Retirement Act, unless the context
4 otherwise requires:

5 (1) Fund means the Nebraska Retirement Fund for Judges;

6 (2) Judge means and includes (a) all duly elected or appointed Chief
7 Justices or judges of the Supreme Court and judges of the district courts
8 of Nebraska who serve in such capacity on and after January 3, 1957, (b)
9 (i) all duly appointed judges of the Nebraska Workmen's Compensation
10 Court who served in such capacity on and after September 20, 1957, and
11 prior to July 17, 1986, and (ii) judges of the Nebraska Workers'
12 Compensation Court who serve in such capacity on and after July 17, 1986,
13 (c) judges of separate juvenile courts, (d) judges of the county courts
14 of the respective counties who serve in such capacity on and after
15 January 5, 1961, (e) judges of the county court and clerk magistrates who
16 were associate county judges and members of the fund at the time of their
17 appointment as clerk magistrates, (f) judges of municipal courts
18 established by Chapter 26, article 1, who served in such capacity on and
19 after October 23, 1967, and prior to July 1, 1985, and (g) judges of the
20 Court of Appeals;

21 (3) Prior service means all the periods of time any person has
22 served as a (a) judge of the Supreme Court or judge of the district court
23 prior to January 3, 1957, (b) judge of the county court prior to January
24 5, 1961, (c) judge of the Nebraska Workmen's Compensation Court prior to
25 September 20, 1957, (d) judge of the separate juvenile court, or (e)
26 judge of the municipal court prior to October 23, 1967;

27 (4)(a) Current service means the period of service (i) any judge of
28 the Supreme Court or judge of the district court serves in such capacity
29 from and after January 3, 1957, (ii)(A) any judge of the Nebraska
30 Workmen's Compensation Court served in such capacity from and after
31 September 20, 1957, and prior to July 17, 1986, and (B) any judge of the

1 Nebraska Workers' Compensation Court serves in such capacity on and after
2 July 17, 1986, (iii) any county judge serves in such capacity from and
3 after January 5, 1961, (iv) any judge of a separate juvenile court serves
4 in such capacity, (v) any judge of the municipal court served in such
5 capacity subsequent to October 23, 1967, and prior to July 1, 1985, (vi)
6 any judge of the county court or associate county judge serves in such
7 capacity subsequent to January 4, 1973, (vii) any clerk magistrate, who
8 was an associate county judge and a member of the fund at the time of
9 appointment as a clerk magistrate, serves in such capacity from and after
10 July 1, 1986, and (viii) any judge of the Court of Appeals serves in such
11 capacity on or after September 6, 1991.

12 (b) Current service shall not be deemed to be interrupted by (i)
13 temporary or seasonal suspension of service that does not terminate the
14 employee's employment, (ii) leave of absence authorized by the employer
15 for a period not exceeding twelve months, (iii) leave of absence because
16 of disability, or (iv) military service, when properly authorized by the
17 board. Current service does not include any period of disability for
18 which disability retirement benefits are received under section 24-709;

19 (5) Military service means active service of (a) any judge of the
20 Supreme Court or judge of the district court in any of the armed forces
21 of the United States during a war or national emergency prior or
22 subsequent to September 18, 1955, if such service commenced while such
23 judge was holding the office of judge, (b) any judge of the Nebraska
24 Workmen's Compensation Court or the Nebraska Workers' Compensation Court
25 in any of the armed forces of the United States during a war or national
26 emergency prior or subsequent to September 20, 1957, if such service
27 commenced while such judge was holding the office of judge, (c) any judge
28 of the municipal court in any of the armed forces of the United States
29 during a war or national emergency prior or subsequent to October 23,
30 1967, and prior to July 1, 1985, if such service commenced while such
31 judge was holding the office of judge, (d) any judge of the county court

1 or associate county judge in any of the armed forces of the United States
2 during a war or national emergency prior or subsequent to January 4,
3 1973, if such service commenced while such judge was holding the office
4 of judge, (e) any clerk magistrate, who was an associate county judge and
5 a member of the fund at the time of appointment as a clerk magistrate, in
6 any of the armed forces of the United States during a war or national
7 emergency on or after July 1, 1986, if such service commenced while such
8 clerk magistrate was holding the office of clerk magistrate, and (f) any
9 judge of the Court of Appeals in any of the armed forces of the United
10 States during a war or national emergency on or after September 6, 1991,
11 if such service commenced while such judge was holding the office of
12 judge. The board shall have the power to determine when a national
13 emergency exists or has existed for the purpose of applying this
14 definition and provision;

