

LEGISLATIVE BILL 799

Approved by the Governor May 22, 2023

Introduced by DeBoer, 10.

A BILL FOR AN ACT relating to law; to amend sections 24-209, 24-211, 24-212, 24-503, 24-1109, 48-152, 48-153, 49-506, 49-617, and 49-702, Reissue Revised Statutes of Nebraska, and sections 24-201.01 and 85-177, Revised Statutes Cumulative Supplement, 2022; to change judges' salaries, provisions relating to published judicial opinions as prescribed, the number of county court judges and Nebraska Workers' Compensation Court judges, and provisions relating to the College of Law; to rename the Reporter of the Supreme Court and Court of Appeals as the Reporter of Decisions and provide duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 24-201.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

~~24-201.01 On July 1, 2020, the salary of the Chief Justice and the judges of the Supreme Court shall be one hundred eighty-seven thousand thirty-six dollars and one cent. On July 1, 2021, the salary of the Chief Justice and the judges of the Supreme Court shall be one hundred ninety-two thousand six hundred forty-seven dollars and nine cents. On July 1, 2022, the salary of the Chief Justice and the judges of the Supreme Court shall be one hundred ninety-eight thousand four hundred twenty-six dollars and fifty-one cents. On July 1, 2023, the salary of the Chief Justice and the judges of the Supreme Court shall be two hundred twelve thousand three hundred sixteen dollars and thirty-seven cents. On July 1, 2024, the salary of the Chief Justice and the judges of the Supreme Court shall be two hundred twenty-five thousand fifty-five dollars and thirty-five cents.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. Section 24-209, Reissue Revised Statutes of Nebraska, is amended to read:

~~24-209 (1) The Nebraska Appellate Courts Online Library shall be the repository for the published judicial opinions of the Supreme Court and the Court of Appeals which have been designated for permanent publication. All previous official bound and printed volumes of the appellate courts' opinions shall be made available on the Nebraska Appellate Courts Online Library. Other distribution of such electronic opinions shall be as directed by Unless otherwise directed by the Supreme Court, one copy in print format of the Nebraska Reports and one copy in print format of the Nebraska Appellate Reports shall be furnished by the Supreme Court to each judge of the Supreme Court, Court of Appeals, Nebraska Workers' Compensation Court, and district, separate juvenile, and county courts, to each county law library, and to each state library, and two copies of such reports shall be furnished to the Legislative Council. The State Court Administrator shall be furnished as many additional copies in print format as he or she deems necessary for the operation of the Court of Appeals and the Supreme Court.~~

~~(2) Unless otherwise directed by the Supreme Court, one copy in print format of the opinions of the Nebraska Supreme Court in pamphlet form, known as the Nebraska Advance Sheets, and one copy in print format of the opinions of the Nebraska Court of Appeals in pamphlet form, known as the Decisions of the Nebraska Court of Appeals, shall be furnished to each judge of the Supreme Court, Court of Appeals, Nebraska Workers' Compensation Court, and district, separate juvenile, and county courts, as many copies as may be requested by the members of the Legislature shall be furnished to the Clerk of the Legislature, and the State Court Administrator shall be furnished as many copies as he or she deems necessary for the operation of the Court of Appeals and the Supreme Court.~~

~~(2) As directed by the Supreme Court, extra circulating copies of previously printed volumes or issues (3) The balance of the Nebraska Reports, Nebraska Appellate Reports, Nebraska Advance Sheets, and Decisions of the Nebraska Court of Appeals may shall be sold as called for at such price and in such format as shall be prescribed by the Supreme Court. The money received from such sales shall be paid into the Supreme Court Reports Cash Fund which is hereby created.~~

~~(4) Upon request from any office or entity entitled to free copies of the Nebraska Reports, the Nebraska Appellate Reports, the Nebraska Advance Sheets, or the Decisions of the Nebraska Court of Appeals, the court may stop sending the publications to such office or entity until the request is withdrawn.~~

~~(5) If it is determined by the Supreme Court, pursuant to subsection (2) of section 24-212, that publication of the opinions of the Supreme Court and~~

~~the Court of Appeals shall be in electronic format, as an alternative to or in addition to print format, the distribution or sale of such print or electronic opinions for purposes of this section shall be directed by the Supreme Court.~~

Sec. 3. Section 24-211, Reissue Revised Statutes of Nebraska, is amended to read:

24-211 (1) The Clerk of the Supreme Court shall keep his or her office at the State Capitol, be the custodian of the seal of the court, perform the duties devolving upon him or her by law, and be subject to the orders of the court. The Clerk of the Supreme Court shall receive an annual salary to be fixed by the Supreme Court.

