

LEGISLATIVE BILL 13

Approved by the Governor April 5, 1984

Introduced by Kilgarin, 7; Beutler, 28

AN ACT relating to courts; to amend sections 7-111, 14-603, 14-604, 15-326, 24-501, 24-506, 24-515, 24-521, 24-526, 24-533, 24-536, 24-568, 24-585, 24-585.01, 24-591, 24-714, 24-733, 25-1093.01, 26-1,172, 26-1,173, 26-1,178, 26-1,180, 26-1,182, 26-1,183, 27-1101, 29-103, 29-301, 29-302.01, 29-302.02, 29-403, 29-611, 29-613 to 29-615, 29-901.05, 29-902.01, 29-910, 29-1804.14, 29-2246, 29-2253, 29-2271, 29-2317, 29-2318, 29-2704, 32-421.01, 49-502, 49-801, and 76-1441, Reissue Revised Statutes of Nebraska, 1943, sections 24-503, 24-525, 24-541.01 to 24-541.07, 24-541.09, 24-583, 24-703, 25-1002, 25-1010, 29-812, 29-2252, 29-3302, 33-138, 33-139, 43-247, 43-2,113, 43-2,123, 44-1627, and 49-617, Revised Statutes Supplement, 1982, and sections 24-209, 24-517, 24-524, 24-701, 25-1641, 76-1409, and 84-1332, Revised Statutes Supplement, 1983; to eliminate municipal courts; to provide for additional county judges as prescribed; to transfer certain powers, duties, equipment, property, and personnel from municipal courts to county courts as prescribed; to provide powers and duties; to ratify the exercise of certain jurisdiction; to define and redefine terms; to provide for the transfer of juvenile and municipal court probation positions to the Office of Probation Administration; to provide qualifications for certain probation officers; to change membership on a committee; to eliminate the authority of a presiding judge to appoint associate judges; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 24-529, 24-703.01, 26-101, 26-102, 26-102.01 to 26-102.03, 26-103 to 26-105, 26-107, 26-108 to 26-111, 26-113, 26-114, 26-116, 26-118, 26-119, 26-120, 26-122, 26-1,202, 26-1,203, 29-2209, 29-2215, 29-2216, and 29-2255, Reissue Revised Statutes of Nebraska, 1943, sections 26-106, 29-2219, and 43-2,124, Revised Statutes Supplement, 1982, and sections 26-112 and 26-117, Revised Statutes Supplement, 1983.

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

Section 1. That section 7-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

7-111. No person shall be permitted to practice as an attorney in any of the courts of this state while holding the office of Judge or Clerk of the Supreme Court, judge of the district court, judge of the Nebraska Workmen's Compensation Court, or judge of the county court, county judge, or municipal judge. No sheriff, constable, county clerk, clerk of the district court, or jailer shall practice as an attorney in any court in the county where they hold their respective offices. Such prohibition shall not apply to acting judges of the Nebraska Workmen's Compensation Court appointed under the provisions of section 48-155.01. Where an attorney at law holds the office of associate county judge, he or she shall not be permitted to practice as an attorney in any action, matter, or proceeding brought before himself or herself, or appealed from his or her decision to a higher court, nor shall any county judge draw any paper or written instrument to be filed in his or her own court, except such as he or she is required by law to draw. No associate county judge shall draw any paper or written instrument in any matter assigned to him or her, except such as he or she is required by law to draw. Any person who shall violate any of the provisions of this section shall be guilty of a Class V misdemeanor.

Sec. 2. That section 14-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-603. The chief of police shall be the principal ministerial officer of the corporation. He ~~shall, by himself or some officer of the department, execute all writs and processes issued by the municipal court.~~ His or her jurisdiction and that of his or her officers in the service of process in all criminal cases and in cases for the violation of city ordinances shall be coextensive with the county. The chief of police or his or her officers shall take bail, ~~when the municipal court is not in session,~~ in all bailable cases, for the appearance before the county court of persons under arrest, but such bail shall be subject to the approval of the county court.

Sec. 3. That section 14-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-604. The chief of police shall be subject to the orders of the mayor in the suppression of riots and tumultuous disturbances and breaches of the peace. He or she may pursue and arrest any person fleeing from justice in any part of the state and shall forthwith bring all persons by him or her arrested before the municipal county court for trial or examination. He or she may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or

states.

Sec. 4. That section 15-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-326. The marshal or chief of police shall have the immediate charge of the police; and he or she and the ~~police~~ police officers shall have power and the duty to arrest all offenders against the laws of the state or the ordinances of the city in the same manner as the sheriff or constable; and to keep such offenders in the city jail or other place to prevent their escape; until a trial or examination may be had before a proper officer. He or she shall have the same powers as a sheriff or a constable in relation to all criminal matters and all process issued by the ~~municipal~~ county court.

Sec. 5. That section 24-209, Revised Statutes Supplement, 1983, be amended to read as follows:

24-209. The Supreme Court Reports shall be deposited in the State Library. Copies thereof shall be distributed by the librarian to each judge of the Supreme, district, and county municipal courts, ~~to each county court~~; to each county law library, to each state and territorial library, to each officer of the executive department of this state, to the Clerk of the Legislature, and to each judge of the United States District and Circuit Courts of this state; to the Nebraska Workmen's Compensation Court, two copies; to the Legislative Council, two copies; to the library of the College of Law of the University of Nebraska, as provided in sections 85-176 and 85-177; and to the Nebraska Publications Clearinghouse, eight copies. One complete set of Supreme Court Reports and one volume of all subsequent reports shall be furnished to each judge of a separate juvenile court by the State Librarian. The balance of such reports shall be sold as called for at such price as shall be prescribed by the Supreme Court. The Supreme Court shall also prescribe the price for microform copies of the reports. The money arising from such sales shall be paid into the Supreme Court Reports Revolving Fund; which is hereby created.

Sec. 6. That section 24-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-501. The purpose of sections 24-501 to 24-590 is to provide a unified system of county courts for the state by combining the functions of county courts, justice of the peace courts, and police magistrate courts. It is the further intent and purpose of sections 24-501 to 24-590 to provide jurisdiction and procedure for the county and municipal courts that will effectively, efficiently, and economically meet the needs of the people of the State of Nebraska and of all other persons who may have business before the county and municipal courts.

Sec. 7. That section 24-503, Revised Statutes

Supplement, 1982, be amended to read as follows:

24-503. (1) For the purpose of serving the county courts in each county, twenty-one county judge districts are hereby created, which districts shall be the same as those established by section 5-105.

(2) Districts 1, 12, and 18 shall have one county judge. Districts 3, 4, 6, 7, 8, 10, 11, 14, 15, 16, 17, 19, and 20 shall have two county judges. Districts 2, 5, 9, 13, and 21 shall have three county judges.

(3) Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21 of the Nebraska Constitution.

(4) Any person serving as a municipal judge in district 3 or 4 immediately prior to the operative date of this section shall be a judge of the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct. Any vacancy occurring after the operative date of this section which results in a decrease in the number of municipal court judges authorized immediately prior to the operative date of this section for a city of the primary or metropolitan class shall correspondingly increase the number of county court judges for the county court district in which the municipal court was located.

Sec. 8. That section 24-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-506. In districts with more than one county judge of the county court, the judges shall annually select one of their number as presiding judge, and may establish such departments within the court as they deem necessary for determining particular classes of cases.

Sec. 9. (1) Any employee of a municipal court of a city of the primary or metropolitan class, except municipal judges, municipal probation officers, violations bureau staff, constables, and sheriffs, shall, on July 1, 1985, be transferred to the county court of the county where such city is located. The salary and classification of any transferred employee shall be subject to sections 24-513 and 24-514, except that no employee shall incur a loss of income as a result of the transfer and any classification.

(2) The primary or metropolitan class city shall transfer all accrued sick leave of such employees transferred pursuant to subsection (1) of this section up to the maximum number of accumulated hours for sick leave allowed by the state and the city shall reimburse the state in an amount equal to twenty-five per cent of the value of such accrued sick leave hours based on the straight time rate of pay for the employee. For any accrued sick leave hours of an employee which are in excess of the amount that

can be transferred, the city shall reimburse the employee for twenty-five per cent of the value of the sick leave hours based on the straight time rate of pay for the employee.

(3) The transferred employee may transfer the maximum amount of accrued annual leave earned as an employee of the city allowed by the state. The city shall reimburse the state in an amount equal to one hundred per cent of the value of the hours of accrued annual leave transferred. The city shall reimburse the transferred employee in an amount equal to one hundred per cent of the hours of any accrued annual leave in excess of the amount which may be transferred based on the employee's straight time rate of pay at the time of transfer.

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

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

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

(7) The transferred employee shall participate in and be covered by the Nebraska State Insurance Program, sections 44-1620 to 44-1632, on the operative date of this section. The waiting period for medical insurance coverage of transferred employees is specifically waived.

