

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 216**

Introduced by Holdcroft, 36.

Read first time January 14, 2025

Committee:

1 A BILL FOR AN ACT relating to courts; to amend sections 11-119, 11-125,  
2 11-126, 22-417, 23-120, 23-121, 23-405, 23-1114.03, 23-1114.04,  
3 23-1114.05, 23-1114.06, 24-228, 24-337.01, 24-337.04, 24-507,  
4 24-508, 24-509, 43-512.05, 71-915, and 71-957, Reissue Revised  
5 Statutes of Nebraska, and section 33-106.02, Revised Statutes  
6 Cumulative Supplement, 2024; to transfer duties of county clerks as  
7 ex officio clerks of the district court to clerk magistrates; to  
8 provide for creation of the office of clerk of the district and  
9 county courts; to provide for consolidation of duties and the  
10 creation of consolidation plans; to require oaths as prescribed; to  
11 eliminate the elected office of clerk of the district court; to  
12 transfer clerk of the district court employees to state employment;  
13 to provide for transfers of retirement and benefits; to provide for  
14 reviews of county-provided office space or facilities; to remove a  
15 bond requirement; to provide for payment of certain district court  
16 and separate juvenile court costs by the state; to provide duties  
17 for clerks of the district court, clerk magistrates, clerks of the  
18 district and county courts, judges, and the State Court  
19 Administrator; to provide for distribution of federal  
20 reimbursements; to prohibit such clerks from serving on mental  
21 health boards; to change provisions relating to court reporters  
22 serving mental health boards; to eliminate obsolete provisions; to  
23 harmonize provisions; to provide operative dates; to repeal the

1 original sections; to outright repeal section 32-524, Reissue  
2 Revised Statutes of Nebraska; and to declare an emergency.  
3 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** (1) Beginning January 1, 2026, in any county where the  
2 duties of the clerk of the district court are being performed by the  
3 county clerk as ex officio clerk of the district court, such duties shall  
4 be transferred to the clerk magistrate for such county.

5           (2)(a) At any time after the operative date of this section, the  
6 Supreme Court may request the judges of the district courts and county  
7 courts of a district court judicial district, in consultation with the  
8 clerk magistrates in the judicial district, to develop a consolidation  
9 plan relating to the transfer of duties described in subsection (1) of  
10 this section or relating to consolidating the duties of the clerk of the  
11 district court and the clerk magistrate into the position of clerk of the  
12 district and county courts.

13           (b) The consolidation plan shall address, but need not be limited  
14 to, the following matters: Office space, facilities, assignment of  
15 duties, selection of an administrative judge from within the district for  
16 the purpose of administration of the consolidation plan, and personnel  
17 structure. In developing the consolidation plan, interests and comments  
18 from the public and attorneys who regularly practice in the county shall  
19 be considered.

20           (c) The consolidation plan shall be submitted to the State Court  
21 Administrator in a format prescribed by the administrator within one  
22 hundred twenty days after the request of the Supreme Court. A majority of  
23 the judges affected by the consolidation shall approve the plan prior to  
24 submission to the State Court Administrator. A consolidation plan shall  
25 not become effective unless approved by the Supreme Court.

26           (d) If a plan is not submitted by the deadline provided in  
27 subdivision (2)(c) of this section, the Supreme Court shall develop a  
28 substitute consolidation plan.

29           (e) Under a consolidation plan, each county shall be responsible for  
30 all costs involved in establishing, furnishing, and maintaining  
31 appropriate office space or facilities for the clerk of the district and

1 county courts and such clerk's employees.

2 **Sec. 2.** Before assuming the duties of clerk of the district court  
3 or the clerk of the district and county courts, a clerk magistrate shall  
4 take the oath prescribed by law for district court judges. Such oath  
5 shall be filed with the Secretary of State.

6 **Sec. 3.** (1) Beginning January 7, 2027, all elected clerks of the  
7 district courts and such clerks' employees shall become state employees  
8 under the Supreme Court.

9 (2) On or before a date selected by the Supreme Court, each affected  
10 county board shall provide the Supreme Court with information concerning  
11 accrual rate value for sick leave and vacation leave concerning such  
12 clerks and employees.

13 (3)(a) The State of Nebraska shall directly pay, with funds  
14 appropriated to the Supreme Court, all salaries, benefits, and expenses  
15 of such transferred clerks and employees. No such transferred clerk or  
16 employee shall incur a loss of income as a result of becoming a state  
17 employee pursuant to this section.

18 (b) For purposes of this subsection, income means the salary of a  
19 transferred clerk or employee on the day prior to becoming a state  
20 employee.

21 (c) The salary for any new position relating to the functions of the  
22 clerk of the district court that is created after the operative date of  
23 this section and any change of benefits or salary which is inconsistent  
24 with other county salary adjustments made after the operative date of  
25 this section shall be at the discretion of the Supreme Court.

26 (4) Transferred clerks and employees shall continue state employment  
27 unless removed for cause pursuant to personnel rules of the Supreme  
28 Court.

29 (5)(a) All furniture, computers, equipment, and personal property  
30 owned by the county and used to perform district court functions prior to  
31 the transfer shall remain the property of the county.

1       (b) All books, files, and records used to perform district court  
2 functions shall be transferred to the State Court Administrator.

3       **Sec. 4.**   (1)(a) This subsection does not apply to any county  
4 containing a city of the metropolitan class or a city of the primary  
5 class.

6       (b) Section 84-1332 shall apply to any elected clerk of the district  
7 court or such clerk's employee who is a member of the Retirement System  
8 for Nebraska Counties and who becomes a state employee as provided in  
9 section 3 of this act.