15 (6) Creditable service means the total number of years served as a
16 judge, including prior service, military service, and current service,
17 computed to the nearest one-twelfth year. For current service prior to
18 the time that the member has contributed the required percentage of
19 salary until the maximum benefit as limited by section 24-710 has been
20 earned, creditable service does not include current service for which
21 member contributions are not made or are withdrawn and not repaid;

22 (7)(a) Compensation means the statutory salary of a judge or the
23 salary being received by such judge pursuant to law. Compensation does
24 not include compensation for unused sick leave or unused vacation leave
25 converted to cash payments, insurance premiums converted into cash
26 payments, reimbursement for expenses incurred, fringe benefits, per
27 diems, or bonuses for services not actually rendered, including, but not
28 limited to, early retirement inducements, cash awards, and severance pay,
29 except for retroactive salary payments paid pursuant to court order,
30 arbitration, or litigation and grievance settlements. Compensation
31 includes overtime pay, member retirement contributions, and amounts

1 contributed by the member to plans under sections 125 and 457 of the
2 Internal Revenue Code as defined in section 49-801.01 or any other
3 section of the code which defers or excludes such amounts from income.

4 (b) Compensation in excess of the limitations set forth in section
5 401(a)(17) of the Internal Revenue Code as defined in section 49-801.01
6 shall be disregarded. For an employee who was a member of the retirement
7 system before the first plan year beginning after December 31, 1995, the
8 limitation on compensation shall not be less than the amount which was
9 allowed to be taken into account under the retirement system as in effect
10 on July 1, 1993;

11 (8) Beneficiary means a person so designated by a judge in the last
12 designation of beneficiary on file with the board or, if no designated
13 person survives or if no designation is on file, the estate of such
14 judge;

15 (9) Normal form annuity means a series of equal monthly payments
16 payable at the end of each calendar month during the life of a retired
17 judge as provided in sections 24-707 and 24-710, except as provided in
18 section 42-1107. The first payment shall include all amounts accrued
19 since the effective date of the award of the annuity. The last payment
20 shall be at the end of the calendar month in which such judge dies. If at
21 the time of death the amount of annuity payments such judge has received
22 is less than contributions to the fund made by such judge, plus regular
23 interest, the difference shall be paid to the beneficiary or estate;

24 (10) Board means the Public Employees Retirement Board;

25 (11) Member means a judge eligible to participate in the retirement
26 system established under the Judges Retirement Act;

27 (12) Original member means a judge who first served as a judge prior
28 to December 25, 1969, who does not elect to become a future member
29 pursuant to subsection (8) of section 24-703 or section 24-710.01, and
30 who was retired on or before December 31, 1992;

31 (13) Future member means a judge who first served as a judge on or

1 after December 25, 1969, or means a judge who first served as a judge
2 prior to December 25, 1969, who elects to become a future member on or
3 before June 30, 1970, as provided in subsection (8) of section 24-703 or
4 section 24-710.01;

5 (14) Final average compensation for a judge who becomes a member
6 prior to July 1, 2015, means the average monthly compensation for the
7 three twelve-month periods of service as a judge in which compensation
8 was the greatest or, in the event of a judge serving less than three
9 twelve-month periods, the average monthly compensation for such judge's
10 period of service. Final average compensation for a judge who becomes a
11 member on and after July 1, 2015, means the average monthly compensation
12 for the five twelve-month periods of service as a judge in which
13 compensation was the greatest or, in the event of a judge serving less
14 than five twelve-month periods, the average monthly compensation for such
15 judge's period of service;

16 (15) Regular interest means interest fixed at a rate equal to the
17 daily treasury yield curve for one-year treasury securities, as published
18 by the Secretary of the Treasury of the United States, that applies on
19 July 1 of each year, which may be credited monthly, quarterly,
20 semiannually, or annually as the board may direct;

21 (16) Normal retirement date means the first day of the month
22 following attainment of age sixty-five;

23 (17) Actuarial equivalence means the equality in value of the
24 aggregate amounts expected to be received under different forms of
25 payment. The determinations are to be based on the 1994 Group Annuity
26 Mortality Table reflecting sex-distinct factors blended using seventy-
27 five percent of the male table and twenty-five percent of the female
28 table. An interest rate of eight percent per annum shall be reflected in
29 making these determinations;

30 (18) Current benefit means the initial benefit increased by all
31 adjustments made pursuant to the Judges Retirement Act;

