

LEGISLATIVE BILL 11

Approved by the Acting Governor January 24, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to courts; to amend sections 77-2401 to 77-2404, Reissue Revised Statutes of Nebraska, 1943; to transfer statutes relating to unclaimed witness fees; and to repeal the original sections.

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

Section 1. That section 77-2401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2401-~~ In all cases where witness fees shall be When witness fees are paid to the clerk of the district court, or to the county court, in pursuance of judgment of the courts, and shall court and remain uncalled for by the parties entitled thereto, to the fees for the period of six months after the same they have been paid in, it shall be the duty of each officer to the clerk shall prepare a list, under oath, of the causes in which such fees have been paid and remain uncalled for, with the amounts in each cause and the date of judgment, and file the same list with the county board of the respective counties county on the first Tuesday in January, April, July, and October in each year.

Sec. 2. That section 77-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2402-~~ It shall be the duty of the county board, within twenty days after the filing of the report list provided by section ~~77-2401~~ 1 of this act, to cause to be published in some weekly newspaper of general circulation, published in the county, for at least two consecutive issues of said the paper, a notice in a form substantially as follows:

To whom it may concern: Report having has been made to the county board of County, Nebraska, by the clerk of the district court and the or county court of said the county, which report shows that there is now and has been for the last six months remaining in the hands of said district the clerk and county court certain witness fees which have been uncalled for. If the fees are not + New; if such fees

~~shall not be called for within six months from~~
~~.....~~ (insert the day upon which the first
 report was made), ~~they the same~~ will be considered as
 forfeited, and will be paid into the common school fund
 of said County.

Sec. 3. That section 77-2403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2403- All unclaimed witness fees remaining in the hands of the clerk of the district court or the county court for the period of six months, after the same has been reported by them to list has been filed with the county board, shall be paid over to the county treasurer, who shall receipt in duplicate for the same fees, one of which receipts shall be filed with the county clerk. All such fees shall be credited to the common school fund of the county.

Sec. 4. That section 77-2404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2404- It shall be the duty of the county board to The county board shall examine the books and dockets of the several officers named in section 77-2401, and if it finds that they have clerk of the county and district courts of the county. If the board finds that a clerk has failed to report or pay over any of the money or fees required by section 1 of this act to be paid over or reported, the board shall notify the clerk by them, it shall be the duty of the county board to notify such officers to pay over such money or the fees at once. If any officer shall fail the clerk fails to pay over such fees or money to the county treasurer, it shall be the duty of the county board to shall commence suit in any court having jurisdiction against the officer, offending against the provisions of sections 77-2401 to 77-2404, and his bondsmen clerk and the person who issued the clerk's bond. The action shall be commenced in the name of the county for the benefit of the common schools of the county.

Sec. 5. That original sections 77-2401 to 77-2404, Reissue Revised Statutes of Nebraska, 1943, are repealed.