10       (c) It is the intent of the Legislature that such transfer of such  
11 clerks and employees shall not result in any loss of accrued retirement  
12 benefits as such benefits existed on the date of the employment transfer.  
13 It is further the intent of the Legislature that any additional costs  
14 involved in the transfer of retirement benefits shall be shared by the  
15 county and the State of Nebraska and the additional costs shall be  
16 allocated proportionately based on:

17       (i) The number of years any such clerk or employee were employed by  
18 the county before the date of the employment transfer; and

19       (ii) The number of years any such clerk or employee were employed by  
20 the state after the date of the employment at the time of the clerk's or  
21 employee's retirement.

22       (2)(a) This subsection shall only apply to a county containing a  
23 city of the metropolitan class or a city of the primary class.

24       (b) Subsection (1) of section 84-1332 shall not apply to any elected  
25 clerk of the district court or such clerk's employee who becomes a state  
26 employee as provided in section 3 of this act. Such persons shall be  
27 eligible for immediate participation in the State Employees Retirement  
28 System of the State of Nebraska as provided in subsection (2) of section  
29 84-1332.

30       **Sec. 5.**   (1) No clerk or employee who becomes a state employee under  
31 section 3 of this act shall lose any accrual rate value for his or her

1 sick leave and vacation leave hours as a result of becoming a state  
2 employee.

3 (2) A county shall transfer all accrued sick leave of a transferred  
4 employee up to the maximum number of accumulated hours for sick leave  
5 allowed by the personnel rules of the Supreme Court, not to exceed one  
6 thousand four hundred forty hours. The county shall reimburse the state  
7 within a reasonable time after the transfer for twenty-five percent of  
8 the value of such accrued sick leave hours based on the straight-time  
9 rate of pay for the employee. For any accrued sick leave hours which are  
10 in excess of the amount that can be transferred, the county shall  
11 reimburse the employee within a reasonable time for twenty-five percent  
12 of the value of the sick leave hours based on the straight-time rate of  
13 pay for the employee.

14 (3) An elected clerk of the district court who becomes a state  
15 employee and who does not have any accrued sick leave shall be granted  
16 the number of hours of annual sick leave based upon his or her years of  
17 service as a clerk, as allowed by the personnel rules of the Supreme  
18 Court, not to exceed one thousand four hundred forty hours of sick leave.  
19 The county shall reimburse the state for twenty-five percent of the value  
20 of sick leave hours granted based on the straight-time rate of pay for  
21 the clerk.

22 (4) A transferred employee may transfer accrued vacation leave  
23 earned as a county employee in an amount up to the maximum amount allowed  
24 by the personnel rules of the Supreme Court, not to exceed two hundred  
25 eighty hours. The county shall reimburse the state within a reasonable  
26 time after the transfer for one hundred percent of the value of the hours  
27 of accrued vacation leave transferred based on the employee's straight-  
28 time rate of pay. The county shall reimburse the employee within a  
29 reasonable time for one hundred percent of the hours of any accrued  
30 vacation leave in excess of the amount which may be transferred based on  
31 the employee's straight-time rate of pay.

1       (5) A clerk of the district court who becomes a state employee and  
2 who does not have any accrued vacation leave shall be granted the number  
3 of hours of annual vacation leave based on his or her service as a clerk,  
4 as allowed under the personnel rules of the Supreme Court, not to exceed  
5 two hundred eighty hours of vacation leave. The county shall reimburse  
6 the state for one hundred percent of the value of the hours of vacation  
7 leave granted based on the straight-time rate of pay for the clerk.

8       (6) A transferred employee or clerk shall not receive any additional  
9 accrual rate value for sick leave or vacation leave until the  
10 qualifications are met for the increased accrual rate values pursuant to  
11 the requirements of the sick or vacation leave allowed by the personnel  
12 rules of the Supreme Court.

13       (7) A transferred employee and his or her dependents may participate  
14 in and be covered by the Nebraska State Insurance Program established by  
15 sections 84-1601 to 84-1615. Any waiting period for such health insurance  
16 coverage is waived.

17       **Sec. 6.** (1) This section applies beginning January 7, 2027, and  
18 prior to such date in the event of a vacancy in the position of an  
19 elected clerk of the district court.

20       (2) In each county a clerk of the district court shall be appointed.  
21 The clerk shall be appointed by the district judges of the county and  
22 shall serve at such judges' pleasure, subject to personnel rules of the  
23 Supreme Court.

24       (3) A person may be appointed to serve as clerk of the district  
25 court for more than one county.

26       (4) Before assuming the duties of office, a clerk of the district  
27 court shall take the oath prescribed by law for district court judges.  
28 Such oath shall be filed with the Secretary of State.

29       **Sec. 7.** (1) This section applies beginning January 7, 2027, and  
30 prior to such date in the event of a vacancy in the position of an  
31 elected clerk of the district court.

1       (2) In any county if the position of clerk of the district court or  
2 clerk magistrate is vacant, the Supreme Court may request the judges of  
3 the district court and county court, in consultation with the clerk of  
4 the district court or clerk magistrate, to develop a consolidation plan  
5 to provide for consolidation of the duties of clerk of the district court  
6 and clerk magistrate into the position of clerk of the district and  
7 county courts in the county.

8       (3) The consolidation plan shall address, but need not be limited  
9 to, the following matters: Office space, facilities, assignment of  
10 duties, selection of an administrative judge from within the district for  
11 the purpose of administration of the consolidation plan, and personnel  
12 structure. In developing the consolidation plan, interests and comments  
13 from the public and attorneys who regularly practice in the county shall  
14 be considered.

15       (4) The consolidation plan shall be submitted to the State Court  
16 Administrator in a format prescribed by the administrator within one  
17 hundred twenty days after the request of the Supreme Court. A majority of  
18 the judges affected by the consolidation shall approve the plan prior to  
19 submission to the State Court Administrator. A consolidation plan shall  
20 not become effective unless approved by the Supreme Court.

21       (5) If a plan is not submitted by the deadline provided in  
22 subsection (4) of this section, the Supreme Court shall develop a  
23 substitute consolidation plan.