1 (19) Initial benefit means the retirement benefit calculated at the
2 time of retirement;

3 (20) Plan year means the twelve-month period beginning on July 1 and
4 ending on June 30 of the following year;

5 (21) Retirement application means the form approved and provided by
6 the retirement system for acceptance of a member's request for either
7 regular or disability retirement;

8 (22) Retirement date means (a) the first day of the month following
9 the date upon which a member's request for retirement is received on a
10 retirement application if the member is eligible for retirement and has
11 terminated employment or (b) the first day of the month following
12 termination of employment if the member is eligible for retirement and
13 has filed an application but has not yet terminated employment;

14 (23) Retirement system or system means the Nebraska Judges
15 Retirement System as provided in the Judges Retirement Act;

16 (24) Surviving spouse means (a) the spouse married to the member on
17 the date of the member's death or (b) the spouse or former spouse of the
18 member if survivorship rights are provided under a qualified domestic
19 relations order filed with the board pursuant to the Spousal Pension
20 Rights Act. The spouse or former spouse shall supersede the spouse
21 married to the member on the date of the member's death as provided under
22 a qualified domestic relations order. If the benefits payable to the
23 spouse or former spouse under the qualified domestic relations order are
24 less than the value of benefits entitled to the surviving spouse, the
25 spouse married to the member on the date of the member's death shall be
26 the surviving spouse for the balance of the benefits; and

27 (25) Termination of employment occurs on the date on which the State
28 Court Administrator's office determines that the judge's employer-
29 employee relationship with the State of Nebraska is dissolved. The State
30 Court Administrator's office shall notify the board of the date on which
31 such a termination has occurred. Termination of employment does not

1 include ceasing employment as a judge if the judge returns to regular
2 employment as a judge or is employed on a regular basis by another agency
3 of the State of Nebraska and there are less than one hundred twenty days
4 between the date when the judge's employer-employee relationship ceased
5 and the date when the employer-employee relationship recommences. It is
6 the responsibility of the employer that is involved in the termination of
7 employment to notify the board of such change in employment and provide
8 the board with such information as the board deems necessary. If the
9 board determines that termination of employment has not occurred and a
10 retirement benefit has been paid to a member of the retirement system
11 pursuant to section 24-710, the board shall require the member who has
12 received such benefit to repay the benefit to the retirement system.

13 Sec. 2. Section 24-701.01, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 24-701.01 Sections 24-701 to 24-714 and sections 5 and 6 of this act
16 shall be known and may be cited as the Judges Retirement Act.

17 Sec. 3. Section 24-703, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 24-703 (1) Each original member shall contribute monthly four
20 percent of his or her monthly compensation to the fund until the maximum
21 benefit as limited in subsection (1) of section 24-710 has been earned.
22 It shall be the duty of the Director of Administrative Services in
23 accordance with subsection (10) of this section to make a deduction of
24 four percent on the monthly payroll of each original member who is a
25 judge of the Supreme Court, a judge of the Court of Appeals, a judge of the
26 the district court, a judge of a separate juvenile court, a judge of the
27 county court, a clerk magistrate of the county court who was an associate
28 county judge and a member of the fund at the time of his or her
29 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
30 Compensation Court showing the amount to be deducted and its credit to
31 the fund. The Director of Administrative Services and the State Treasurer

1 shall credit the four percent as shown on the payroll and the amounts
2 received from the various counties to the fund and remit the same to the
3 director in charge of the judges retirement system who shall keep an
4 accurate record of the contributions of each judge.

5 (2)(a) In addition to the contribution required under subdivision
6 (c) of this subsection, beginning on July 1, 2004, each future member who
7 became a member prior to July 1, 2015, and who has not elected to make
8 contributions and receive benefits as provided in section 24-703.03 shall
9 contribute monthly six percent of his or her monthly compensation to the
10 fund until the maximum benefit as limited in subsection (2) of section
11 24-710 has been earned. After the maximum benefit as limited in
12 subsection (2) of section 24-710 has been earned, such future member
13 shall make no further contributions to the fund, except that (i) any time
14 the maximum benefit is changed, a future member who has previously earned
15 the maximum benefit as it existed prior to the change shall contribute
16 monthly six percent of his or her monthly compensation to the fund until
17 the maximum benefit as changed and as limited in subsection (2) of
18 section 24-710 has been earned and (ii) such future member shall continue
19 to make the contribution required under subdivision (c) of this
20 subsection.