(2) ~~The Reporter of Decisions the Supreme Court and Court of Appeals shall keep his or her office at the State Capitol, perform the duties devolving upon him or her by law, and be subject to the orders of the court. The Reporter of Decisions the Supreme Court and Court of Appeals shall receive an annual salary to be fixed by the Supreme Court.~~

Sec. 4. Section 24-212, Reissue Revised Statutes of Nebraska, is amended to read:

~~24-212 (1) The Except as provided in subsection (2) of this section, it shall be the duty of the Reporter of Decisions shall the Supreme Court and Court of Appeals to prepare the opinions designated for permanent publication from the Supreme Court and Court of Appeals of the courts for publication in the Nebraska Appellate Courts Online Library advance pamphlet form as soon as feasible. Such opinions fast as they are delivered to him or her, and when sufficient material is accumulated to form a volume of not less than nine hundred pages, he or she shall cause the same to be printed and bound in a permanent manner. The reporter shall also determine, based on the number of current subscribers and the provisions of section 24-209, the number of copies in print format for each publication of advance pamphlets and bound volumes. Payments for such publications shall be made from the Supreme Court Reports Cash Fund. The copyright of each volume shall be entered by the reporter for the benefit of the state, and all papers relating thereto shall be filed and recorded in the office of the Secretary of State. The titles of the volumes shall be the Nebraska Reports and the Nebraska Appellate Reports which with the number of the volume shall be printed on the back of each volume, and the reports of every case should show the name of the judge writing the opinion, the names of the judges concurring therein, and the names of the judges, if any, dissenting from the opinion.~~

~~(2) At The reporter shall also edit and arrange for publication in the statutes of Nebraska, at such times as the Revisor of Statutes may request, the Reporter shall also edit and arrange for publication or electronic release in the statutes of Nebraska, annotations of the decisions of the Supreme Court of Nebraska and the decisions of the Court of Appeals designated for permanent publication and transmit them to the Revisor of Statutes.~~

~~(2) In the alternative or in addition to subsection (1) of this section, the opinions of the Supreme Court and Court of Appeals may be published in electronic format in the manner and under such title designated by the Supreme Court.~~

Sec. 5. Section 24-503, Reissue Revised Statutes of Nebraska, is amended to read:

24-503 For the purpose of serving the county courts in each county, twelve county judge districts are hereby created:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

District 4 shall have twelve county judges. District 3 shall have seven county judges. Districts 5, 9, 11, and 12 shall have five county judges. Districts 2 and 7, 6, and 9 shall have four county judges. Districts 1, 7, 8, and 10 shall have three county judges.

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 Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, 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.

Sec. 6. Section 24-1109, Reissue Revised Statutes of Nebraska, is amended to read:

24-1109 The Clerk of the Supreme Court shall serve as the clerk of the Court of Appeals. The Reporter of ~~Decisions the Supreme Court and Court of Appeals~~ shall serve as the reporter of the Court of Appeals. The State Court Administrator shall provide facilities, supplies, equipment, and support staff needed by the Court of Appeals. All expenses of the Court of Appeals shall be included in the budget of the Supreme Court. The Supreme Court shall adopt and promulgate rules to implement sections 24-1101 to 24-1109.

Sec. 7. Section 48-152, Reissue Revised Statutes of Nebraska, is amended to read:

48-152 Recognizing that (1) industrial relations between employers and employees within the State of Nebraska are affected with a vital public interest, (2) an impartial and efficient administration of the Nebraska Workers' Compensation Act is essential to the prosperity and well-being of the state, and (3) suitable laws should be enacted for the establishing and for the preservation of such an administration of the Nebraska Workers' Compensation Act, there is hereby created, pursuant to the provisions of Article V, section 1, of the Nebraska Constitution, a court, consisting of seven judges, to be selected or retained in office in accordance with the provisions of Article V, section 21, of the Nebraska Constitution and to be known as the Nebraska Workers' Compensation Court, which court shall have authority to administer and enforce all of the provisions of the Nebraska Workers' Compensation Act, and any amendments thereof, except such as are committed to the courts of appellate jurisdiction or as otherwise provided by law.