24       (6) Under a consolidation plan, the county shall be responsible for  
25 all costs involved in establishing, furnishing, and maintaining  
26 appropriate office space or facilities for the clerk of the district and  
27 county courts and such clerk's employees.

28       **Sec. 8.** (1) A county board may request in writing that the State  
29 Court Administrator review office space or facilities provided by the  
30 county for the district, separate juvenile, and county courts to  
31 determine if such courts can reduce or eliminate the need for office



1 space or facilities within county-owned buildings. The State Court  
2 Administrator shall respond in writing to such request within thirty days  
3 after receiving the request. The final decision with respect to  
4 maintaining, increasing, reducing, or eliminating office space or  
5 facilities provided by such county shall be made by the county board.

6 (2) Nothing in this section prohibits the Supreme Court from:

7 (a) Establishing minimum standards for courtroom and office space or  
8 facilities. The Supreme Court may establish such standards by class of  
9 county and based on population, caseload, and other pertinent factors and  
10 after consultation with a representative group of county officials; or

11 (b) Exercising general administrative authority over all courts in  
12 the state and requesting the judges of the district courts, separate  
13 juvenile courts, and county courts of a judicial district, in  
14 consultation with the clerks of the district courts and clerk magistrates  
15 in the judicial district, from developing a plan to consolidate the  
16 positions of clerk of the district court and clerk of the county court  
17 into the position of clerk of the district and county courts for the  
18 county.

19 **Sec. 9.** Nothing in sections 1 to 8 of this act shall prevent a  
20 review and subsequent reduction of staff or consolidation of appropriate  
21 office space or facilities.

22 **Sec. 10.** Section 11-119, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 11-119 The following named officers shall execute a bond with  
25 penalties of the following amounts:

- 26 (1) The Governor, one hundred thousand dollars;  
27 (2) The Lieutenant Governor, one hundred thousand dollars;  
28 (3) The Auditor of Public Accounts, one hundred thousand dollars;  
29 (4) The Secretary of State, one hundred thousand dollars;  
30 (5) The Attorney General, one hundred thousand dollars;  
31 (6) The State Treasurer, not less than one million dollars and not

1 more than double the amount of money that may come into his or her hands,  
2 to be fixed by the Governor;

3 (7) Each county attorney, a sum not less than one thousand dollars  
4 to be fixed by the county board;

5 (8) Each clerk of the district court, not less than five thousand  
6 dollars or more than one hundred thousand dollars to be determined by the  
7 county board. Beginning January 7, 2027, this subdivision does not apply;

8 (9) Each county clerk, not less than one thousand dollars or more  
9 than one hundred thousand dollars to be determined by the county board,  
10 except that when a county clerk also has the duties of other county  
11 offices the minimum bond shall be two thousand dollars;

12 (10) Each county treasurer, not less than ten thousand dollars and  
13 not more than the amount of money that may come into his or her hands, to  
14 be determined by the county board;

15 (11) Each sheriff, in counties of not more than twenty thousand  
16 inhabitants, five thousand dollars, and in counties over twenty thousand  
17 inhabitants, ten thousand dollars;

18 (12) Each district superintendent of public instruction, one  
19 thousand dollars;

20 (13) Each county surveyor, five hundred dollars;

21 (14) Each county commissioner or supervisor, in counties of not more  
22 than twenty thousand inhabitants, one thousand dollars, in counties over  
23 twenty thousand and not more than thirty thousand inhabitants, two  
24 thousand dollars, in counties over thirty thousand and not more than  
25 fifty thousand inhabitants, three thousand dollars, and in counties over  
26 fifty thousand inhabitants, five thousand dollars;

27 (15) Each register of deeds in counties having a population of more  
28 than sixteen thousand five hundred inhabitants, not less than two  
29 thousand dollars or more than one hundred thousand dollars to be  
30 determined by the county board;

31 (16) Each township clerk, two hundred fifty dollars;

1 (17) Each township treasurer, two thousand dollars;

2 (18) Each county assessor, not more than five thousand dollars and  
3 not less than two thousand dollars;

4 (19) Each school district treasurer, not less than five hundred  
5 dollars or more than double the amount of money that may come into his or  
6 her hands, the amount to be fixed by the president and secretary of the  
7 district;

8 (20) Each road overseer, two hundred fifty dollars;

9 (21) Each member of a county weed district board and the manager  
10 thereof, such amount as may be determined by the county board of  
11 commissioners or supervisors of each county with the same amount to apply  
12 to each member of any particular board;

13 (22) In any county, in lieu of the individual bonds required to be  
14 furnished by county officers, a schedule, position, or blanket bond or  
15 undertaking may be given by county officers, or a single corporate surety  
16 fidelity, schedule, position, or blanket bond or undertaking covering all  
17 the officers, including officers required by law to furnish an individual  
18 bond or undertaking, may be furnished. The county may pay the premium for  
19 the bond. The bond shall be, at a minimum, an aggregate of the amounts  
20 fixed by law or by the person or board authorized by law to fix the  
21 amounts, and with such terms and conditions as may be required by  
22 sections 11-101 to 11-130; and

23 (23) Each learning community coordinating council treasurer, not  
24 less than five hundred dollars or more than double the amount of money  
25 that may come into his or her hands, the amount to be fixed by the  
26 learning community coordinating council.

27 All other state officers, department heads, and employees shall be  
28 bonded or insured as required by section 11-201.

29 **Sec. 11.** Section 11-125, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 11-125 (1) For purposes of this section, covered official means any:

1        (a) County ~~If any county~~ treasurer, county attorney, ~~clerk of the~~  
2 ~~district court,~~ county clerk, county assessor, register of deeds, county  
3 sheriff, county commissioner or supervisor; ~~τ~~

4        (b) Until January 7, 2027, clerk of the district court; or

5        (c) An acting officer who is appointed as provided by section  
6 32-561.