21 (b) In addition to the contribution required under subdivision (c)
22 of this subsection, beginning on July 1, 2004, a judge who became a
23 member prior to July 1, 2015, and who first serves as a judge on or after
24 July 1, 2004, such date or a future member who became a member prior to
25 July 1, 2015, and who elects to make contributions and receive benefits
26 as provided in section 24-703.03 shall contribute monthly eight percent
27 of his or her monthly compensation to the fund until the maximum benefit
28 as limited by subsection (2) of section 24-710 has been earned. In
29 addition to the contribution required under subdivision (c) of this
30 subsection, after the maximum benefit as limited in subsection (2) of
31 section 24-710 has been earned, such judge or future member shall

1 contribute monthly four percent of his or her monthly compensation to the
2 fund for the remainder of his or her active service.

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

6 (d) Beginning on July 1, 2015, a judge who first serves as a judge
7 on or after such date shall contribute monthly ten percent of his or her
8 monthly compensation to the fund.

9 (e) It shall be the duty of the Director of Administrative
10 Services to make a deduction on the monthly payroll of each such future
11 member who is a judge of the Supreme Court, a judge of the Court of
12 Appeals, a judge of the district court, a judge of a separate juvenile
13 court, a judge of the county court, a clerk magistrate of the county
14 court who was an associate county judge and a member of the fund at the
15 time of his or her appointment as a clerk magistrate, or a judge of the
16 Nebraska Workers' Compensation Court showing the amount to be deducted
17 and its credit to the fund. This shall be done each month. The Director
18 of Administrative Services and the State Treasurer shall credit the
19 amount as shown on the payroll and the amounts received from the various
20 counties to the fund and remit the same to the director in charge of the
21 judges retirement system who shall keep an accurate record of the
22 contributions of each judge.

23 (3) Except as otherwise provided in this subsection, a Nebraska
24 Retirement Fund for Judges fee of six dollars shall be taxed as costs in
25 each (a) civil cause of action, criminal cause of action, traffic
26 misdemeanor or infraction, and city or village ordinance violation filed
27 in the district courts, the county courts, and the separate juvenile
28 courts, (b) filing in the district court of an order, award, or judgment
29 of the Nebraska Workers' Compensation Court or any judge thereof pursuant
30 to section 48-188, (c) appeal or other proceeding filed in the Court of
31 Appeals, and (d) original action, appeal, or other proceeding filed in

1 the Supreme Court. In county courts a sum shall be charged which is equal
2 to ten percent of each fee provided by sections 33-125, 33-126.02,
3 33-126.03, and 33-126.06, rounded to the nearest even dollar. No judges
4 retirement fee shall be charged for filing a report pursuant to sections
5 33-126.02 and 33-126.06. When collected by the clerk of the district or
6 county court, such fees shall be paid and information submitted to the
7 director in charge of the judges retirement system on forms prescribed by
8 the board by the clerk within ten days after the close of each calendar
9 quarter. The board may charge a late administrative processing fee not to
10 exceed twenty-five dollars if the information is not timely received or
11 the money is delinquent. In addition, the board may charge a late fee of
12 thirty-eight thousandths of one percent of the amount required to be
13 submitted pursuant to this section for each day such amount has not been
14 received. Such director shall promptly thereafter remit the same to the
15 State Treasurer for credit to the fund. No Nebraska Retirement Fund for
16 Judges fee which is uncollectible for any reason shall be waived by a
17 county judge as provided in section 29-2709.

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

22 (5) The fund shall consist of the total fund as of December 25,
23 1969, the contributions of members as provided in this section, all
24 supplementary court fees as provided in subsection (3) of this section,
25 and any required contributions of the state.

26 (6) Not later than January 1 of each year, the State Treasurer shall
27 transfer to the fund the amount certified by the board as being necessary
28 to pay the cost of any benefits accrued during the fiscal year ending the
29 previous June 30 in excess of member contributions for that fiscal year
30 and court fees as provided in subsection (3) of this section and fees
31 pursuant to sections 25-2804, 33-103, 33-103.01, 33-106, 33-106.02,

1 33-123, 33-125, 33-126.02, 33-126.03, and 33-126.06 and directed to be
2 remitted to the fund, if any, for that fiscal year plus any required
3 contributions of the state as provided in subsection (9) of this section.

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

6 (8) Any member who is making contributions to the fund on December
7 25, 1969, may, on or before June 30, 1970, elect to become a future
8 member by delivering written notice of such election to the board.