Sec. 8. Section 48-153, Reissue Revised Statutes of Nebraska, is amended to read:

48-153 ~~(1) The Nebraska Workers' Compensation Court shall consist of six seven judges. Judges holding office on August 30, 1981, shall continue in office until expiration of their respective terms of office and thereafter for an additional term which shall expire on the first Thursday after the first Tuesday in January immediately following the first general election at which they are retained in office after August 30, 1981. Judge of the Nebraska Workers' Compensation Court shall include any person appointed to the office of judge of the Nebraska Workmen's Compensation Court prior to July 17, 1986, pursuant to Article V, section 21, of the Nebraska Constitution. Any person serving as a judge of the Nebraska Workmen's Compensation Court immediately prior to July 17, 1986, shall be a judge of the Nebraska Workers' Compensation Court.~~

(2) The right of judges of the compensation court to continue in office shall be determined in the manner provided in sections 24-813 to 24-818, and the terms of office thereafter shall be for six years beginning on the first Thursday after the first Tuesday in January immediately following their retention at such election.

(3) In case of a vacancy occurring in the Nebraska Workers' Compensation Court, the same shall be filled in accordance with the provisions of Article V, section 21, of the Nebraska Constitution and the right of any judge so appointed to continue in office shall be determined in the manner provided in sections 24-813 to 24-818. All such judges shall hold office until their successors are appointed and qualified, or until death, voluntary resignation, or removal for cause.

(4) No judge of the compensation court shall, during his or her tenure in office as judge, hold any other office or position of profit, pursue any other business or avocation inconsistent or which interferes with his or her duties as such judge, or serve on or under any committee of any political party.

Sec. 9. Section 49-506, Reissue Revised Statutes of Nebraska, is amended to read:

49-506 After the Secretary of State has made the distribution provided by section 49-503, he or she shall deliver additional copies of the session laws and the journal of the Legislature pursuant to this section in print or electronic format as he or she determines, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council.

One copy of the session laws shall be delivered to the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of ~~Decisions the Supreme Court and Court of Appeals~~, the State Court Administrator, the State Fire Marshal, the Department of Administrative Services, the Department of Agriculture, the Department of Banking and Finance, the State Department of Education, the Department of Environment and Energy, the Department of Insurance, the Department of Labor, the Department of Motor Vehicles, the Department of Revenue, the Department of Transportation, the Department of Veterans' Affairs, the Department of Natural Resources, the Military Department, the Nebraska State Patrol, the Nebraska Commission on Law Enforcement and Criminal Justice, each of the Nebraska state colleges, the Game and Parks Commission, the Nebraska Library Commission, the Nebraska Liquor Control Commission, the Nebraska Accountability and Disclosure Commission, the Public Service Commission, the State Real Estate Commission, the Nebraska State Historical Society, the Public Employees Retirement Board, the Risk Manager, the Legislative Fiscal Analyst, the Public Counsel, the materiel division of the Department of Administrative Services, the State Records Administrator, the budget division of the Department of Administrative Services, the Tax

Equalization and Review Commission, the inmate library at all state penal and correctional institutions, the Commission on Public Advocacy, and the Library of Congress; two copies to the Governor, the Secretary of State, the Nebraska Workers' Compensation Court, the Commission of Industrial Relations, and the Coordinating Commission for Postsecondary Education, one of which shall be for use by the community colleges; three copies to the Department of Health and Human Services; four copies to the Nebraska Publications Clearinghouse; five copies to the Attorney General; nine copies to the Revisor of Statutes; sixteen copies to the Supreme Court and the Legislative Council; and thirty-five copies to the University of Nebraska College of Law.

One copy of the journal of the Legislature shall be delivered to the Governor, the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Reporter of ~~Decisions the Supreme Court and Court of Appeals~~, the State Court Administrator, the Nebraska State Historical Society, the Legislative Fiscal Analyst, the Tax Equalization and Review Commission, the Commission on Public Advocacy, and the Library of Congress; two copies to the Secretary of State, the Commission of Industrial Relations, and the Nebraska Workers' Compensation Court; four copies to the Nebraska Publications Clearinghouse; five copies to the Attorney General and the Revisor of Statutes; eight copies to the Clerk of the Legislature; thirteen copies to the Supreme Court and the Legislative Council; and thirty-five copies to the University of Nebraska College of Law. The remaining copies shall be delivered to the State Librarian who shall use the same, so far as required for exchange purposes, in building up the State Library and in the manner specified in sections 49-507 to 49-509.

