

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 214

Introduced By: Ashford, 20

Read first time: January 9, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend sections 23-1205, 24-516,
2 and 29-509, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to compensation for an acting county
4 attorney; to provide for county judge interchange as
5 prescribed; to eliminate obsolete provisions relating to
6 examination before the court; to harmonize provisions; to
7 repeal the original sections; and to outright repeal
8 sections 29-501, 29-502, and 29-503, Reissue Revised
9 Statutes of Nebraska.

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

1 Section 1. Section 23-1205, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 23-1205. In the absence, sickness, or disability of the
4 county attorney and his or her deputies, or upon request of the
5 county attorney for good cause, the court may appoint an attorney to
6 act as county attorney in any investigation, appearance, or trial, by
7 an order to be entered upon the minutes of the court. Such attorney
8 shall be allowed compensation for such services as the court shall
9 determine, to be paid by order of the county treasurer, upon
10 presenting to the county board the certificate of the judge before
11 whom the cause was tried certifying to services rendered by such
12 attorney and the amount of compensation. , but who shall receive no
13 compensation from the county except as provided for in section
14 23-1204.01.

15 Sec. 2. Section 24-516, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 24-516. (1) The county judges may interchange and hold each
18 other's court. Whenever requested by a county judge of another county
19 judge district or it appears by affidavit, to the satisfaction of any
20 county judge in the state, that the judge of any other county judge
21 district is unable to act, on account of sickness, interest, or
22 absence from the county judge district or from any other cause, the
23 judge to whom application is made shall have power to make any order
24 or do any act relative to any suit, judicial matter, or proceeding or
25 to any special matter arising within the county judge district where
26 such vacancy or disability exists which the judge of such county
27 court could make or do. The order or act shall have the same effect

1 as if made or done by the judge of such county judge district.

2 (2) In addition to subsection (1) of this section, in
3 the event of a vacancy in the office of county judge or the
4 disqualification, absence, or the temporary incapacity of a county
5 judge, the Chief Justice of the Supreme Court may designate a county
6 judge from another county judge district to temporarily perform the
7 duties of the office. The Chief Justice also may assign a county judge
8 to temporarily perform duties in another county judge district when
9 in his or her opinion such assignment would be beneficial to the
10 administration of justice.

11 (3) A county judge may appoint by order a consenting
12 district judge residing in the county judge district to act as
13 county judge in specific instances on any matter over which the county
14 court has determined that it has jurisdiction over the parties and
15 subject matter. The appointed district judge shall have power to make
16 any order or do any act relative to any suit, judicial matter, or
17 proceeding or to any special matter which the county judge of such
18 county judge district could make or do. Any such order or act shall
19 have the same effect as if made or done by the county judge of such
20 county judge district. A district judge shall not hear any appeals
21 of matters in which he or she acted as a county judge. A copy of the
22 order of appointment shall be filed in each action in which a district
23 judge acts as a county judge.

24 Sec. 3. Section 29-509, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 29-509. It shall be the duty of every magistrate in criminal
27 proceedings to keep a docket thereof as in civil cases. All

1 recognizances taken under section ~~29-502~~, 29-506 or 29-507, together
2 with a transcript of the proceedings, where the defendant is held to
3 answer, shall be certified and returned forthwith to the clerk of the
4 court at which the prisoner is to appear. The transcript shall contain
5 an accurate bill of all the costs that have accrued, and the items
6 composing the same.

7 Sec. 4. Original sections 23-1205, 24-516, and 29-509,
8 Reissue Revised Statutes of Nebraska, are repealed.

9 Sec. 5. The following sections are outright repealed:
10 Sections 29-501, 29-502, and 29-503, Reissue Revised Statutes of
11 Nebraska.