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

1 valuation date, then all prior unfunded actuarial accrued liabilities
2 shall be considered fully funded and the unfunded actuarial accrued
3 liability shall be reinitialized and amortized over a thirty-year period
4 as of the actuarial valuation date. If the actuarially required
5 contribution rate exceeds the rate of all contributions required pursuant
6 to the Judges Retirement Act, there shall be a supplemental appropriation
7 sufficient to pay for the differences between the actuarially required
8 contribution rate and the rate of all contributions required pursuant to
9 the Judges Retirement Act.

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

26 Sec. 4. Section 24-710.13, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 24-710.13 On July 1 of each year, for judges who became members
29 prior to July 1, 2015:

30 (1) The Beginning July 1, 2011, and each July 1 thereafter, the
31 board shall determine the number of retired members or beneficiaries

1 described in subdivision (4)(b) of this section in the retirement system
2 who became members prior to July 1, 2015, and an annual benefit
3 adjustment shall be made by the board for each retired member or
4 beneficiary under one of the cost-of-living adjustment calculation
5 methods found in subdivision subsection (2), (3), or (4) of this section.
6 Each retired member or beneficiary, if eligible, shall receive an annual
7 benefit adjustment under the cost-of-living adjustment calculation method
8 that provides the retired member or beneficiary the greatest annual
9 benefit adjustment increase. No retired member or beneficiary shall
10 receive an annual benefit adjustment under more than one of the cost-of-
11 living adjustment calculation methods provided in this section; -

12 (2) The current benefit paid to a retired member or beneficiary
13 under this subdivision subsection shall be adjusted so that the
14 purchasing power of the benefit being paid is not less than seventy-five
15 percent of the purchasing power of the initial benefit. The purchasing
16 power of the initial benefit in any year following the year in which the
17 initial benefit commenced shall be calculated by dividing the United
18 States Department of Labor, Bureau of Labor Statistics, Consumer Price
19 Index for Urban Wage Earners and Clerical Workers factor on June 30 of
20 the current year by the Consumer Price Index for Urban Wage Earners and
21 Clerical Workers factor on June 30 of the year in which the benefit
22 commenced. The result shall be multiplied by the product that results
23 when the amount of the initial benefit is multiplied by seventy-five
24 percent. In any year in which applying the adjustment provided in
25 subdivision subsection (3) of this section results in a benefit which
26 would be less than seventy-five percent of the purchasing power of the
27 initial benefit as calculated in this subdivision subsection, the
28 adjustment shall instead be equal to the percentage change in the
29 Consumer Price Index for Urban Wage Earners and Clerical Workers factor
30 from the prior year to the current year; -

31 (3) The current benefit paid to a retired member or beneficiary

1 under this subdivision subsection shall be increased annually by the
2 lesser of (a) the percentage change in the Consumer Price Index for Urban
3 Wage Earners and Clerical Workers for the period between June 30 of the
4 prior year to June 30 of the present year or (b) two and one-half
5 percent; -

6 (4)(a) The current benefit paid to a retired member or beneficiary
7 under this subdivision subsection shall be calculated by multiplying the
8 retired member's or beneficiary's total monthly benefit by the lesser of
9 (i) the cumulative change in the Consumer Price Index for Urban Wage
10 Earners and Clerical Workers from the last adjustment of the total
11 monthly benefit of each retired member or beneficiary through June 30 of
12 the year for which the annual benefit adjustment is being calculated or
13 (ii) an amount equal to three percent per annum compounded for the period
14 from the last adjustment of the total monthly benefit of each retired
15 member or beneficiary through June 30 of the year for which the annual
16 benefit adjustment is being calculated.

17 (b) In order for a retired member or beneficiary to receive the
18 cost-of-living adjustment calculation method provided in this subdivision
19 subsection, the retired member or beneficiary shall be (i) a retired
20 member or beneficiary who has been receiving a retirement benefit for at
21 least five years if the member had at least twenty-five years of
22 creditable service, (ii) a member who has been receiving a disability
23 retirement benefit for at least five years pursuant to section 24-709, or
24 (iii) a beneficiary who has been receiving a death benefit pursuant to
25 section 24-707 or 24-707.01 for at least five years, if the member's or
26 beneficiary's monthly accrual rate is less than or equal to the minimum
27 accrual rate as determined by this subdivision subsection.