Sec. 10. Section 49-617, Reissue Revised Statutes of Nebraska, is amended to read:

49-617 The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the Supreme Court. These copies shall be held and disposed of by the court as follows: Sixty copies to the State Library to exchange for statutes of other states; five copies to the State Library to keep for daily use; not to exceed twenty-five copies to the Legislative Council for bill drafting and related services to the Legislature and executive state officers; as many copies to the Attorney General as he or she has attorneys on his or her staff; as many copies to the Commission on Public Advocacy as it has attorneys on its staff; up to sixteen copies to the State Court Administrator; thirteen 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; three copies to the Tax Equalization and Review Commission; four copies to the Clerk of the Legislature for use in his or her office and three copies to be maintained in the legislative chamber, one copy on each side of the chamber and one copy at the desk of the Clerk of the Legislature, under control of the sergeant at arms; three copies to the Department of Health and Human Services; two copies each to the Governor of the state, the Chief Justice and each judge of the Supreme Court, each judge of the Court of Appeals, the Clerk of the Supreme Court, the Reporter of ~~Decisions the Supreme Court and Court of Appeals~~, the Commissioner of Labor, the Auditor of Public Accounts, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, each Indian tribal court located in the State of Nebraska, 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 Economic Development, the director of the Nebraska Public Employees Retirement Systems, 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 Natural Resources, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workers' Compensation Court, each commissioner of the Commission of Industrial Relations, the Nebraska Liquor Control 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 Health and Human Services, each state institution under the State Department of Education, the State Surveyor, the Nebraska State Patrol, the materiel division of the Department of Administrative Services, the personnel division of the Department of Administrative Services, the Nebraska Motor Vehicle Industry Licensing Board, the Board of Trustees of the Nebraska State Colleges, each of the Nebraska state colleges, each district judge of the State of Nebraska, each 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 Workers' Compensation Court, each clerk of the county court, each county attorney, each county public defender, each county law library, 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 and each judge of any court referred to in this section shall be entitled, on request, to an additional complete set. Copies of the statutes distributed without charge, as listed in this section, 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. 11. Section 49-702, Reissue Revised Statutes of Nebraska, is amended to read:

49-702 It shall be the duty of the Revisor of Statutes:

(1) To consult with and assist the Legislative Council prior to each regular session of the Legislature in the preparation of the report of the Legislative Council as to defects in the Constitution of Nebraska and laws of Nebraska and to draft in the form of bills proposed legislation to carry out the recommendations contained in the report;

(2) To prepare for submission to the Legislature, from time to time, when recommended by the Legislative Council in its report as to defects in the Constitution of Nebraska and laws of Nebraska, a rewriting and revision, chapter by chapter, in simplified style and phraseology, of the various chapters of the statutes of Nebraska;

(3) To publish annotations of the decisions of the Supreme Court of Nebraska, the Court of Appeals, and the federal courts as received from the Reporter of ~~Decisions the Supreme Court and Court of Appeals~~; and

(4) To prepare, arrange, and correlate for publication, at the end of each legislative session, the laws enacted during the session and to arrange and correlate for publication replacements of the permanent volumes of the statutes.

Sec. 12. Section 85-177, Revised Statutes Cumulative Supplement, 2022, is amended to read:

85-177 In order to enable the library of the College of Law to augment its collections, the librarian of the College of Law of the University of Nebraska is authorized to requisition from the respective officer having custody thereof up to one hundred copies of the following state publications: ~~Nebraska Reports, Nebraska Appellate Reports,~~ Legislative Journals, Session Laws, replacement volumes and supplements to the Revised Statutes, and Opinions of the Attorney General. The copies of the Legislative Journals and Session Laws may be provided in print or electronic format as the Secretary of State determines, upon recommendation by the Clerk of the Legislature and approval of the Executive Board of the Legislative Council. ~~The opinions of the Supreme Court and the Court of Appeals may be provided in either print or electronic format, or both, as determined by the Supreme Court.~~

Sec. 13. Sections 7, 8, and 14 of this act become operative on June 1, 2023. Sections 1 and 15 of this act become operative on July 1, 2023. Sections 2, 3, 4, 5, 6, 9, 10, 11, 12, and 16 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 14. Original sections 48-152 and 48-153, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 15. Original section 24-201.01, Revised Statutes Cumulative Supplement, 2022, is repealed.

Sec. 16. Original sections 24-209, 24-211, 24-212, 24-503, 24-1109, 49-506, 49-617, and 49-702, Reissue Revised Statutes of Nebraska, and section 85-177, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 17. Since an emergency exists, this act takes effect when passed and approved according to law.