Sec. 10. That section 24-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-515. Each county shall be responsible for all costs involved in establishing, furnishing, and maintaining appropriate courtroom and office facilities for the county court at the county seat. On July 1, 1985, the courtroom and office facilities of a municipal court shall be transferred, by sale, lease, or other arrangement, from cities of the metropolitan or primary class to the county responsible pursuant to this section for the establishing, furnishing, and maintaining of courtroom and office facilities for the county court at the

county seat. Payments by a city and county on the bonded indebtedness on any facility constructed for joint use by a city and county shall continue in the same manner and in the same proportionate shares as payments made prior to July 1, 1985, subject to any sale, lease, or other arrangement pursuant to this section. All other property, equipment, books, and records of the municipal courts shall be transferred on July 1, 1985, to the county court. When a division of the county court is established at a location other than the county seat, the city or village in which such division is located shall be responsible for all costs involved in establishing, furnishing, and maintaining appropriate courtroom and office facilities for such division.

The Supreme Court shall prescribe minimum standards for all courtroom and office facilities. The Supreme Court may establish standards by class of county, based on population, caseload, and other pertinent factors. The Supreme Court shall assume and include, as expenses pursuant to section 24-514, the costs of data processing involved in operation of the county courts and shall provide for necessary security personnel.

Sec. 11. The exercise of any jurisdiction, prior to, on, or after July 1, 1985, authorized by law and any action taken pursuant to such exercise are hereby ratified and shall not be subject to attack for the sole reason that they were not authorized at the time.

Sec. 12. That section 24-517, Revised Statutes Supplement, 1983, be amended to read as follows:

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

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

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

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

(4) Concurrent original jurisdiction with the district court in all civil actions of any type when the amount in controversy does not exceed ten thousand dollars. When the pleadings or discovery proceedings in a civil action indicate an amount in controversy may exceed

ten thousand dollars, the county court shall certify the proceedings to the district court as provided in section 24-302.01;

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

(6) Exclusive original jurisdiction in any action based on violation of a city or village ordinance; ~~except ordinances of cities of the metropolitan or primary class for which exclusive original jurisdiction shall be in the municipal court;~~

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

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

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

Sec. 13. That section 24-521, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-521. Each county court ~~and each municipal court~~ shall have a Small Claims Department which shall be designated the Small Claims Court.

Sec. 14. That section 24-524, Revised Statutes Supplement, 1983, be amended to read as follows:

24-524. (1) Actions in the Small Claims Court shall be commenced by the filing of a claim by the plaintiff on a form provided by the clerk of the county court, ~~or municipal court.~~ The claim form shall be executed by the plaintiff in the presence of a judge or the clerk of the county ~~or municipal~~ court or a deputy or assistant designated by the clerk.

(2) At the time of the filing of the claim, the plaintiff shall pay a fee of five dollars to the clerk.

(3) Upon filing of a claim in the Small Claims Court, the court shall set a time for hearing and shall cause notice to be served upon the defendant. Notice shall be served not less than five days before the time set for hearing. Notice shall consist of a copy of the complaint and a summons directing the defendant to appear at the time set for hearing and informing the defendant that if he or she fails to appear, judgment will be entered against him or her. Notice shall be served in the manner provided for service of a summons in a civil action, except that service by certified mail shall be made by the clerk. The cost of service shall be paid by the plaintiff, but such cost and filing fee shall be added to any judgment given the plaintiff.

(4) The defendant may file a setoff or counterclaim in an amount not in excess of one thousand

dollars, exclusive of interest and costs. Any setoff or counterclaim shall be filed and a copy delivered to the plaintiff at least two days prior to the time of trial. If the setoff or counterclaim exceeds the jurisdictional limits of the Small Claims Court, the court shall cause the entire matter to be transferred to the regular county ~~or municipal~~ court docket and set for trial.

(5) No prejudgment actions for attachment, garnishment, replevin, or other provisional remedy may be filed in the Small Claims Court.

(6) All forms required by this section shall be prescribed by the Supreme Court. The claim form shall provide for the names and addresses of the plaintiff and defendant; and a concise statement of the nature, amount, and time and place of accruing of the claim; and shall also contain a brief explanation of the Small Claims Court procedure and methods of appeal therefrom.

(7) Judgments rendered against a defendant in his or her absence may not be set aside but may only be appealed as governed by section 24-527.

Sec. 15. That section 24-525, Revised Statutes Supplement, 1982, be amended to read as follows:

24-525. All matters in the Small Claims Court shall be tried to the court without a jury. Any defendant in an action may transfer the case to the regular docket of the county ~~or municipal~~ court by giving notice to the court at least two days prior to the time set for the hearing; upon such notice the case shall be transferred to the regular docket of the county ~~or municipal~~ court. The party causing the transfer of a case from the Small Claims Court to the regular docket shall pay as a fee the difference between the fee for filing a claim in Small Claims Court and the fee for filing a claim on the regular docket.

In any action transferred to the regular docket there shall be no further pleadings, demurrers, motions challenging pleadings, or discovery unless ordered by the court upon a showing that any such procedure is necessary to the prompt and just determination of the action.

Sec. 16. That section 24-526, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-526. No formal pleadings other than the claim and notice, and the counterclaim or setoff and notice, if appropriate, shall be required in the Small Claims Court; and the hearing and disposition of all matters shall be informal so that the rules of evidence, except those relating to privileged communications, shall not apply, with the sole object of providing a prompt and just settlement of the issues. When a money judgment is entered, payment shall be made forthwith after time for appeal has run, or execution may issue as in other cases in the county ~~or municipal~~ court. When a judgment for the return of personal property is entered, return shall be made forthwith after time for appeal has run, or an order

of delivery may issue as in other cases in the county or municipal court.

Sec. 17. That section 24-533, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-533. Any city or village attorney, ~~except of a city of the metropolitan or primary class,~~ may sign and prosecute complaints in the county court for any violation of any ordinance of the city or village for which he or she is attorney.

After January 1, 1974, no city or village may prosecute complaints for violations of ordinances unless such city or village has on file with the court a current copy of the ordinances of such city or village. Subject to guidelines provided by the State Court Administrator, the court shall prescribe the form in which such ordinances shall be filed.

Sec. 18. That section 24-536, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-536. Either party to any case in county or municipal court, except criminal cases arising under city or village ordinances, traffic infractions, and other infractions, and except any matter arising under the provisions of the Nebraska Probate Code, may demand a trial by jury. In civil cases, the demand must be in writing and must be filed on or before answer day. All provisions of law relating to juries in the district courts shall apply to juries in the county and municipal courts and the district court jury list shall be used, except that juries in the county and municipal courts shall consist of six persons.

Sec. 19. That section 24-541.01, Revised Statutes Supplement, 1982, be amended to read as follows:

24-541.01. (1) Any party may appeal from the final judgment or final order of the county or municipal court to the district court of the county where the county or municipal court is located. The same right of appeal exists in those cases in which a final judgment or final order was entered by a municipal court prior to July 1, 1985.

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

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

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

or

(c) The county attorney or petitioner, except that in any case determining delinquency issues in which the child has been placed legally in jeopardy an appeal of

such issues may only be taken by exception proceedings pursuant to sections 29-2317 to 29-2319.

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

(5) The provisions of sections 24-541.01 to 24-541.10 and 24-551 shall not apply to appeals in eminent domain proceedings as provided in sections 76-715 to 76-723.

Sec. 20. That section 24-541.02, Revised Statutes Supplement, 1982, be amended to read as follows:

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

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

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

(2) Satisfaction of the requirements of subsection (1) of this section shall perfect the appeal and give the district court jurisdiction of the matter appealed, except that in appeals from the county court sitting as a juvenile court the county court may act in accordance with section 43-202.03.

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

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

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

(b) In appeals from the Small Claims Court only, deposit with the clerk of the county ~~or municipal~~ court a cash bond or undertaking, with at least one good and sufficient surety approved by the court, in the amount of fifty dollars, conditioned that the appellant will satisfy

any judgment and costs that may be adjudged against him or her.

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

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

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

Sec. 21. That section 24-541.03, Revised Statutes Supplement, 1982, be amended to read as follows:

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

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

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

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

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

(6) In any case the district court, on motion after notice and hearing and upon such terms as justice

shall require, may stay any order or judgment appealed from, order a renewal or additional surety of an undertaking, or order the amount of the undertaking increased or decreased. The action of the district court shall be certified by the clerk to the clerk of the county ~~or municipal~~ court. In those cases in which the order or judgment appealed from was entered by a municipal court prior to July 1, 1985, the action of the district court shall be certified by the clerk to the clerk of the county court in the district in which the municipal court was located.

Sec. 22. That section 24-541.04, Revised Statutes Supplement, 1982, be amended to read as follows:

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

(2) The transcript shall contain all pleadings, orders, filings, and docket entries in the case.

Sec. 23. That section 24-541.05, Revised Statutes Supplement, 1982, be amended to read as follows:

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

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

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

(4) Within sixty days of a demand by any party the clerk of the county ~~or municipal~~ court shall prepare the bill of exceptions and file it with the clerk of the district court.

Sec. 24. That section 24-541.06, Revised Statutes Supplement, 1982, be amended to read as follows:

24-541.06. (1) In all cases other than appeals from the Small Claims Court, the district court shall review the case for error appearing on the record made in the county court or on the record made, if prior to July 1, 1985, in the municipal court. The district court shall render a judgment, which may affirm, affirm but modify, or reverse the judgment or final order of the county court or

the judgment or final order, if entered prior to July 1, 1985, of the municipal court. If the district court reverses, it may enter judgment in accordance with its findings, or remand the case to the county ~~or municipal~~ court for further proceedings consistent with the judgment of the district court.