28 (c) The monthly accrual rate under this subdivision subsection is
29 the retired member's or beneficiary's total monthly benefit divided by
30 the number of years of creditable service earned by the retired or
31 deceased member.

1 (d) The total monthly benefit under this subdivision subsection is
2 the total benefit received by a retired member or beneficiary pursuant to
3 the Judges Retirement Act and previous adjustments made pursuant to this
4 section or any other provision of the act that grants a benefit or cost-
5 of-living increase, but the total monthly benefit shall not include sums
6 received by an eligible retired member or eligible beneficiary from
7 federal sources.

8 (e) ~~The Beginning July 1, 2010, the minimum accrual rate under this~~
9 ~~subsection was forty-six dollars and eighty-five cents. Beginning July 1,~~
10 ~~2011, the minimum accrual rate under this subsection was forty-eight~~
11 ~~dollars and seventy-five cents. Beginning July 1, 2012, the minimum~~
12 ~~accrual rate under this subsection was forty-nine dollars and fifty-two~~
13 ~~cents. Beginning July 1, 2013, the board shall annually adjust the~~
14 ~~minimum accrual rate to reflect the cumulative percentage change in the~~
15 ~~Consumer Price Index for Urban Wage Earners and Clerical Workers from the~~
16 ~~last adjustment of the minimum accrual rate;~~ -

17 (5) ~~On July 1 of each year Beginning July 1, 2011, and each July 1~~
18 ~~thereafter, each retired member or beneficiary shall receive the sum of~~
19 ~~the annual benefit adjustment and such retiree's total monthly benefit~~
20 ~~less withholding, which sum shall be the retired member's or~~
21 ~~beneficiary's adjusted total monthly benefit. Each retired member or~~
22 ~~beneficiary shall receive the adjusted total monthly benefit until the~~
23 ~~expiration of the annuity option selected by the member or until the~~
24 ~~retired member or beneficiary again qualifies for the annual benefit~~
25 ~~adjustment, whichever occurs first;~~ -

26 (6) The annual benefit adjustment pursuant to this section shall not
27 cause a current benefit to be reduced, and a retired member or
28 beneficiary shall never receive less than the adjusted total monthly
29 benefit until the annuity option selected by the member expires; and -

30 (7) The board shall adjust the annual benefit adjustment provided in
31 this section so that the cost-of-living adjustment provided to the

1 retired member or beneficiary at the time of the annual benefit
2 adjustment does not exceed the change in the Consumer Price Index for
3 Urban Wage Earners and Clerical Workers for the period between June 30 of
4 the prior year to June 30 of the present year. If the consumer price
5 index used in this section is discontinued or replaced, a substitute
6 index published by the United States Department of Labor shall be
7 selected by the board which shall be a reasonable representative
8 measurement of the cost-of-living for retired employees.

9 Sec. 5. On July 1 of each year, for judges who became members on or
10 after July 1, 2015:

11 (1) The board shall determine the number of retired members or
12 beneficiaries in the retirement system who became members on or after
13 July 1, 2015, and an annual benefit adjustment shall be made by the board
14 for each retired member or beneficiary. The benefit paid to a retired
15 member or beneficiary under this section shall be increased annually by
16 the lesser of (a) the percentage change in the Consumer Price Index for
17 Urban Wage Earners and Clerical Workers for the period between June 30 of
18 the prior year to June 30 of the present year or (b) one percent. If the
19 consumer price index used in this section is discontinued or replaced, a
20 substitute index published by the United States Department of Labor shall
21 be selected by the board which shall be a reasonable representative
22 measurement of the cost-of-living for retired employees;

23 (2) Each retired member or beneficiary shall receive the sum of the
24 annual benefit adjustment and such retiree's total monthly benefit less
25 withholding, which sum shall be the retired member's or beneficiary's
26 adjusted total monthly benefit. Each retired member or beneficiary shall
27 receive the adjusted total monthly benefit until the expiration of the
28 annuity option selected by the member or until the retired member or
29 beneficiary again qualifies for the annual benefit adjustment, whichever
30 occurs first; and

31 (3) The annual benefit adjustment pursuant to this section shall not

1 cause a current benefit to be reduced, and a retired member or
2 beneficiary shall never receive less than the adjusted total monthly
3 benefit until the annuity option selected by the member expires.