7        (2) If any covered official furnishes a bond executed by a surety  
8 company authorized by the laws of this state to execute such bond and  
9 such bond is approved by the county board, then the county may pay the  
10 premium for such bond. Any surety bond so executed and approved shall  
11 contain a covenant to the effect that when the stated term of the bond is  
12 reduced to a shorter term by reason of the death, resignation, or removal  
13 from office of such official for a cause not imposing liability on the  
14 bond, the obligor shall refund to the county the unearned portion of the  
15 premium so paid for the term of the bond subject to a reasonable minimum  
16 premium charge.

17        **Sec. 12.** Section 11-126, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19        11-126 (1) For purposes of this section, covered deputy or employee  
20 means:

21        (a) Any ~~Whenever any~~ deputy or employee of any county treasurer,  
22 county attorney, ~~clerk of the district court,~~ county clerk, county  
23 assessor, register of deeds, county sheriff, or county commissioner or  
24 supervisor; or

25        (b) Until January 7, 2027, any deputy or employee of the clerk of  
26 the district court.

27        (2) Whenever a covered deputy or employee is ~~shall be~~ required by  
28 law or the order of the county board of any county to supply bond, either  
29 (a) (1) such deputy or employee shall furnish a bond by a surety company,  
30 which bond shall be approved by the county board, and the county may pay  
31 the premium for such bond; or (b) (2) the county board may arrange and

1 pay for the writing of a blanket corporate surety bond for the benefit of  
2 the county, bonding (i) ~~(a)~~ all such employees of the county or (ii) ~~(b)~~  
3 all such deputy county officials or (iii) ~~(c)~~ both subdivisions (i) ~~(a)~~  
4 and (ii) ~~(b)~~ of this subdivision.

5 **Sec. 13.** Section 22-417, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 22-417 (1) Any county may consolidate the office of ~~clerk of the~~  
8 ~~district court,~~ county assessor, county clerk, county engineer, county  
9 surveyor, or register of deeds, except that the consolidated officeholder  
10 shall meet the qualifications of each office as required by law. The  
11 consolidated office shall have the powers and duties provided by law for  
12 each office consolidated. The county board may adopt a resolution for the  
13 consolidation of any of such offices and submit the issue of the  
14 consolidated office to the registered voters for approval at the next  
15 general election or at a special election called for such purpose. The  
16 county board shall hold a public hearing prior to adoption of a  
17 resolution for the consolidation of offices and shall give notice of the  
18 hearing by publication in a newspaper of general circulation in the  
19 county once each week for three consecutive weeks prior to the hearing.  
20 Final publication shall be within seven calendar days prior to the  
21 hearing. The notice shall describe the offices to be consolidated and  
22 that the holder of the offices to be consolidated shall have his or her  
23 term of office end on the first Thursday after the first Tuesday in  
24 January following the general election in which the holder of the  
25 consolidated office is elected.

26 (2) The county board shall adopt the resolution for the  
27 consolidation of offices by majority vote of the board and shall submit  
28 the issue of consolidation to the registered voters for approval at the  
29 next general election or at a special election called for such purpose.  
30 For each consolidated office submitted for approval, the question shall  
31 be submitted to the voters in substantially the following form:

1 "Shall (name of each office proposed to be consolidated) be  
2 consolidated into one consolidated office according to the resolution  
3 adopted by the county board of (name of county) on (date of adoption of  
4 the resolution by the county board)? Yes No".

5 (3) If the majority of the registered voters in the county voting on  
6 the question vote in favor of consolidation, the consolidated office  
7 shall be filled at the next general election, and the terms of the  
8 incumbents shall end on the first Thursday after the first Tuesday in  
9 January following the general election in which the holder of the  
10 consolidated office is elected.

11 (4) The term of a consolidated officer shall be four years or until  
12 his or her successor is elected and qualified, except that the term of a  
13 consolidated officer elected in the year 2000 or any fourth year  
14 thereafter shall be two years or until his or her successor is elected  
15 and qualified.

16 (5) Any election under this section shall be in accordance with the  
17 Election Act.

18 **Sec. 14.** Section 23-120, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 23-120 (1)(a) ~~(1)~~ The county board shall acquire, purchase,  
21 construct, renovate, remodel, furnish, equip, add to, improve, or provide  
22 a suitable courthouse, jail, and other county buildings and a site or  
23 sites for such buildings ~~therefor~~ and for such purposes borrow money and  
24 issue the bonds of the county to pay for the same. Agreements entered  
25 into under section 25-412.03 shall be deemed to be in compliance with  
26 this section. The board shall keep such buildings in repair and provide  
27 suitable rooms, ~~and~~ offices, furniture, and equipment for the  
28 accommodation of the:

29 (i) Several ~~several~~ courts of record, Nebraska Workers' Compensation  
30 Court or any judge thereof, Commissioner of Labor for the conduct and  
31 operation of the state free employment service, county board, county

1 clerk, county treasurer, county sheriff, ~~clerk of the district court,~~  
2 county surveyor, and county agricultural agent; 7

3 (ii) Clerk of the district court, including in counties in which  
4 there is a clerk of the district and county courts; and

5 (iii) County county attorney if the county attorney holds his or her  
6 office at the county seat ~~and shall provide suitable furniture and~~  
7 ~~equipment therefor.~~

8 (b) All such courts which desire such accommodation shall be  
9 suitably housed in the courthouse.

10 (2) No levy exceeding (a) two million dollars in counties having in  
11 excess of two hundred fifty thousand inhabitants, (b) one million dollars  
12 in counties having in excess of one hundred thousand inhabitants and not  
13 in excess of two hundred fifty thousand inhabitants, (c) three hundred  
14 thousand dollars in counties having in excess of thirty thousand  
15 inhabitants and not in excess of one hundred thousand inhabitants, or (d)  
16 one hundred fifty thousand dollars in all other counties shall be made  
17 within a one-year period for any of the purposes specified in subsection  
18 (1) of this section without first submitting the proposition to a vote of  
19 the people of the county at a general election or a special election  
20 ordered by the board for that purpose and obtaining the approval of a  
21 majority of the legal voters thereon.

