

LEGISLATIVE BILL 181

Approved by the Governor June 5, 1991

Introduced by Chizek, 31; Lindsay, 9; Kristensen, 37;
Will, 8; Rasmussen, 20; Horgan, 4;
Abboud, 12; Lynch, 13; Ashford, 6

AN ACT relating to courts; to amend sections 24-301.02, 24-503, and 24-810, Revised Statutes Supplement, 1990; to increase the number of judges of the district court; to change provisions relating to the number of district court judicial districts, the allocation of district and county court judges, and determination of judicial vacancies; to eliminate the Judicial Resources Commission; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 24-735 to 24-738, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. That section 24-301.02, Revised Statutes Supplement, 1990, be amended to read as follows:

24-301.02. The (1) Until January 1, 1993, the State of Nebraska is hereby divided into twenty-one district court judicial districts as follows:

District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha, and Richardson;

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

District No. 3 shall consist of the county of Lancaster;

District No. 4 shall consist of the county of Douglas;

District No. 5 shall consist of the counties of Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall consist of the counties of Burt, Thurston, Dodge, and Washington;

District No. 7 shall consist of the counties of Fillmore, Saline, Thayer, and Nuckolls;

District No. 8 shall consist of the counties of Dakota, Dixon, and Cedar;

District No. 9 shall consist of the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton, and

Wayne;

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

District No. 11 shall consist of the counties of Hall and Howard;

District No. 12 shall consist of the counties of Sherman and Buffalo;

District No. 13 shall consist of the counties of McPherson, Logan, Lincoln, Dawson, Keith, Arthur, Hooker, and Thomas;

District No. 14 shall consist of the counties of Chase, Hayes, Frontier, Furnas, Red Willow, Hitchcock, Perkins, Gosper, and Dundy;

District No. 15 shall consist of the counties of Brown, Keya Paha, Boyd, Rock, Holt, and Cherry;

District No. 16 shall consist of the counties of Sheridan, Grant, Dawes, Box Butte, Morrill, and Sioux;

District No. 17 shall consist of the county of Scotts Bluff;

District No. 18 shall consist of the counties of Jefferson and Gage;

District No. 19 shall consist of the counties of Banner, Kimball, Cheyenne, Garden, and Deuel;

District No. 20 shall consist of the counties of Blaine, Loup, Garfield, Greeley, Wheeler, Valley, and Custer; and

District No. 21 shall consist of the counties of Boone, Platte, Colfax, Nance, and Merrick.

In the fourth district there shall be fourteen judges of the district court, in the third district there shall be six judges of the district court, in the second district there shall be three judges of the district court, in the fifth, sixth, ninth, tenth, eleventh, thirteenth, sixteenth, seventeenth, and twenty-first districts there shall be two judges of the district court in each of such districts, and in all other districts there shall be one judge of the district court. There shall be forty-eight judges of the district court. Each district listed in this section shall be served by at least one judge of the district court. Judges in office on July 17, 1986, shall continue to serve in the districts they are serving on such date. On or after July 17, 1986, any vacancy shall be determined as prescribed in section 24-810.

(2) Effective January 1, 1993, the State of Nebraska is hereby divided into two district court judicial districts as follows:

District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha, and Richardson; and District No. 2 shall consist of all other counties.

Sec. 2. That section 24-503, Revised Statutes Supplement, 1990, 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 24-301.02, except that:

(a) District 6 shall consist of the counties of Burt, Dodge, and Washington;

(b) District 8 shall consist of the counties of Dakota, Dixon, Cedar, and Thurston;

(c) District 16 shall consist of the counties of Sheridan, Grant, Dawes, Box Butte, and Sioux;

(d) District 17 shall consist of the counties of Scotts Bluff, Morrill, and Garden; and

(e) District 19 shall consist of the counties of Banner, Kimball, Cheyenne, and Deuel.

(2) District 4 shall have eleven county judges. District 3 shall have six county judges. Districts 2, 5, 9, 13, and 21 shall have three county judges. Districts 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, and 19 shall have two county judges. Districts 1, 18, and 20 shall have one county judge. There shall be fifty-seven judges of the county court. Each district listed in this section shall be served by at least one judge of the county court. Judges in office on July 17, 1986, shall continue to serve in the districts they are serving on such date. On or after July 17, 1986, any vacancy shall be determined as prescribed in section 24-810.

(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 Constitution of Nebraska.

(4) 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. Any vacancy occurring after July 17, 1985, which results in a decrease in the number of municipal court judges authorized immediately prior to July 17, 1985, for a city of the primary or metropolitan class shall correspondingly increase the number of county

court judges-

Sec. 3. That section 24-810, Revised Statutes Supplement, 1990, be amended to read as follows:

24-810. (1) In the event of the death; retirement; resignation; or removal of any district or county judge; the failure of a district or county judge to be retained in office; or an increase in the number of district or county judgeships authorized by law and except in those judicial districts required to be served by at least one county judge pursuant to section 24-503 and one district court judge pursuant to section 24-301-02; the Supreme Court shall, after holding a public hearing; determine whether a judicial vacancy exists. The determination shall be based upon the Supreme Court's analysis of the caseload; travel time; and other factors necessary to assure efficiency and service. After a determination that a judicial vacancy exists; the declaration of the location of the vacancy shall be made by the Judicial Resources Commission. The Supreme Court shall adopt and promulgate rules and regulations on the procedures to be followed in making a determination of the existence of and declaration of the location of judicial vacancies.

(2) When the location of a district or county judicial vacancy is declared by the Judicial Resources Commission or in the event of a judicial vacancy in any other court; the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. He or she shall thereupon notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. At least two days prior to the public hearing, the chairperson shall release to the public the names of lawyers who have signified in writing their willingness to serve as a judge if nominated and appointed to such judgeship, and immediately prior to the public hearing the chairperson shall release the names of any additional lawyers who have so signified. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

~~(2)~~ ~~(3)~~ After the public hearing the nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the judicial nominating commission at any time prior to its selection of qualified candidates to fill the vacancy. The judicial nominating commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

~~(3)~~ ~~(4)~~ The commission may, before or after the hearing provided for in subsection ~~(1)~~ ~~(2)~~ of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection ~~(2)~~ ~~of this section~~.

~~(4)~~ ~~(5)~~ The names of candidates shall be submitted to the Governor within sixty days after a declaration of the location of a district or county judicial vacancy by the Judicial Resources Commission ~~or, in the event of a judicial vacancy in any other court, after a judicial vacancy occurred if one public hearing is held and within ninety days if more than one public hearing is held.~~

~~(5)~~ ~~(6)~~ The first public hearing provided for in this section shall be held within forty-five days after the location of a vacancy has been declared or the vacancy occurs, ~~as the case may be.~~

Sec. 4. 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. 5. That original sections 24-301.02, 24-503, and 24-810, Revised Statutes Supplement, 1990, and also sections 24-735 to 24-738, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.