4 Sec. 6. (1) Beginning July 1, 2015, for judges who become members
5 on and after July 1, 2015, if the annual valuation made by the actuary,
6 as approved by the board, indicates that the system is fully funded and
7 has sufficient actuarial surplus to provide for a supplemental lump-sum
8 cost-of-living adjustment, the board may, in its discretion, elect to pay
9 a maximum one and one-half percent supplemental lump-sum cost-of-living
10 adjustment to each retired member or beneficiary based on the retired
11 member's or beneficiary's total monthly benefit through June 30 of the
12 year for which the supplemental lump-sum cost-of-living adjustment is
13 being calculated. The supplemental lump-sum cost-of-living payment shall
14 be paid within sixty days after the board's decision. In no event shall
15 the board declare a supplemental lump-sum cost-of-living adjustment if
16 such adjustment would cause the plan to be less than fully funded.

17 (2) For purposes of this section, fully funded means the unfunded
18 actuarial accrued liability, based on the lesser of the actuarial value
19 and the market value, under the entry age actuarial cost method is less
20 than zero on the most recent actuarial valuation date.

21 (3) Any decision or determination by the board to declare or not
22 declare a cost-of-living adjustment or as to whether the annual valuation
23 indicates a sufficient actuarial surplus to provide for a cost-of-living
24 adjustment shall be made in the sole, absolute, and final discretion of
25 the board and shall not be subject to challenge by any member or
26 beneficiary. In no event shall the Legislature be constrained or limited
27 in amending the system notwithstanding the effect of any such change upon
28 the actuarial surplus of the system and the ability of the board to
29 declare future cost-of-living adjustments.

30 Sec. 7. Section 33-123, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 33-123 The county court shall be entitled to the following fees in
2 civil matters:

3 (1) For any and all services rendered up to and including the
4 judgment or dismissal of the action other than for a domestic relations
5 matter, twenty dollars of which two dollars shall be remitted to the
6 State Treasurer for credit to the Nebraska Retirement Fund for Judges
7 through June 30, 2015. Beginning July 1, 2015, through June 30, 2017,
8 four dollars of the twenty dollars shall be remitted to the State
9 Treasurer for credit to the Nebraska Retirement Fund for Judges.
10 Beginning July 1, 2017, six dollars of the twenty dollars shall be
11 remitted to the State Treasurer for credit to the Nebraska Retirement
12 Fund for Judges; , and for

13 (2) For any and all services rendered up to and including the
14 judgment or dismissal of a domestic relations matter, forty dollars; ~~for~~

15 (3) For filing a foreign judgment or a judgment transferred from
16 another court in this state, fifteen dollars; and ~~for~~

17 (4) For writs of execution, writs of restitution, garnishment, and
18 examination in aid of execution, five dollars each.

19 Sec. 8. Section 33-124, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 33-124 In criminal matters, including preliminary and juvenile
22 hearings, the county court shall receive, for any and all services
23 rendered up to and including the judgment or dismissal of the action and
24 the issuance of mittimus or discharge to the jailer, the sum of twenty
25 dollars of which two dollars shall be remitted to the State Treasurer for
26 credit to the Nebraska Retirement Fund for Judges through June 30, 2015.
27 Beginning July 1, 2015, through June 30, 2017, four dollars of the twenty
28 dollars shall be remitted to the State Treasurer for credit to the
29 Nebraska Retirement Fund for Judges. Beginning July 1, 2017, six dollars
30 of the twenty dollars shall be remitted to the State Treasurer for credit
31 to the Nebraska Retirement Fund for Judges.

1 Sec. 9. Section 33-125, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 33-125 (1) In probate matters the county court shall be entitled to
4 receive the following fees:

5 (a)(i) For probate proceedings commenced and closed informally,
6 twenty-two dollars of which two dollars shall be remitted to the State
7 Treasurer for credit to the Nebraska Retirement Fund for Judges; for each
8 petition or application filed within the informal proceedings, twenty-two
9 dollars of which two dollars shall be remitted to the State Treasurer for
10 credit to the Nebraska Retirement Fund for Judges through June 30, 2015.