22 (3)(a) The county board of any county in this state may, when  
23 requested so to do by petition signed by at least a majority of the legal  
24 voters in the county based on the average vote of the two preceding  
25 general elections, make an annual levy of not to exceed seventeen and  
26 five-tenths cents on each one hundred dollars upon the taxable value of  
27 all the taxable property in the county for any of the purposes specified  
28 in subsection (1) of this section.

29 (b) If a county on the day it first initiates a project for any of  
30 the purposes specified in subsection (1) of this section had no bonded  
31 indebtedness payable from its general fund levy, the county board may

1 make an annual levy of not to exceed five and two-tenths cents on each  
2 one hundred dollars upon the taxable value of all the taxable property of  
3 the county for a project or projects for any of the purposes specified in  
4 subsection (1) of this section without the filing of a petition described  
5 in subdivision (3)(a) of this section. The county board shall designate  
6 the particular project for which such levy shall be expended, the period  
7 of years, which shall not exceed twenty, for which the tax will be levied  
8 for such project, and the number of cents of the levy for each year  
9 thereof. The county board may designate more than one project and levy a  
10 tax pursuant to this section for each such project, concurrently or  
11 consecutively, as the case may be, if the aggregate levy in each year and  
12 the duration of each levy will not exceed the limitations specified in  
13 this subsection. Each levy for a project which is authorized by this  
14 subdivision may be imposed for such duration specified by the county  
15 board notwithstanding the contemporaneous existence or subsequent  
16 imposition of any other levy or levies for another project or projects  
17 imposed pursuant to this subdivision and notwithstanding the subsequent  
18 issuance by the county of bonded indebtedness payable from its general  
19 fund levy.

20 **Sec. 15.** Section 23-121, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 23-121 The county board shall provide and keep in repair, when the  
23 finances of the county will permit, suitable fireproof safes for the  
24 county clerk and county treasurer. It shall provide suitable books and  
25 stationery for the use of the county board, county clerk, county  
26 treasurer, ~~county judge, sheriff, clerk of the district court,~~ county  
27 school administrator, county surveyor, and county attorney.

28 **Sec. 16.** Section 23-405, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 23-405 (1) The commission shall consist of five members who shall be  
31 in sympathy with the application of merit principles to public



1 employment. No member of the commission shall be a member of any local,  
2 state, or national committee of a political party or an officer or member  
3 of a committee in any partisan political club or organization.

4 (2) The members of the commission shall be as follows:

5 (a)(i) Until January 7, 2027, two ~~(a) Two~~ elected officers selected  
6 from the offices of and elected by the county commissioners, clerk,  
7 assessor, treasurer, public defender, register of deeds, clerk of the  
8 district court, engineer, and sheriff; and ~~and~~

9 (ii) Beginning January 7, 2027, two elected officers selected from  
10 the offices of and elected by the county commissioners, clerk, assessor,  
11 treasurer, public defender, register of deeds, engineer, and sheriff;  
12 being of opposite political parties if possible, and each party shall  
13 separately select its own member,

14 (b) Two ~~two~~ full-time permanent county employees; and ~~and~~

15 (c) One ~~one~~ public member holding no public or political office.

16 (3)(a) The two elected officers described in subdivision (2)(a) of  
17 this section shall be affiliated with different political parties if  
18 possible, and each party shall separately select its own member.

19 (b) The initial two such employees under subdivision (2)(b) of this  
20 section shall be selected by the two elected officers referred to in  
21 subdivision (2)(a) of this section ~~(a) of this subdivision~~ as follows:  
22 Any such employee who is at least twenty-one years of age may submit his  
23 or her name as a candidate to the elected officer of the political party  
24 with which the employee is registered who shall then select one  
25 commission member from such list of names.

26 (c) The four members of the commission shall then select the public  
27 member.

28 (4)(a) The commission shall establish employee election procedures  
29 which shall provide that all county employees subject to the County Civil  
30 Service Commission Act may vote and, if not less than twenty-one years of  
31 age, be candidates for a member of the commission.

1           **(b)** One employee member of the commission shall be a Democrat  
2 elected by the Democrat-registered employees subject to the County Civil  
3 Service Commission Act, and one employee member of the commission shall  
4 be a Republican elected by the Republican-registered employees subject to  
5 the County Civil Service Commission Act.

6           **(c)** An employee otherwise eligible to vote and be a candidate for  
7 the office of employee member of the commission, but who is not  
8 registered as either a Democrat or a Republican, may become eligible to  
9 vote, and become a candidate for the office of employee member of the  
10 commission by making a declaration that he or she desires to vote for  
11 such a member of the commission, or be a candidate for such office, and,  
12 in the same declaration, designating the party, Democrat or Republican,  
13 with which he or she desires to be affiliated for this purpose. After  
14 making such declaration, that employee shall have the same right to vote  
15 for a candidate, and be a candidate for the office of employee member of  
16 the commission as if the employee were a registered member of the party  
17 so designated in the declaration. The manner, form, and contents of such  
18 declaration shall be initially established by the two elected officials  
19 referred to in subdivision (2)(a) of this section, subject to  
20 modification by the commission after it has been fully formed.

21           **(5)** ~~(3)~~ The initial term of office of (a) the two elected officers  
22 shall be three years from May 21, 1971; (b) the initial term of office of  
23 the county employees shall be two years from May 21, 1971; and (c) the  
24 initial term of the public member shall be three years from May 21, 1971.

25           **(6)** ~~(4)~~ At the expiration of the initial term of office, a successor  
26 member shall be elected or appointed as provided in the County Civil  
27 Service Commission Act for a term of three years. Membership on the  
28 commission of any member shall terminate upon the resignation of any  
29 member or at such time as the member no longer complies with the  
30 qualifications for election or appointment to the commission. If a  
31 member's term terminates prior to the expiration of the term for which

1 the member was elected or appointed, the commission shall appoint a  
2 successor complying with the same qualifications for the unexpired term.