(2) The bill of exceptions, if filed with the clerk at or before the hearing, shall be considered admitted in evidence on the hearing of the appeal, unless the court on objection by a party shall exclude all or part of it.

(3) In all cases other than appeals from the county court sitting as a juvenile court, appeals in adoption proceedings, and appeals under the Nebraska Probate Code, the judgment of the district court shall vacate the judgment in the county court or the judgment, if entered prior to July 1, 1985, of the municipal court. The taxation of costs in the district court shall include the costs in the county ~~or municipal~~ court. If a judgment of the county or ~~such~~ municipal court is affirmed or affirmed but modified, interest on the amount of the judgment in the district court that does not exceed the amount of the judgment in the county or ~~such~~ municipal court shall run from the date of the judgment appealed from the county or ~~such~~ municipal court.

(4) In all appeals from the county court sitting as a juvenile court, appeals in adoption proceedings, and appeals under the Nebraska Probate Code the judgment of the district court shall be certified without cost to the county court for further proceedings consistent with the determination of the district court.

Sec. 25. That section 24-541.07, Revised Statutes Supplement, 1982, be amended to read as follows:

24-541.07. In all cases of appeals from the Small Claims Court the district court shall try the case de novo without a jury. The judgment of the district court shall vacate the judgment in the county ~~or municipal~~ court or the judgment, if entered prior to July 1, 1985, in the municipal court. The taxation of costs in the district court shall include the costs in the county ~~or municipal~~ court.

Sec. 26. That section 24-541.09, Revised Statutes Supplement, 1982, be amended to read as follows:

24-541.09. If an appeal is dismissed for procedural reasons, the clerk of the district court shall certify the order without cost to the county ~~or municipal~~ court. Thereafter the proceedings in the county ~~or municipal~~ court shall continue as if no appeal had been taken.

Sec. 27. That section 24-568, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-568. The county ~~and municipal courts court~~ shall have jurisdiction over complaints of unlawful and

forcible entry into lands and tenements and the detention of the same, and of complaints against those who, having a lawful and peaceable entry into lands or tenements, unlawfully and by force hold the same. If the court finds that an unlawful and forcible entry has been made, and that the same lands or tenements are held by force, or that the same, after a lawful entry, are held unlawfully, the court shall cause the party complaining to have restitution thereof. The court, or the jury, as the situation warrants, shall inquire into the matters between the two litigants such as the amount of rent owing the plaintiff and the amount of damage caused by the defendant to the premises while they were occupied by him or her, and render a judgment or verdict accordingly. This section shall not apply to actions for possession of any premises subject to the provisions of the Uniform Residential Landlord and Tenant Act.

Sec. 28. That section 24-583, Revised Statutes Supplement, 1982, be amended to read as follows:

24-583. No appeal shall operate as a supersedeas unless the appellant within thirty days after the rendition of the judgment deposits with the clerk of the county ~~or municipal~~ court a cash bond or undertaking with at least one good and sufficient surety approved by the court, conditioned in case of appeal by the plaintiff that he or she will satisfy the final judgment and costs, and, in case of appeal by the defendant, that he or she will satisfy the final judgment and costs, and will pay a reasonable rent for the premises during the time he or she shall have unlawfully withheld the same.

Sec. 29. That section 24-585, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-585. No person shall appear in the ~~municipal~~ ~~or~~ county court to represent another, or act as attorney therein for any person other than himself or herself, unless he or she is regularly admitted as an attorney in this state.

Sec. 30. That section 24-585.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-585.01. Within three days after rendition of any judgment, the clerk of the county ~~or municipal~~ court shall send notice of the judgment by first class first-class United States mail to each party's attorney or attorneys of record or, if none, to an individual defendant at his or her usual place of residence, if known, and to a defendant not an individual to any proper recipient of summons for that party as designated by law.

Sec. 31. That section 24-591, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-591. (1) All causes pending in any county court, police magistrate court, or justice of the peace court on the first Thursday after the first Tuesday in

January, 1973, shall on that date be placed on the docket of the appropriate county court created by sections 24-501 to 24-590; and shall be subject to all the provisions of sections 24-501 to 24-590. ~~Provided, if the records of any justice of the peace do not affirmatively show that all fees due in any case have been paid, such case shall be dismissed.~~ All records of every county court, police magistrate, and justice of the peace shall, on January 4, 1973, be delivered to the appropriate county court created by sections 24-501 to 24-590.

(2) All causes pending in any municipal court as of July 1, 1985, shall on that date be placed on the docket of the appropriate county court created by sections 24-501 to 24-590 and shall be subject to all the provisions of sections 24-501 to 24-590. All records of every municipal court shall, on July 1, 1985, be delivered to the appropriate county court created by sections 24-501 to 24-590. Any fees assessed for such causes prior to July 1, 1985, shall be paid and may be assigned to the jurisdiction assessing such fees.

Sec. 32. That section 24-701, Revised Statutes Supplement, 1983, be amended to read as follows:

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

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

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

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

(4) Current service shall mean the period of service any Judge of the Supreme Court or judge of the district court shall serve in such capacity from and after January 3, 1957, and shall mean the period of service any judge of the Nebraska Workmen's Compensation Court shall serve in such capacity from and after September 20, 1957, and any county judge shall serve in such capacity from and after January 5, 1961, and any judge of a separate juvenile court shall have served ~~serve~~ in such capacity and any judge of the municipal court shall serve in such capacity subsequent to October 23, 1967, and prior to July 1, 1985, and any ~~district county~~ judge of the county court or associate county judge shall serve in such capacity subsequent to January 4, 1973;

(5) Military service shall mean active service of any Judge of the Supreme Court or district court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 18, 1955, and shall mean active service of any judge of the Nebraska Workmen's Compensation Court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 20, 1957, and shall mean active service of any judge of the municipal court in any of the armed forces of the United States during a war or national emergency prior or subsequent to October 23, 1967, and prior to July 1, 1985, if such service commenced while such judge was holding the office of judge, and shall mean active service of any ~~district county~~ judge of the county court or associate county judge in any of the armed forces of the United States during a war or national emergency prior or subsequent to January 4, 1973, if such service commenced while such judge was holding the office of judge. The board shall have the power to determine when a national emergency exists or has existed for the purpose of applying this definition and provision;

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

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

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

(9) Annuity shall mean a series of equal monthly payments payable at the end of each calendar month during the life of a retired judge. The first payment shall be made as of the end of the calendar month in which such annuity was awarded and the last payment shall be at the

end of the calendar month in which such judge shall die. The first payment shall include all amounts accrued since the effective date of the award of annuities, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such annuity began;

(10) Board shall mean the Public Employees Retirement Board;

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

(12) Original member shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, prior to December 25, 1969, and who does not elect to become a future member on or before June 30, 1970;

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

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

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

Sec. 33. That section 24-703, Revised Statutes Supplement, 1982, be amended to read as follows:

24-703. (1) Except as provided in subsection (2) of this section, each original member shall contribute monthly four per cent of his or her monthly salary to the fund until the maximum benefit as limited in subsection (1) of section 24-710 has been earned. ~~but such contribution shall not be made from any supplemental salary provided by section 24-301-01 or 24-513.~~ It shall be the duty of the Director of Administrative Services to make a deduction of four per cent on the monthly payroll of each original member who is a Judge of the Supreme Court, or a judge of the district court, or a judge of a separate juvenile court, or a judge or associate judge of the county court or a judge of the Nebraska Workmen's Compensation Court

showing the amount to be deducted and its credit to the fund. It shall be the duty of the city clerk in each city having a municipal court established by Chapter 267, article 1, to make a deduction of four per cent on the monthly payroll of each municipal judge who is an original member and to pay all amounts so deducted to the executive officer in charge of the judges retirement system to be credited to the Nebraska Retirement Fund for Judges. This shall be done each month, PROVIDED, in the event such remittance would amount to less than twenty-five dollars per month, such city clerk may remit quarterly. The Director of Administrative Services and the State Treasurer shall credit the four per cent as shown on the payroll and the amounts received from the various counties and cities to the fund and remit the same to the executive officer in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(2) Each original member who has made the election provided for in section 24-710.01 shall contribute monthly six per cent of his or her monthly salary to the fund until the maximum benefit as limited in subsection (2) of section 24-710 has been earned, ~~but such contribution shall not be made from any supplemental salary provided by section 24-301-01 or 24-513.~~ Such contributions shall be made in the manner provided by subsection (1) of this section.