11 Beginning July 1, 2015, through June 30, 2017, four dollars of the
12 twenty-two dollars shall be remitted to the State Treasurer for credit to
13 the Nebraska Retirement Fund for Judges. Beginning July 1, 2017, six
14 dollars of the twenty-two dollars shall be remitted to the State
15 Treasurer for credit to the Nebraska Retirement Fund for Judges; and

16 (ii) For any other proceeding under the Nebraska Probate Code
17 for which no court fee is established by statute, twenty-two dollars of
18 which two dollars shall be remitted to the State Treasurer for credit to
19 the Nebraska Retirement Fund for Judges through June 30, 2015. Beginning
20 July 1, 2015, through June 30, 2017, four dollars of the twenty-two
21 dollars shall be remitted to the State Treasurer for credit to the
22 Nebraska Retirement Fund for Judges. Beginning July 1, 2017, six dollars
23 of the twenty-two dollars shall be remitted to the State Treasurer for
24 credit to the Nebraska Retirement Fund for Judges. The fees assessed
25 under this subdivision (a) shall not exceed the fees which would be
26 assessed for a formal probate under subdivision (b) of this subsection;
27 and

28 (b) For probate proceedings commenced or closed formally:

29 (i) When the value does not exceed one thousand dollars, twenty-two
30 dollars;

31 (ii) When the value exceeds one thousand dollars and is not more

1 than two thousand dollars, thirty dollars;

2 (iii) When the value exceeds two thousand dollars and is not more

3 than five thousand dollars, fifty dollars;

4 (iv) When the value exceeds five thousand dollars and is not more

5 than ten thousand dollars, seventy dollars;

6 (v) When the value exceeds ten thousand dollars and is not more than

7 twenty-five thousand dollars, eighty dollars;

8 (vi) When the value exceeds twenty-five thousand dollars and is not

9 more than fifty thousand dollars, one hundred dollars;

10 (vii) When the value exceeds fifty thousand dollars and is not more

11 than seventy-five thousand dollars, one hundred twenty dollars;

12 (viii) When the value exceeds seventy-five thousand dollars and is

13 not more than one hundred thousand dollars, one hundred sixty dollars;

14 (ix) When the value exceeds one hundred thousand dollars and is not

15 more than one hundred twenty-five thousand dollars, two hundred twenty

16 dollars;

17 (x) When the value exceeds one hundred twenty-five thousand dollars

18 and is not more than one hundred fifty thousand dollars, two hundred

19 fifty dollars;

20 (xi) When the value exceeds one hundred fifty thousand dollars and

21 is not more than one hundred seventy-five thousand dollars, two hundred

22 seventy dollars;

23 (xii) When the value exceeds one hundred seventy-five thousand

24 dollars and is not more than two hundred thousand dollars, three hundred

25 dollars;

26 (xiii) When the value exceeds two hundred thousand dollars and is

27 not more than three hundred thousand dollars, three hundred fifty

28 dollars;

29 (xiv) When the value exceeds three hundred thousand dollars and is

30 not more than four hundred thousand dollars, four hundred dollars;

31 (xv) When the value exceeds four hundred thousand dollars and is not

1 more than five hundred thousand dollars, five hundred dollars;
2 (xvi) When the value exceeds five hundred thousand dollars and is
3 not more than seven hundred fifty thousand dollars, six hundred dollars;
4 (xvii) When the value exceeds seven hundred fifty thousand dollars
5 and is not more than one million dollars, seven hundred dollars;
6 (xviii) When the value exceeds one million dollars and is not more
7 than two million five hundred thousand dollars, eight hundred dollars;
8 (xix) When the value exceeds two million five hundred thousand
9 dollars and is not more than five million dollars, one thousand dollars;
10 and
11 (xx) On all estates when the value exceeds five million dollars, one
12 thousand five hundred dollars.

13 (2) The fees prescribed in subdivision (1)(b) of this section shall
14 be based on the gross value of the estate, including both real and
15 personal property in the State of Nebraska at the time of death. The
16 gross value shall mean the actual value of the estate less liens and
17 joint tenancy property. Formal fees shall be charged in full for all
18 services performed by the court, and no additional fees shall be charged
19 for petitions, hearing, and orders in the course of such administration.
20 The court shall provide one certified copy of letters of appointment
21 without charge. In other cases when it is necessary to copy instruments,
22 the county court shall be allowed the fees provided in section 33-126.05.
23 In all cases when a petition for probate of will or appointment of an
24 administrator, special administrator, personal representative, guardian,
25 or trustee or any other petition for an order in probate matters is filed
26 and no appointment is made or order entered and the cause is dismissed,
27 the fee shall be ten dollars.

28 Sec. 10. Original sections 33-123, 33-124, and 33-125, Reissue
29 Revised Statutes of Nebraska, and sections 24-701, 24-701.01, 24-703, and
30 24-710.13, Revised Statutes Cumulative Supplement, 2014, are repealed.

31 Sec. 11. Since an emergency exists, this act takes effect when

1 passed and approved according to law.