3 **Sec. 17.** Section 23-1114.03, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 23-1114.03 (1) In counties of Class 2, the county clerk, assessor,  
6 treasurer, sheriff, attorney, and appointive full-time veterans service  
7 officer shall each receive a minimum annual salary of six thousand  
8 dollars, to be paid periodically as other county employees out of the  
9 general fund. and

10 (2) Until January 7, 2027, in counties of Class 2 entitled by law to  
11 have a clerk of the district court, the clerk of the district court shall  
12 receive a minimum annual salary of fifty-four hundred dollars, to be paid  
13 periodically as other county employees out of the general fund.

14 **Sec. 18.** Section 23-1114.04, Reissue Revised Statutes of Nebraska,  
15 is amended to read:

16 23-1114.04 (1) In counties of Class 3, the county clerk, assessor,  
17 treasurer, sheriff, attorney, and appointive full-time veterans service  
18 officer, and the clerk of the district court shall each receive a  
19 minimum annual salary of six thousand five hundred dollars, to be paid  
20 periodically as other county employees out of the general fund.

21 (2) Until January 7, 2027, in counties of Class 3, the clerk of the  
22 district court shall receive a minimum annual salary of six thousand five  
23 hundred dollars, to be paid periodically as other county employees out of  
24 the general fund.

25 **Sec. 19.** Section 23-1114.05, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 23-1114.05 (1) In counties of Class 4, the county clerk, register of  
28 deeds, assessor, treasurer, sheriff, attorney, and appointive full-time  
29 veterans service officer, and the clerk of the district court shall each  
30 receive a minimum annual salary of seventy-five hundred dollars, to be  
31 paid periodically as other county employees out of the general fund.

1       (2) Until January 7, 2027, in counties of Class 4, the clerk of the  
2 district court shall receive a minimum annual salary of seventy-five  
3 hundred dollars, to be paid periodically as other county employees out of  
4 the general fund.

5       **Sec. 20.** Section 23-1114.06, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7       23-1114.06 (1) In counties of Class 5, the county clerk, register of  
8 deeds, assessor, treasurer, sheriff, attorney, and appointive full-time  
9 veterans service officer, and the clerk of the district court shall each  
10 receive a minimum annual salary of eight thousand dollars, to be paid  
11 periodically as other county employees out of the general fund.

12       (2) Until January 7, 2027, in counties of Class 5, the clerk of the  
13 district court shall receive a minimum annual salary of eight thousand  
14 dollars, to be paid periodically as other county employees out of the  
15 general fund.

16       **Sec. 21.** Section 24-228, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18       24-228 (1) Until January 7, 2027, the ~~The~~ Supreme Court shall assume  
19 as expenses the cost of word processing and data processing hardware and  
20 software involved in the operation of the district courts if those costs  
21 are for services provided on equipment owned by the State of Nebraska and  
22 the services have been approved by the State Court Administrator.

23       (2)(a) This subsection applies beginning January 7, 2027.

24       (b) The State of Nebraska shall pay, with funds appropriated to the  
25 Supreme Court, the following operational costs of the district courts and  
26 separate juvenile courts:

27       (i) Computer hardware and software used for data processing or word  
28 processing if the costs are incurred using equipment owned by the state;  
29 and

30       (ii) Costs for communication lines arising from data and word  
31 processing pursuant to subdivision (2)(b)(i) of this section.

1           (c) All property purchased by the county as a district court expense  
2 shall remain the property of the county.

3           **Sec. 22.** Section 24-337.01, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           24-337.01 (1) When the clerk of the county court or the county court  
6 staff are temporarily unavailable or available on less than a full-time  
7 basis, the clerk of the district court shall, under the direction of the  
8 county court judge and in cooperation and agreement with the Supreme  
9 Court and State Court Administrator, assist the clerk of the county court  
10 in the provision of county court services which would otherwise require  
11 the presence of county court staff. Any agreement entered into under this  
12 section must be signed and stipulated to by the State Court  
13 Administrator, the county board, and the clerk of the district court  
14 after obtaining input from the clerk of the county court, a district  
15 court judge, a county court judge, and the county attorney. Any agreement  
16 entered into under this section may include, but is not limited to,  
17 financial considerations and scheduling.

18           (2) This section terminates on January 7, 2027.

19           **Sec. 23.** Section 24-337.04, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           24-337.04 (1) A clerk of the district court elected after 2008 need  
22 not be a resident of the county when he or she files for election as  
23 clerk of the district court, but a clerk of the district court shall  
24 reside in a county for which he or she holds office.

25           (2) This section terminates on January 7, 2027.

26           **Sec. 24.** Section 24-507, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28           24-507 (1) There shall be appointed a clerk magistrate to serve each  
29 county. Clerk magistrates shall be appointed by the county judge, or  
30 judges if the district has more than one county judge, and shall serve at  
31 the pleasure of the county judge or judges, subject to personnel rules

1 adopted by the Supreme Court.

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

5 (3) In counties when the district court clerk or staff is  
6 temporarily unavailable and there is not a clerk of the district and  
7 county courts pursuant to sections 1 to 9 of this act, the clerk  
8 magistrate as clerk of the county court shall, under the direction of the  
9 district court judge and in cooperation and agreement with the Supreme  
10 Court, and State Court Administrator, and clerk of the district court,  
11 assist the clerk of the district court in the provision of district court  
12 services which would otherwise require the presence of district court  
13 staff.

14 (4) Any agreements pursuant to subdivision (1)(b) or subsection (3)  
15 of section 32-524, as such section existed prior to the operative date of  
16 this section, shall terminate on the operative date of this section.