(3) Each future member shall contribute monthly six per cent of his or her monthly salary to the fund until the maximum benefit as limited in subsection (3) of section 24-710 has been earned, ~~but such contribution shall not be made from any supplemental salary provided for in section 24-301-01 or 24-513.~~ It shall be the duty of the Director of Administrative Services to make a deduction of six per cent on the monthly payroll of each such future member who is a Judge of the Supreme Court, or a judge of the district court, or a judge of a separate juvenile court, or a judge or associate judge of the county court or a judge of the Nebraska Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. It shall be the duty of the city clerk in each city having a municipal court established by Chapter 267, article 1, to make a deduction of six per cent on the monthly payroll of each municipal judge, who is such a future member and to pay all amounts so deducted to the executive officer in charge of the judges retirement system to be credited to the Nebraska Retirement Fund for Judges. This shall be done each month. The Director of Administrative Services and the State Treasurer shall credit the six per cent as shown on the payroll and the amounts received from the various counties and cities to the fund and remit the same to the executive officer in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(4) A Nebraska Retirement Fund for Judges fee of one dollar shall be taxed as costs in each civil and criminal cause of action or proceeding filed in the district courts and the county courts and in county courts a sum equal to ten per cent of each fee provided by sections 33-125, 33-126, and 33-126.02, except on the fees provided for in section 33-125 for the dismissal of a cause, and in sections 33-126 and 33-126.02 for filing of report. A similar fee shall be charged in each cause of action or proceeding in municipal court, including prosecutions for violation of state law or any city ordinance. The fee established by this subsection shall not be collected for nonmoving traffic violations handled by a violations bureau established by the local governing body, nor shall it be collected in any cause or proceeding in a municipal court where the cause, proceeding, or defendant has been dismissed by the court. A similar fee shall be charged for prosecutions of any city ordinance regulating nonmoving traffic violations, to be credited to the costs of a violations bureau when established by a local governing body, except when such cause, proceeding, or defendant has been dismissed by the court. When collected by the clerk of the district, or county or municipal court, such fees shall be paid to the executive officer in charge of the judges retirement system on forms prescribed by the board by the said clerk within ten days after the close of each calendar quarter. Such executive officer shall promptly thereafter remit the same to the state treasury. Upon the receipt thereof, the State Treasurer shall credit the same to the Nebraska Retirement Fund for Judges.

(5) The Nebraska Retirement Fund for Judges shall be divided into two separate funds: (a) The Original Members' Fund, and (b) the Future Members' Fund. All expenditures from the funds must be authorized by voucher in the manner prescribed in section 24-713. The funds shall be used for the payment of all annuities and other benefits, and for the expenses of administration.

(6) The Original Members' Fund shall be the fund into which shall be paid the total fund as of December 25, 1969, the contributions of original members as provided in subsections (1) and (2) of this section, the matching contributions for municipal judges as provided in section 24-703-01; all supplementary court fees as provided in subsection (4) of this section until such time as the assets in such fund equal the accrued liabilities of such fund, and any required contributions of the state.

(7) The Future Members' Fund shall be the fund into which shall be paid the contributions of future members as provided in subsection (3) of this section, the matching contributions for municipal judges as provided in section 24-703-01; all supplementary court fees as provided in subsection (4) of this section after such time as the assets in the Original Members' Fund equal the

accrued liabilities of such fund, and any required contributions of the state. Not later than January 1, of each year, the State Treasurer shall transfer to the Future Members' Fund the amount certified by the board as being necessary to pay the cost of any benefits accrued during the fiscal year ending the previous June 30, in excess of future member contributions for that fiscal year, and court fees as described above, if any, for that fiscal year plus any required contributions of the state, as provided in subsection (10) of this section.

(8) Except as provided in subsection (9) of this section, benefits under the retirement system to original members or to their beneficiaries shall be paid from the Original Members' Fund. All benefits under the retirement system to future members or to their beneficiaries shall be paid from the Future Members' Fund.

(9) Any member who is making contributions to the fund on December 25, 1969, may, on or before June 30, 1970, elect to become a future member by delivering written notice of such election to the board. The board shall thereupon direct the State Treasurer to transfer all contributions of such judge to the Future Members' Fund and such judge shall thereafter participate only in the Future Members' Fund.

(10) Not later than January 1 of each year the State Treasurer shall transfer to the fund an amount, determined on the basis of an actuarial valuation as of the previous June 30 and certified by the board, to fully fund the unfunded accrued liabilities of the system by level payments up to January 1, 2000. Such required state contribution shall be divided each year between the Original Members' Fund and the Future Members' Fund in the ratio of the remaining unfunded accrued liability of each fund.

Sec. 34. That section 24-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-714. When the Chief Justice or a Judge of the Supreme Court, a judge of the district court, or a judge of the Nebraska Workmen's Compensation Court, ~~or a judge of the municipal court~~ becomes retired under the provisions of sections 24-701 to 24-714, he or she shall be relieved of further active duties on the court. The Governor may fill the vacancy caused by such retirement the same as when a vacancy exists on that court for any other reason. When a judge of the county court ~~county judge~~ or judge of a separate juvenile court becomes retired under the provisions of sections 24-701 to 24-714, he or she shall also be relieved of further active duties and a vacancy shall be deemed to exist which vacancy shall be filled as provided by law.

Sec. 35. That section 24-733, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-733. (1) Within fifteen days following

completion of a temporary duty assignment, the retired judge shall submit to the Chief Justice of the Supreme Court, on forms provided by the Chief Justice, a claim for services rendered and expenses incurred during such temporary duty assignment. Upon receipt of such claim, the Chief Justice shall endorse on the claim that the services were performed and expenses incurred pursuant to an assignment of the Supreme Court of Nebraska and file such claim with the proper authority for payment.

~~(2) Retired judges who are assigned to a municipal court shall submit a claim for services rendered and expenses incurred during temporary duty assignment in the same manner as other claims against the municipality are made-~~

Sec. 36. That section 25-1002, Revised Statutes Supplement, 1982, be amended to read as follows:

25-1002. An order of attachment shall be approved by a judge of the Supreme Court or any district, ~~or county, or municipal court~~ only after there has been presented to him or her an affidavit or affidavits based upon personal knowledge (1) that the facts set forth in plaintiff's petition state a valid cause of action and the amount plaintiff is entitled to recover are true; (2) describing the existence and approximate value of any of defendant's property known to the plaintiff to be subject to the jurisdiction of the court; and (3) stating specific facts demonstrating reasonable cause that one or more of the grounds for an attachment enumerated in section 25-1001 exist.

Sec. 37. That section 25-1010, Revised Statutes Supplement, 1982, be amended to read as follows:

25-1010. (1) When an affidavit is filed in a civil action, containing the necessary allegations of an affidavit of attachment and, in addition allegations that the affiant has good reason to and does believe that any person, partnership, or corporation, to be named, and within the county where the action is brought, has property of the defendant, describing the same, in his or her possession, that cannot be levied upon by attachment, a judge of the Supreme Court or any district, ~~or county, or municipal court~~ may direct the clerk to issue a summons and order requiring such person, partnership, or corporation as garnishee to answer written interrogatories, to be furnished by the plaintiff and attached to such summons and order, respecting the matters set forth in section 25-1026. All answers must be given in writing but do not need to be verified or given under oath. All answers so given will be deemed to be true and subject to all of the penalties of perjury in the event of willful falsification.

(2) The summons and order, referred to in subsection (1) of this section, shall be returnable within five days from the date of the issuance thereof and shall

require the garnishee to answer within ten days from the date of service upon him or her. The order shall inform the garnishee (a) of the penalties that may be imposed in the event of willful falsification, (b) that he or she is obligated to hold the property of every description and the credits of the defendant in his or her possession or under his or her control at the time of the service of the order and the interrogatories until further direction from the court, (c) of his or her ability to obtain discharge from liability to defendant under section 25-1027, and (d) of the ability of the court to enter judgment against him or her upon failure to answer the interrogatories, as provided in section 25-1028. If the answers to the interrogatories identify property of the defendant in the possession of the garnishee, the clerk shall mail to the last-known address of the defendant copies of the garnishment summons and answers to interrogatories within five days after the return of the answers to the interrogatories.

(3) Prior to final judgment in an action, no order of garnishment shall issue for wages due from an employer to an employee.

Sec. 38. That section 25-1093.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1093.01. The plaintiff may request the delivery of property as specified in section 25-1093 by filing in the office of the clerk of the court in which the action is filed an affidavit of the plaintiff, or his or her agent or attorney, showing (1) a description of the property claimed, (2) that the plaintiff is the owner of the property or has a special ownership or interest therein, stating the facts in relation thereto, and that he or she is entitled to the possession of the same, (3) that the property is wrongfully detained by the defendant, and (4) that it was not taken in execution on any order or judgment against such plaintiff, or for the payment of any fine, tax, or amercement assessed against him or her or by virtue of an order of delivery issued under Chapter 25, or any other mesne or final process issued against him or her, except that ; ~~PROVIDED~~; such affidavit may omit the first and last clause of this subdivision and, in lieu thereof, show that the property was taken on execution on a judgment or order other than an order of delivery in replevin, and that the same is exempt from such execution or attachment under the laws of this state. ~~The~~ ; ~~AND PROVIDED FURTHER~~; ~~the provisions of Chapter 25, article 10, shall extend to and apply as well to proceedings in replevin had before municipal and county courts.~~ Attached to such affidavit shall be a specific request for the delivery of the property and the issuance of an order by the court to that effect.