17 (5) In a county where there is a clerk of the district and county  
18 courts, any clerk magistrate duties shall be assigned according to the  
19 consolidation plan developed under sections 1 to 9 of this act. Any clerk  
20 magistrate holding office on the operative date of this section may  
21 continue to perform clerk magistrate duties if he or she desires and  
22 shall serve at the pleasure of the county judge or judges, subject to the  
23 personnel rules adopted by the Supreme Court. The title of clerk  
24 magistrate shall be used by the person to whom clerk magistrate duties  
25 have been assigned when performing clerk magistrate duties. Any agreement  
26 entered into under this subsection must be signed and stipulated to by  
27 the State Court Administrator, the county board, and the clerk of the  
28 district court after obtaining input from the clerk of the county court,  
29 a district court judge, a county court judge, and the county attorney.  
30 Any agreement entered into under this subsection may include, but is not  
31 limited to, financial considerations and scheduling.

1       ~~(4) When an agreement has been reached pursuant to subdivision (1)~~  
2 ~~(b) of section 32-524 or subsection (3) of section 32-524 for a clerk~~  
3 ~~magistrate as clerk of the county court to be ex officio clerk of the~~  
4 ~~district court, the clerk magistrate shall perform the duties required by~~  
5 ~~law of the clerk of the district court under the direction of the~~  
6 ~~district court judge for the county and the State Court Administrator.~~

7       **Sec. 25.** Section 24-508, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       24-508 (1) In a county where there is not a clerk of the district  
10 and county courts:

11       (a) Clerk magistrates may be assigned by the presiding county judge  
12 to perform the duties of a clerk magistrate in any other county within  
13 the district; -

14       (b) (2) A person shall be eligible for appointment as a clerk  
15 magistrate if he or she is a graduate of a high school or holds a  
16 certificate of equivalency issued by the State Board of Education; and -

17       (c) (3) A clerk magistrate shall comply with the Supreme Court  
18 judicial branch education requirements as required by the Supreme Court.

19       (2) In a county where there is a clerk of the district and county  
20 courts, a person may perform the duties of the clerk magistrate if such  
21 person:

22       (a) Is a graduate of a high school or holds a certificate of  
23 equivalency issued by the State Board of Education;

24       (b) Meets any additional qualifications established by the Supreme  
25 Court; and

26       (c) Complies with the Supreme Court's judicial branch education  
27 requirements.

28       **Sec. 26.** Section 24-509, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30       24-509 Each county judge, ~~and~~ clerk magistrate, and clerk of the  
31 district and county courts, before assuming the duties of office, shall

1 take the oath prescribed by law for district judges. ~~Such oaths~~ ~~oaths of~~  
2 ~~county judges~~ shall be filed with the Secretary of State. ~~Oaths of clerk~~  
3 ~~magistrates shall be filed in the office of the county clerk.~~

4 **Sec. 27.** Section 33-106.02, Revised Statutes Cumulative Supplement,  
5 2024, is amended to read:

6 33-106.02 (1) The clerk of the district court or clerk of the  
7 district and county courts of each county shall not retain for his or her  
8 own use any fees, revenue, perquisites, or receipts, fixed, enumerated,  
9 or provided in this or any other section of the statutes of the State of  
10 Nebraska or any fees authorized by federal law to be collected or  
11 retained by a county official. The clerk shall on or before the fifteenth  
12 day of each month make a report to the county board, under oath, showing  
13 the different items of such fees, revenue, perquisites, or receipts  
14 received, from whom, at what time, and for what service, and the total  
15 amount received by such officer since the last report, and also the  
16 amount received for the current year.

17 (2) The clerk shall account for and pay any fees, revenue,  
18 perquisites, or receipts not later than the fifteenth day of the month  
19 following the calendar month in which such fees, revenue, perquisites, or  
20 receipts were received in the following manner:

21 (a) Of the forty-two-dollar docket fee imposed pursuant to section  
22 33-106, ~~one dollar shall be remitted to the State Treasurer for credit to~~  
23 ~~the General Fund and six dollars shall be remitted to the State Treasurer~~  
24 ~~for credit to the Nebraska Retirement Fund for Judges through June 30,~~  
25 ~~2021. Beginning July 1, 2021,~~ seven dollars of such forty-two-dollar  
26 docket fee shall be remitted to the State Treasurer for credit to the  
27 Nebraska Retirement Fund for Judges;

28 (b) Of the twenty-seven-dollar docket fee imposed for appeal of a  
29 criminal case to the district court pursuant to section 33-106, two  
30 dollars shall be remitted to the State Treasurer for credit to the  
31 Nebraska Retirement Fund for Judges; and



1 (c) The remaining fees, revenue, perquisites, or receipts shall be  
2 credited to the general fund of the county.

3 **Sec. 28.** Section 43-512.05, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 43-512.05 (1) Until January 7, 2027, it ~~It~~ shall be the duty of the  
6 clerks of the district courts to furnish the Department of Health and  
7 Human Services monthly statistical information and any other information  
8 required by the department to properly account for child, spousal, and  
9 medical support payments. The clerk of each district court shall  
10 negotiate and enter into a written agreement with the department in order  
11 to receive reimbursement for the costs incurred in carrying out sections  
12 43-512 to 43-512.10 and 43-512.12 to 43-512.18.

13 (2)(a) Beginning January 1, 2026, it shall be the duty of the clerks  
14 of the district and county courts to furnish the department monthly  
15 statistical information and any other information required by the  
16 department to properly account for child, spousal, and medical support  
17 payments. On behalf of such clerks, the State Court Administrator shall  
18 negotiate and enter into a written agreement with the department to  
19 receive reimbursement for the costs incurred in carrying out sections  
20 43-512 to 43-512.10 and 43-512.12 to 43-512.18.