Sec. 39. That section 25-1641, Revised Statutes

Supplement, 1983, be amended to read as follows:

25-1641. Unless the judge or judges shall order that no jury be drawn, the jury commissioner shall select a list of petit jurors in the manner directed by the judge or judges pursuant to this section. At least ten days before the first day of any jury term of the district court, or ten days before the day the jury is otherwise directed to report, three of the judges of the court, if there be three, or one of the judges if there be less than three, or a ~~judge of the county court county judge or a municipal judge~~ or the sheriff or such other elective officer of the county as the judge or judges may designate shall appear at the office of the jury commissioner, who, in the presence of such judge or judges or the sheriff or other officer of the county so designated by the judge or judges, shall select by chance the names of thirty persons or such number as the judge or judges may otherwise direct, for each judge sitting with a jury in such court, as petit jurors for such term. The person selecting the names may use an electrical or mechanical system or device in carrying out his or her duties pursuant to this section.

If an electronic or mechanical system or device is used to select the petit jurors, the judge or judges or the sheriff or other elective officer so designated need not be personally present at the office of the jury commissioner during such selection. In lieu thereof, the presiding judge or his or her designated representative may direct the jury commissioner to select at random from the proposed jury list a specified number of petit jurors for such term of court or, if more than one jury panel is summoned during such term, for each such panel.

Sec. 40. That section 26-1,172, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,172. All constables and sheriffs shall be ministerial officers in ~~municipal~~ county courts, in their respective jurisdictions, in civil and criminal cases, and civil and criminal processes may be executed by them throughout the jurisdiction.

Sec. 41. That section 26-1,173, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,173. It shall be the duty of every constable to serve and execute all warrants, writs, precepts, executions, and other process to him or her directed and delivered, and in all respects whatever, to do and perform all things pertaining to the office of constable. Sheriffs shall have all the powers and be subject to all the liabilities of constables in the service and return of all processes issued by the ~~municipal~~ county court in their respective counties.

Sec. 42. That section 26-1,178, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,178. In serving all process, either civil or criminal, and in doing his or her duties generally, when

not otherwise restricted by law, the authority of a constable shall extend throughout the territory in which the judges of the municipal county court who appointed him or her have jurisdiction, and in executing and serving process issued by courts inferior to the district court, he or she shall have and exercise the same authority and powers over goods and chattels and the persons or parties and in serving process as is granted by law to a sheriff under like process issued from courts of record. Any constable who shall knowingly perform or attempt to perform any official act outside of the territory in which the court which appointed him or her has jurisdiction, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars, or shall be imprisoned for not more than ten days.

Sec. 43. That section 26-1,180, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,180. Constables and sheriffs shall pay over to the party entitled thereto, all money received by them in their official capacity, if demand is made by such party, or his or her agent or attorney, at any time before he or she returns the writ upon which he or she has received it; if not paid over by that time, he or she shall pay the same to the clerk of the municipal county court when he or she returns the writ.

Sec. 44. That section 26-1,182, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,182. Constables in municipal county court shall give bond in the amount of five thousand dollars signed by two or more sureties who shall each qualify in twice the amount of the said bond, or by some responsible surety or bonding company authorized by law to execute surety bonds in this state, to be approved by the presiding judge of the district court of the county to be conditioned upon the faithful discharge of his or her duties as constable.

Sec. 45. That section 26-1,183, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,183. In counties having a population of one hundred thousand or more, each ~~Each~~ municipal judge shall of the county court may, with the concurrence of the Supreme Court, appoint one constable immediately after taking office, and such constable shall serve until removed from court, which power of removal is hereby given, except that any full-time constable serving on the operative date of this section need not be reappointed but shall continue to serve unless removed or otherwise terminated for cause. Provided, the municipal judge in cities of the primary class shall also have the power to appoint a substitute constable who shall serve in case of the temporary absence or sickness of the regular constable, and such substitute constable shall be subject

to all of the provisions and requirements of law pertaining to constables, including the giving of bond, as herein provided.

Sec. 46. That section 27-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-1101. (1) These rules apply to the following courts in the State of Nebraska: Supreme Court, district courts, county courts, ~~municipal courts~~, and juvenile courts. The word judge when used in sections 27-101 to 27-1103 shall mean any judge of any court to which these rules apply or other officer who is authorized by statute to hold any hearing to which these rules apply.

(2) These rules apply generally to all civil and criminal proceedings, including contempt proceedings except those in which the judge may act summarily.

(3) The rules with respect to privileges apply at all stages of all actions, cases, and proceedings.

(4) The rules (other than those with respect to privileges) do not apply in the following situations:

(a) Proceedings before grand juries;

(b) Proceedings for extradition or rendition; preliminary examinations or hearings in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise;

(c) Contested cases before an administrative agency under Chapter 84, article 9, the Administrative Procedures Act unless a party to the case requests that the agency be bound by the rules of evidence applicable in the district court; or

(d) Proceedings before the Nebraska Workmen's Compensation Court or the Small Claims Court.

Sec. 47. That section 29-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

Sec. 48. That section 29-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-301. Whenever any person shall make a complaint in writing, upon oath, before any ~~county or municipal~~ judge of the county court that he or she has just cause to fear and does fear that another will commit any offense against the person or property of himself, or herself or his or her ward or child, it shall be the duty of the judge before whom such complaint is made to issue a warrant in the name of the state to the sheriff of the county, commanding him or her forthwith to arrest the person complained of, and to bring him or her before the court to answer such complaint.

Sec. 49. That section 29-302.01, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-302.01. When such a complaint shall have been filed in any ~~municipal court or~~ county court and the defendant, before or at the hearing, shall fail or refuse to enter into a recognizance to keep the peace and be of good behavior generally, such ~~municipal court or~~ county court shall have jurisdiction to try and determine the said case and may either discharge the accused or order him or her to enter into a recognizance, in any sum not less than fifty dollars nor more than one thousand dollars, with good and sufficient surety to be approved by the court, to keep the peace and be of good behavior generally, and especially toward the person complaining, for a period of time to be fixed by the court, not exceeding one year.

Sec. 50. That section 29-302.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-302.02. If the trial by the ~~municipal court or~~ county court shall not be held immediately, the accused may be released upon entering into a good and sufficient written recognizance, with good and sufficient surety, to be approved by the court or the clerk thereof, in a sum not less than fifty dollars nor more than one thousand dollars, conditioned for his or her appearance before the court at the time set for trial and in the meantime to keep the peace and be of good behavior generally and especially toward the person complaining.

Sec. 51. That section 29-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-403. District judges, county judges, Judges of the district court, judges of the county court, and associate county judges, and municipal judges shall have power to issue process for the apprehension of any person charged with a criminal offense.

Sec. 52. That section 29-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-611. The defendant shall have the right of appeal from any judgment of a county ~~or municipal~~ court or any judgment, if entered prior to July 1, 1985, of a municipal court, imposing fine or imprisonment, or both, to the district court of the county, which appeal shall be taken immediately upon the rendition of such judgment, and shall stay all further proceedings upon such judgment. No appeal shall be granted or proceedings stayed unless the appellant, together with his or her surety or sureties, shall, within ten days after the rendition of such judgment, appear before the court, and then and there enter into a written recognizance to the people of the State of Nebraska in a sum not less than one hundred dollars, with surety or sureties to be fixed and approved by the court, conditioned for his or her appearance forthwith and without further notice, at the district court of such

county, and from day to day thereafter until the final disposition of such appeal, to answer the complaint against him or her, and to abide the judgment of the district court and not depart therefrom without leave. The ; ~~PROVIDED, that the~~ party appealing may in lieu of such undertaking deposit with the clerk of such court a cash bond in a sum to be fixed by the court but not less than one hundred dollars; and such cash bond shall be accepted in the cause, upon the same conditions and with like effect as undertakings hereinbefore set out, such cash bond to be returned upon the fulfillment of the conditions of the bond. The court from whose judgment the appeal is taken shall forthwith make return of the proceedings had before it; and shall certify the complaint, transcript, bill of exceptions, and the warrant together with all such recognizances to the district court; and may also require the complainant and other witnesses to enter into written recognizances, with or without security, as the court deems best, to appear at the district court at the time aforesaid, and abide the order of the court; and in case of refusal to enter into such recognizances, may enforce the same by imprisonment if necessary.

Sec. 53. That section 29-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-613. The district court shall hear and determine any cause brought by appeal from a county ~~or municipal~~ court or by appeal, if the judgment was entered prior to July 1, 1985, from a municipal court upon the record; and may affirm, modify, or vacate the judgment; or may remand the case to the county ~~or municipal~~ court for a new trial.

Sec. 54. That section 29-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-614. If, upon appeal to the district court, the defendant's conviction shall be affirmed, judgment shall be rendered accordingly, and for the costs before the district and county ~~or municipal~~ courts, and that he or she be committed to the county jail until the judgment be complied with. If the defendant is acquitted on an appeal, he or she shall recover his or her costs including his or her costs before the magistrate. The clerk of the respective courts, whether county, ~~municipal~~ or district, shall take whatever action is necessary to return, or cause the return of, all costs, fees, and bonds previously required of the appellant at the time the appeal was taken to the district court.

Sec. 55. That section 29-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-615. If, in the progress of any trial before a county ~~or municipal~~ court it shall appear that the defendant ought to be put upon his or her trial for an offense not cognizable before such court, the court shall immediately stop all further proceedings before ~~him~~ the

court and proceed as in other criminal cases exclusively cognizable before the district court.

Sec. 56. That section 29-812, Revised Statutes Supplement, 1982, be amended to read as follows:

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

Sec. 57. That section 29-901.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-901.05. (1) It shall be the duty of the county court judges of the county court and municipal court judges, if any, in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor offenses and such other offenses as the judges deem necessary. It shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedule does not list all misdemeanor and other offenses specifically, it shall contain a general clause for misdemeanors and a separate one for any other offenses providing for designated amounts of bail as the judges of the county determine to be appropriate for all such offenses. The schedule of bail may be revised from time to time by the judges of the county, and the presiding county court judge at each county seat shall call not more than two meetings nor less than one meeting each year of all county court judges of the county court and municipal court judges, if any, in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.

(2) When bail has been set by a judge for a particular offense or offender, any sheriff or other peace officer may take bail in accordance with the provisions of section 29-901 and release the offender to appear in accordance with the conditions of the bail bond, the notice to appear, or the summons. Such officer shall give a receipt to the offender for the bail so taken and within a reasonable time deposit such bail with the clerk of the court having jurisdiction of the offense.

Sec. 58. That section 29-902.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

29-902.01. (1) The presiding judge of the county court and the presiding judge of the municipal court in each county having a population of three hundred thousand or more inhabitants shall, as often as is necessary, meet and designate on a schedule not less than one judge of the county court or municipal court to be reasonably available on call for the setting of orders for discharge from actual custody upon bail, the issuance of search warrants, and for such other matters as may be deemed appropriate, at all times when a court is not in session in the county.

(2) The officer in charge of a jail, or a person such officer designates, in which an arrested person is held in custody shall assist the arrested person or such person's attorney in contacting the judge on call as soon as possible for the purpose of obtaining release on bail.

Sec. 59. That section 29-910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-910. In the event the district court shall designate an official pretrial release agency, an order designating such agency shall be filed with the clerk of each district court in such district, and shall affect all courts within such district. The order shall set out the name of the agency, its sponsoring agencies, if any, and the terms and conditions under which such agency shall operate. Such order shall be binding on any municipal court located within such district unless the municipal court designates a pretrial release agency and establishes terms and conditions under which it shall operate with reference to any prisoner charged with an offense within the criminal jurisdiction of the municipal court including arraignments, preliminary hearings and related procedures involving prisoners charged with felonies. The order of the municipal court designating the pretrial release agency and setting forth the terms and conditions under which it shall operate shall be filed with both the clerks of the municipal and district courts of the county in which the municipal court is located. There shall be no requirement that the terms and conditions regulating the pretrial release agency designated by the district court and the pretrial release agency designated by the municipal court be the same, whether or not the same agency is designated by both courts.

Sec. 60. That section 29-1804.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

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

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

county judge, ~~or a municipal court judge.~~

Sec. 61. That section 29-2246, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2246. As used in sections 29-2209, 29-2215, 29-2216, 29-2219, 29-2246 to 29-2269, and 83-1,102 to 83-1,104, and sections 62 and 67 of this act, unless the context otherwise requires:

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

(2) Court shall mean a district court, county court, or juvenile court except a separate juvenile court established pursuant to sections ~~43-228 to 43-230, and 43-233 to 43-239~~ 43-2,111 to 43-2,113 and 43-2,118 to 43-2,127;

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

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

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

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

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

~~(7)~~ (8) Service shall mean the Field Probation Service; and

~~(8)~~ (9) Administrator shall mean the probation administrator.

Sec. 62. Any separate juvenile court probation position or related position within a separate juvenile court, including intake, service, and clerical positions necessary to probation services, for which personnel are employed on January 1, 1984, shall, after July 1, 1985, be deemed a part of the Field Probation Service. The positions shall exist under the Office of Probation Administration and juvenile probation officers and employees in such related positions shall serve under the same conditions as other comparable service personnel. On July 1, 1985, the office facilities of the municipal court probation departments shall be transferred, by sale, lease, or other arrangement, from cities of the metropolitan or primary class to the State of Nebraska. Subject to any sale, lease, or other arrangement pursuant to this section, all other property, equipment, books, and records of the probation departments of the municipal courts shall be transferred on July 1, 1985, to the Office of the Probation Administration of the State of Nebraska.

Sec. 63. Any municipal court employee serving

in a full-time probation position or related position existing on or before July 1, 1984, for which funds have been authorized by the city council of a primary or metropolitan class shall, commencing July 1, 1985, serve under the Office of Probation Administration. Such employees shall serve under the same conditions as comparable personnel and shall serve in such classifications as the probation administrator shall direct, except that no employee shall incur a loss of income due to his or her classification under the Office of Probation Administration.

Sec. 64. Accrued leave and benefits for separate juvenile court probation employees and municipal court employees serving as state employees pursuant to sections 62 and 63 of this act shall be subject to this section.

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

(2) The transferred employee may transfer the maximum amount of accrued annual leave earned as an employee of the city or county allowed by the state. The city or county shall reimburse the state in an amount equal to one hundred per cent of the value of the hours of accrued annual leave transferred. The city or county shall reimburse the transferred employee in an amount equal to one hundred per cent of the hours of any accrued annual leave in excess of the amount which may be transferred based on the employee's straight time rate of pay at the time of transfer.

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

(4) When accrued sick leave and vacation leave for a transferred employee are at a greater rate value than allowed by the state's sick leave and vacation leave plans, the city or county shall pay to the state on July 1, 1985, an amount equal to the difference between the value of such benefits allowed by the city or county and by the state based on, at the time of transfer, twenty-five per cent of

the employee's straight time rate of pay for the sick leave and one hundred per cent of the employee's straight time rate of pay for vacation leave. The state may receive reimbursement based on such difference in rate values not later than July 1, 1990.

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

(6) The transferred employee shall participate in and be covered by the Nebraska State Insurance Program, sections 44-1620 to 44-1632, on the operative date of this section.

Sec. 65. That section 29-2252, Revised Statutes Supplement, 1982, be amended to read as follows:

29-2252. The administrator shall:

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

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

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

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

Sec. 66. That section 29-2253, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

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

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

~~(3)~~ (4) The administrator may direct a probation officer of one probation district to temporarily act as probation officer for a court in another probation district and such probation officer while so serving shall have all the powers and responsibilities as if he or she were serving in the probation district to which he or she was originally appointed.

~~(4)~~ (5) The administrator, with the concurrence of the Nebraska Probation System Committee, shall

designate the location of the principal office of the service within each probation district.

Sec. 67. Separate juvenile courts shall be prohibited from appointing juvenile probation officers after December 31, 1984.

Sec. 68. That section 29-2271, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2271. The Nebraska District Court Judges Association created pursuant to section 29-2247 shall, at the first meeting of the association held after passage of this act, select five four members of the association to serve on the Nebraska Probation System Committee. On or before March 31, 1985, the association shall determine by lot which member of the five members serving on the operative date of this section shall have his or her term terminate on March 31, 1985.

Sec. 69. The separate juvenile court judges of the State of Nebraska shall meet on or before March 31, 1985, and shall select one member to serve on the Nebraska Probation System Committee whose term shall commence on April 1, 1985.

Sec. 70. That section 29-2317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2317. (1) A prosecuting attorney, including any county attorney, city attorney, or designated assistant, may take exception to any ruling or decision of the ~~municipal or~~ county court made during the prosecution of a cause by presenting to the court a notice of intent to take an appeal to the district court with reference to the rulings or decisions of which complaint is made.

(2) The notice shall contain a copy of the rulings or decisions complained of, the basis and reasons for objection thereto, and a statement by the prosecuting attorney as to the part of the record he or she proposes to present to the district court. The notice shall be presented to the court within twenty days after the final order is entered in the cause and, if the court finds it is in conformity with the truth, the judge shall sign it and shall indicate thereon whether, in his or her opinion, the part of the record which the prosecuting attorney proposes to present to the district court is adequate for a proper consideration of the matter.

(3) The prosecuting attorney shall then file the notice in the district court within one month from the date of final order and within one month from the date of filing the notice shall file a bill of exceptions covering the part of the record referred to in the notice. Such appeal shall be on the record.

Sec. 71. That section 29-2318, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2318. When a notice is filed, the trial court shall appoint a lawyer to argue the case against the prosecuting attorney, which lawyer shall receive for his

or her services a fee not exceeding two hundred dollars to be fixed by the court and to be paid out of the treasury of the city if the appeal is from a municipal court, and out of the treasury of the county, if the appeal is taken from a county court. The court may appoint the defendant's attorney, but if he an attorney is not appointed the defendant may be represented by an attorney of his or her choice.

Sec. 72. That section 29-2704, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2704. Upon examination in county or municipal court on complaint of a felony, whether the accused be held to answer in court or discharged, the court may file with the county clerk a certified transcript of the costs, giving the items of the same, and to whom each is due, and on what account. As early as may be after the filing of such bill, but without assembling for the special purpose, the county board of the proper county shall examine into such bill of costs as to its correctness, justice, and legality; and may, if need be, examine under oath any person upon the subject, which oath may be administered by the county clerk. It shall be the duty of the board to disallow any item, in whole or in part, of such bill; that shall be found to be unlawful or needlessly incurred; or, if it shall appear that the complaint was made for a felony when it should have been for a misdemeanor only, it may in its discretion disallow the entire bill, or any part thereof. The board may order that such bill, or so much thereof as it finds to be lawful and just, be paid from the county treasury, whereupon the county clerk shall draw warrants upon the county treasurer for the sums respectively due to each person upon such bill so allowed, which warrants the treasurer shall pay from the county general fund. The amount of costs so allowed shall be certified by the county clerk, and the certificate filed with the papers in the cause, in the office of the clerk of the district court. If the defendant shall be convicted, judgment shall be rendered against him or her for the costs so allowed, in addition to the costs made in the district court.