21 (b) Beginning January 7, 2027, it shall be the duty of the clerks of  
22 the district courts and the clerks of district and county courts to  
23 furnish the department monthly statistical information and any other  
24 information required by the department to properly account for child,  
25 spousal, and medical support payments. On behalf of such clerks, the  
26 State Court Administrator shall negotiate and enter into a written  
27 agreement with the department to receive reimbursement for the costs  
28 incurred in carrying out sections 43-512 to 43-512.10 and 43-512.12 to  
29 43-512.18.

30 (c) Any federal fund reimbursement received for direct costs as  
31 provided in this subsection shall be transferred to the State Treasurer

1 for credit to Agency 5 - Supreme Court.

2 ~~(3) (2)~~ The department and the governing board of the county, county  
3 attorney, or authorized attorney may enter into a written agreement  
4 regarding the determination of paternity and child, spousal, and medical  
5 support enforcement for the purpose of implementing such sections.  
6 Paternity shall be established when it can be determined that the  
7 collection of child support is feasible.

8 ~~(4) (3)~~ The department shall adopt and promulgate rules and  
9 regulations regarding the rate and manner of reimbursement for costs  
10 incurred in carrying out such sections, taking into account relevant  
11 federal law, available federal funds, and any appropriations made by the  
12 Legislature. Except as provided in subdivision (2)(c) of this section,  
13 Any reimbursement funds shall be added to the budgets of those county  
14 officials who have performed the services as called for in the  
15 cooperative agreements and carried over from year to year as required by  
16 law.

17 **Sec. 29.** Section 71-915, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 71-915 (1) The presiding judge in each district court judicial  
20 district shall create at least one but not more than three mental health  
21 boards in such district and shall appoint sufficient members and  
22 alternate members to such boards. Members and alternate members of a  
23 mental health board shall be appointed for four-year terms. The presiding  
24 judge may remove members and alternate members of the board at his or her  
25 discretion. Vacancies shall be filled for the unexpired term in the same  
26 manner as provided for the original appointment. Members of the mental  
27 health board shall have the same immunity as judges of the district  
28 court.

29 (2) Each mental health board shall consist of an attorney licensed  
30 to practice law in this state and any two of the following but not more  
31 than one from each category: A physician, a psychologist, a psychiatric

1 nurse, a licensed clinical social worker or a licensed independent  
2 clinical social worker, a licensed independent mental health practitioner  
3 who is not a social worker, or a layperson with a demonstrated interest  
4 in mental health and substance dependency issues. The presiding judge  
5 shall not appoint a clerk magistrate, clerk of the district court, or  
6 clerk of the district and county courts to serve on a mental health  
7 board. The attorney shall be chairperson of the board. Members and  
8 alternate members of a mental health board shall take and subscribe an  
9 oath to support the United States Constitution and the Constitution of  
10 Nebraska and to faithfully discharge the duties of the office according  
11 to law.

12 (3) The mental health board shall have the power to issue subpoenas,  
13 to administer oaths, and to do any act necessary and proper for the board  
14 to carry out its duties. No mental health board hearing shall be  
15 conducted unless three members or alternate members are present and able  
16 to vote. Any action taken at any mental health board hearing shall be by  
17 majority vote.

18 (4) The mental health board shall prepare and file an annual  
19 inventory statement with the county board of its county of all county  
20 personal property in its custody or possession. Members of the mental  
21 health board shall be compensated and shall be reimbursed for their  
22 actual and necessary expenses by the county or counties being served by  
23 such board. Compensation shall be at an hourly rate to be determined by  
24 the presiding judge of the district court, except that such compensation  
25 shall not be less than fifty dollars for each hearing of the board.  
26 Members shall also be reimbursed for their actual and necessary expenses,  
27 not including charges for meals. Mileage shall be determined pursuant to  
28 section 23-1112.

29 **Sec. 30.** Section 71-957, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 71-957 All proceedings held under the Nebraska Mental Health

1 Commitment Act or the Sex Offender Commitment Act shall be of record, and  
2 all oral proceedings shall be reported verbatim by either a qualified  
3 stenographic or digital shorthand ~~shorthand~~ reporter or by tape-recording equipment  
4 equivalent in quality to that required in county courts by section  
5 25-2732. The written findings of the mental health board shall be part of  
6 the subject's records and shall be available to the parties in the case  
7 and to the treatment facility where the subject is receiving treatment  
8 pursuant to a commitment order of the mental health board under section  
9 71-925 or 71-1209. Any qualified stenographic or digital ~~shorthand~~  
10 reporter who reports proceedings presided over by a board or otherwise  
11 than in his or her capacity as an official ~~district~~ court ~~stenographic~~  
12 reporter shall apply to the court for reasonable expenses and fees for  
13 services performed in such hearings. The court shall fix reasonable  
14 expenses and fees, and the county board shall allow payment to the  
15 reporter in the full amount fixed by the court.

16 **Sec. 31.** Sections 15, 24, 25, 26, 29, 32, and 35 of this act become  
17 operative January 1, 2026. Sections 30 and 33 of this act become  
18 operative three calendar months after the adjournment of this legislative  
19 session. The other sections of this act become operative on their  
20 effective date.

21 **Sec. 32.** Original sections 22-417, 23-121, 24-507, 24-508, 24-509,  
22 and 71-915, Reissue Revised Statutes of Nebraska, are repealed.

23 **Sec. 33.** Original section 71-957, Reissue Revised Statutes of  
24 Nebraska, is repealed.

25 **Sec. 34.** Original sections 11-119, 11-125, 11-126, 23-120, 23-405,  
26 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 24-228, 24-337.01,  
27 24-337.04, and 43-512.05, Reissue Revised Statutes of Nebraska, and  
28 section 33-106.02, Revised Statutes Cumulative Supplement, 2024, are  
29 repealed.

30 **Sec. 35.** The following section is outright repealed: Section  
31 32-524, Reissue Revised Statutes of Nebraska.

1           **Sec. 36.**   Since an emergency exists, this act takes effect when  
2   passed and approved according to law.