Sec. 73. That section 29-3302, Revised Statutes Supplement, 1982, be amended to read as follows:

29-3302. Judges and magistrates are authorized to issue orders authorizing identification procedures for the purpose of obtaining identifying physical characteristics in accordance with the procedures specified in sections 29-3301 to 29-3307. The order may be issued by any judge of the district or Supreme Court for service and execution anywhere within the State of Nebraska. An order may also be issued by any county judge of the county court or municipal court judge or other magistrate for service within the county of issuance. Any court issuing such an order shall receive a fee of five

dollars for all services connected therewith, including the taking of necessary acknowledgments and the filing of the return.

Sec. 74. That section 32-421.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-421.01. At the top of the ballot for general elections and over all else shall be printed in black face type one half inch high the words Official Ballot, General Election 19.....

The names of all candidates and all measures to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by black lines, as follows:

(1) All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be submitted on a separate ballot.

(2) If the election be in a year in which a President of the United States is to be elected, in spaces separated from the foregoing by a heavy black line and entitled Presidential Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for candidates for President and Vice President; the names of candidates for President and Vice President for each political party shall be grouped together, each group enclosed with brackets with one square to the left in which the voter indicates his or her choice, and the party name to the right, with a heavy black line across the column, separating the group of the different political parties.

(3) Following and immediately after a heavy black line separating from the three preceding named parts shall appear the names of candidates for United States Senator, if any are to be elected.

(4) In spaces separated from the foregoing by a heavy black line and entitled Congressional Ticket in black type not less than eighteen point, shall be the names and spaces for voting for candidates for Representatives in Congress and above the candidates' names the office shall be designated For Representative in Congress District.

(5) In spaces separated from the foregoing by a heavy black line and entitled State Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for candidates for the various state officers each set of which shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates and arranged in the order as prescribed by the Secretary of State. In the year 1974 and every fourth year thereafter, the candidates for Governor and Lieutenant Governor of each political party receiving the highest number of votes in the primary shall be grouped together. In the general election one vote shall be cast jointly for the candidates

for Governor and Lieutenant Governor and the names on the ballot shall be grouped, each group enclosed with brackets with one square to the left in which the voter indicates his or her choice, and the party name to the right, with a heavy black line across the column separating the group of different political parties.

In the case of petition candidates in the general election for Governor and Lieutenant Governor, the names shall be placed on the ballot in like manner, except that the words By petition shall appear in lieu of the party designation.

(6) In spaces separated from the foregoing by a heavy black line and entitled Nonpolitical Ticket in black type not less than eighteen point, shall be the names of all nonpolitical candidates in the following order:

- (a) For Member of the State Board of Education..... District;
- (b) For Member of the Legislature..... District;
- (c) For Regent of the University of Nebraska..... District;
- (d) For County Superintendent;
- (e) For County Weed Control Authority;
- (f) For Judge of Nebraska Workmen's Compensation Court;
- (g) For Judge of the District Court..... District;
- (h) For Judge of the Separate Juvenile Court..... County; and
- (i) For Judge of the County Court District, and
- (j) For Judge of the Municipal Court, City of.....

(7) In spaces separated from the foregoing by a heavy black line and entitled County Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for the various county offices, in the order as prescribed by the Secretary of State, and for measures submitted to the county vote only or in only a part thereof, except ~~PROVIDED~~, that if the county clerk or election commissioner, as the case may be, shall deem it advisable, such measures shall be submitted on a separate ballot.

(8) In like manner shall be printed the candidates for office in the precinct only or in the city only, except ~~PROVIDED~~, that if the county clerk or election commissioner shall deem it advisable, candidates for these offices may be submitted on a separate ballot.

Sec. 75. That section 33-138, Revised Statutes Supplement, 1982, be amended to read as follows:

33-138. (1) Each member of a grand or petit jury in a district, or county, or municipal court shall receive for his or her services twenty dollars for each day

employed in the discharge of his or her duties, and mileage at the rate provided in section 84-306.03 for state employees for each mile necessarily traveled. No juror shall be entitled to pay for the days he or she is voluntarily absent or excused from service by order of the court. No juror shall be entitled to pay for Saturdays or holidays unless actually employed in the discharge of his or her duties as a juror on such days.

(2) In the event that any temporary release from service, other than that obtained by the request of a juror, shall occasion an extra trip or trips to and from the residence of any juror or jurors the court may, by special order, allow mileage for such extra trip or trips.

(3) Payment of jurors for service in the district and county courts shall be made by the county. ~~Payment of jurors for service in the municipal court shall be made by the city.~~

Sec. 76. That section 33-139, Revised Statutes Supplement, 1982, be amended to read as follows:

33-139. Witnesses before the district court and the county ~~or municipal~~ court, except the Small Claims Court, and the grand jury shall receive twenty dollars, and witnesses before the Small Claims Court shall receive eight dollars, for each day actually employed in attendance on the court or grand jury, and if the ~~said~~ witness shall reside more than one mile from the courthouse or place where the court is held, he or she shall receive mileage at the rate provided in section 84-306.03 for state employees for each mile necessarily traveled.

Sec. 77. That section 43-247, Revised Statutes Supplement, 1982, be amended to read as follows:

43-247. The juvenile court shall have exclusive original jurisdiction as to any juvenile defined in subdivision (1) of this section who is under the age of sixteen, as to any juvenile defined in subdivision (3) of this section, and as to the parties and proceedings provided in subdivisions (5) and (6) of this section. As used in this section, all references to the juvenile's age shall be the age at the time the act which occasioned the juvenile court action occurred. The juvenile court shall have concurrent original jurisdiction with the district court as to any juvenile defined in subdivision (2) of this section. The juvenile court shall have concurrent original jurisdiction with the district court, and county court, ~~and municipal court~~ as to any juvenile defined in subdivision (1) of this section who is age sixteen or seventeen, and any juvenile defined in subdivision (4) of this section. Notwithstanding any disposition entered by the juvenile court under the provisions of sections 43-245 to 43-2,129, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the

individual from its jurisdiction.

The juvenile court in each county as herein provided shall have jurisdiction of:

(1) Any juvenile who has committed an act other than a traffic offense which would constitute a misdemeanor or an infraction under the laws of this state, or violation of a city or village ordinance;

(2) Any juvenile who has committed an act which would constitute a felony under the laws of this state;

(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; ~~or~~ who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such juvenile; or (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who departs himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school;

(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245;

(5) The parent, guardian, or custodian who has custody of any juvenile described in this section;

(6) The proceedings for termination of parental rights as provided in sections 43-245 to 43-2,129; and

(7) The proceedings for termination of parental rights as provided in section 42-364.

Sec. 78. That section 43-2,113, Revised Statutes Supplement, 1982, be amended to read as follows:

43-2,113. Where a separate juvenile court is established, the county board of the county shall provide suitable rooms and offices for the accommodation of the judge thereof, and the officers and employees appointed by such judge or by the probation administrator pursuant to subsection (3) of section 29-2253. Such separate juvenile court, the judge thereof, and the officers and employees of such court shall have the same and exclusive jurisdiction, powers, and duties that are prescribed in sections 43-245 to 43-2,129 and concurrent jurisdiction under sections 83-223 and 83-1101 to 83-1139; and such other jurisdiction, powers, and duties as may hereafter be specifically provided by law. A juvenile court created in

a separate juvenile court judicial district shall have and exercise jurisdiction within such juvenile court judicial district with the district court in all matters arising under the provisions of Chapter 42, article 3, when the care, support, custody, or control of minor children under the age of eighteen years is involved. Such cases shall be filed in the district court and may with the consent of the juvenile judge be transferred to the docket of the separate juvenile court.

Sec. 79. That section 43-2,123, Revised Statutes Supplement, 1982, be amended to read as follows:

43-2,123. ~~The presiding~~ Each judge of a separate juvenile court shall appoint a chief juvenile probation officer and a sufficient number of assistant juvenile probation officers and other employees to carry out the work of the court. Each judge shall appoint his or her own court reporter, and bailiff, and other necessary personal staff. Each court reporter shall be well-skilled in the art of stenography and capable of reporting verbatim the oral proceedings had in court. The chief juvenile probation officer shall be selected by the presiding judge with reference to experience and understanding of problems of family life and child welfare, juvenile delinquency, community organization, and training in the recognition and treatment of behavior disorders. The salaries of the bailiff and other necessary personal staff chief juvenile probation officer, the assistant juvenile probation officers, if any, and the other employees of the separate juvenile court shall be fixed by the presiding judge, subject to the approval of the board of county commissioners or supervisors, and shall be paid out of the general fund of the county.

Sec. 80. That section 44-1627, Revised Statutes Supplement, 1982, be amended to read as follows:

44-1627. The coverages provided for by sections 44-1620 to 44-1632 shall be afforded to each permanent state employee who works one half or more of the regularly scheduled hours during each pay period, commencing after thirty days of such employment, except that coverage shall commence on the operative date of this section for employees transferred to the state pursuant to sections 9, 62, and 63 of this act. Employees who are employed less than the regularly scheduled hours shall be entitled to state contributions on a proportionately reduced basis. No coverages provided for by sections 44-1620 to 44-1632 shall be afforded to any employee after attainment of age seventy. The life and health insurance coverages provided by sections 44-1620 to 44-1632 shall be totally independent of one another and the loss experience and the rates for the two coverages shall be maintained separate and apart from one another.

Sec. 81. That section 49-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-502. The county clerk shall distribute one copy of the session laws to the clerk of the district court for the use of the district court in all counties of the state except Lancaster and Douglas Counties, and in those counties one copy for each district judge in the county, to the ~~county~~ judge of the county court, the county attorney, and to the county law library. He or she shall also reserve one copy each of the laws and journals for himself or herself and give one copy to each judge of the municipal court in the county, and to each associate county judge in the county.

Sec. 82. That section 49-617, Revised Statutes Supplement, 1982, be amended to read as follows:

49-617. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the State Librarian. These copies shall be held and disposed of by such librarian as follows: Sixty copies to the Nebraska State Library to exchange for statutes of other states; five copies to the Nebraska State Library to keep for daily use; not to exceed twenty-five copies to the Nebraska Legislative Council for bill drafting and related services to the Legislature and executive state officers; not to exceed twenty copies to the Attorney General; twelve copies to the Tax Commissioner; eight copies to the Nebraska Publications Clearinghouse; six copies to the Public Service Commission; four copies to the Secretary of State; four copies to the Clerk of the Nebraska Legislature for use in his or her office and two copies to be maintained in the legislative chamber under control of the sergeant at arms; two copies each to the Governor of the state, the Chief Justice and each Judge of the Supreme Court, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Court Administrator, the Auditor of Public Accounts, the Commissioner of Labor, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, the library of the Supreme Court of the United States, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Department of Economic Development, the Director of the Public Employees Retirement Board, the Director of Health, the Director-State Engineer, the Director of Banking and Finance, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Water Resources, the Director of Social Services, the Director of Public Institutions, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workmen's Compensation Court, each judge of the Commission of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources

Commission, the State Real Estate Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Surveyor, the Nebraska State Patrol, Purchasing Agent, State Personnel Office, Nebraska Motor Vehicle Industry Licensing Board, Board of Trustees of the Nebraska State Colleges, each of the Nebraska State Colleges, each district judge of the State of Nebraska, each ~~district county~~ judge of the county court, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, the clerk of the Nebraska Workmen's Compensation Court, each associate county judge, each county attorney, each county public defender, and each county law library of the State of Nebraska, ~~each judge of the municipal court,~~ and the inmate library at all state penal and correctional institutions, and each member of the Legislature shall be entitled to two complete sets, and two complete sets of such volumes as are necessary to update previously issued volumes, but each member of the Legislature shall be entitled, on request, to a third complete set. Copies 7 PROVIDED; ~~copies~~ of the statutes distributed without charge, as above listed, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.

Sec. 83. That section 49-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-801. Unless the context is shown to intend otherwise, words and phrases in the statutes of Nebraska hereafter enacted are used in the following sense:

(1) Acquire when used in connection with a grant of power or property right to any person includes the purchase, grant, gift, devise, bequest, and the obtaining by eminent domain.

(2) Action includes any proceeding in any court of this state.

(3) Attorney means attorney at law.

(4) Company includes any corporation, partnership, joint stock company, joint venture, or association.

(5) Domestic when applied to corporations means all those created by authority of this state.

(6) Federal refers to the United States.

(7) Foreign when applied to corporations includes all those created by authority other than that of this state.

(8) Grantee includes every person to whom any

estate or interest passes in or by any conveyance.

(9) Grantor includes every person from or by whom any estate or interest passes in or by any conveyance.

(10) Inhabitant shall be construed to mean a resident in the particular locality in reference to which that word is used.

(11) Land or real estate includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest.

(12) Magistrate includes ~~county~~ judge, ~~municipal judge,~~ of the county court and associate county judge.

(13) Month means calendar month.

(14) Oath includes affirmation in all cases in which an affirmation may be substituted for an oath.

(15) Peace officer includes sheriffs, constables, coroners, jailers, marshals, ~~police~~ police officers, state highway ~~patrolmen~~ patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests.

(16) Person includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and associations.

(17) Personal estate includes money, goods, chattels, claims, and evidences of debt.

(18) Process means a summons, subpoena, or notice to appear issued out of a court in the course of judicial proceedings.

(19) State when applied to different states of the United States shall be construed to extend to and include the District of Columbia and the several territories organized by Congress.

(20) Sworn includes affirmed in all cases in which an affirmation may be substituted for an oath.

(21) The United States includes territories, outlying possessions, and the District of Columbia.

(22) Violate includes failure to comply with.

(23) Writ signifies an order or citation in writing issued in the name of the state out of a court or by a judicial officer.

(24) Year means calendar year.

Sec. 84. That section 76-1409, Revised Statutes Supplement, 1983, be amended to read as follows:

76-1409. The district, ~~or county,~~ ~~or municipal~~ court of this state may exercise jurisdiction over any landlord or tenant with respect to any conduct in this state governed by sections 24-568 and 76-1401 to 76-1449 or with respect to any claim arising from a transaction subject to sections 24-568 and 76-1401 to 76-1449 for a dwelling unit located within its jurisdictional boundaries.

Sec. 85. That section 76-1441, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1441. The person seeking possession shall file a petition for restitution with the clerk of the district, or county, or ~~municipal~~ court. The petition shall contain (a) the facts, with particularity, on which he or she seeks to recover; (b) a reasonably accurate description of the premises; and (c) the requisite compliance with the notice provisions of the act. The petition may also contain other causes of action relating to the tenancy, but such said causes of action shall be answered and tried separately, if requested by either party in writing.

Sec. 86. That section 84-1332, Revised Statutes Supplement, 1983, be amended to read as follows:

84-1332. (1) Any city or county employee who is a member under a city or county employees' employees retirement system, including retirement systems authorized by section 23-1118, and whose status as a city or county employee is changed by the Legislature to that of a state employee shall, upon application to the Public Employees Retirement Board and to the city or county, or to the county board of a county having a retirement system authorized by section 23-1118, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of transfer, except that the employee may not withdraw the amount in his or her employee account prior to his or her retirement and still receive such vested benefits. Each employee's service as a city or county employee, after he or she has attained the minimum age required under the State Employees Retirement System and has completed two years of service, shall be credited as though it were participation in the State Employees Retirement System for purposes of calculating the termination benefits established by section 84-1321.

(2) Any city or county employee whose status as a city or county employee is or has been changed by the Legislature to that of a state employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service required if the minimum age requirement of the State Employees Retirement System is satisfied, or, if the minimum age requirement is not satisfied on the date of transfer, the employee shall be eligible to participate at the date he or she satisfies the minimum age requirement.

Sec. 87. Sections 61, 62, 67, 68, 69, 87, 88, and 89 of this act shall become operative on the effective date of this act. The remaining sections of this act shall become operative on July 1, 1985, except that any actions necessary to their implementation may be taken prior to July 1, 1985.

Sec. 88. If any section in this act or any part

of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 89. That original sections 29-2246 and 29-2271, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 90. That original sections 7-111, 14-603, 14-604, 15-326, 24-501, 24-506, 24-515, 24-521, 24-526, 24-533, 24-536, 24-568, 24-585, 24-585.01, 24-591, 24-714, 24-733, 25-1093.01, 26-1,172, 26-1,173, 26-1,178, 26-1,180, 26-1,182, 26-1,183, 27-1101, 29-103, 29-301, 29-302.01, 29-302.02, 29-403, 29-611, 29-613 to 29-615, 29-901.05, 29-902.01, 29-910, 29-1804.14, 29-2253, 29-2317, 29-2318, 29-2704, 32-421.01, 49-502, 49-801, and 76-1441, Reissue Revised Statutes of Nebraska, 1943, sections 24-503, 24-525, 24-541.01 to 24-541.07, 24-541.09, 24-583, 24-703, 25-1002, 25-1010, 29-812, 29-2252, 29-3302, 33-138, 33-139, 43-247, 43-2,113, 43-2,123, 44-1627, and 49-617, Revised Statutes Supplement, 1982, and sections 24-209, 24-517, 24-524, 24-701, 25-1641, 76-1409, and 84-1332, Revised Statutes Supplement, 1983, and also sections 24-529, 24-703.01, 26-101, 26-102, 26-102.01 to 26-102.03, 26-103 to 26-105, 26-107, 26-108 to 26-111, 26-113, 26-114, 26-116, 26-118, 26-119, 26-120, 26-122, 26-1,202, 26-1,203, 29-2209, 29-2215, 29-2216, and 29-2255, Reissue Revised Statutes of Nebraska, 1943, sections 26-106, 29-2219, and 43-2,124, Revised Statutes Supplement, 1982, and sections 26-112 and 26-117, Revised Statutes Supplement, 1983, are repealed.