

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1085**  
FINAL READING

Introduced by Kristensen, 37

Read first time January 7, 2000

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Commission on Public Advocacy; to amend  
2 section 29-3931, Revised Statutes Supplement, 1998, and  
3 sections 49-506 and 49-617, Revised Statutes Supplement,  
4 1999; to change provisions relating to the cost of  
5 defense; to provide for distribution of session laws, the  
6 legislative journal, and statutes as prescribed; to  
7 repeal the original sections; and to declare an  
8 emergency.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 29-3931, Revised Statutes Supplement,  
2 1998, is amended to read:

3           29-3931. ~~The~~ In cases in which the capital litigation  
4 division, appellate division, or major case resource center has  
5 been appointed, the chief counsel shall make a showing to the  
6 county or district court for the county in which the prosecution  
7 arose regarding the commission's cost of defense. The chief  
8 counsel shall consider the complexity of the case, the amount of  
9 expenses involved, and the ability of the county to pay the costs,  
10 in determining how often to make a showing to the court. A showing  
11 shall be made no more than once a month and shall be made once  
12 after the case is completed. The cost shall be based upon (1) the  
13 actual time spent by commission staff attorneys and their hourly  
14 rates of pay, including benefits, (2) a reasonable amount for  
15 administrative and support staff time, (3) the actual expenditures  
16 for litigation support, such as expert witnesses, depositions,  
17 photocopying, printing, and travel and lodging expenses, and (4) a  
18 reasonable amount for office overhead, including rent, telephone,  
19 and utilities. The cost of defense shall not include any expense  
20 incurred by the commission's staff for travel time or mileage  
21 between the commission's office and the place where the particular  
22 case's venue is had or for lodging and meals when the staff must be  
23 away from the office for more than one day. After a hearing, the  
24 county or district court shall order the county to pay one-third of  
25 the commission's cost of defense. The county shall pay the costs  
26 to the commission which shall remit the amount to the State  
27 Treasurer for credit to the County Revenue Assistance Fund. In  
28 cases in which commission staff is using money to represent

1 indigent clients and that money is associated with any federal  
2 grant money or state match money, the chief counsel shall only bill  
3 counties for actual expenditures for litigation support, such as  
4 expert witnesses, depositions, photocopying, printing, and travel  
5 and lodging expenses.

6           Sec. 2.     Section 49-506, Revised Statutes Supplement,  
7 1999, is amended to read:

8           49-506.   After the Secretary of State has made the  
9 distribution provided by section 49-503, he or she shall deliver  
10 additional copies of the session laws and the journal of the  
11 Legislature pursuant to this section.

12           One copy of the session laws shall be delivered to the  
13 Lieutenant Governor, the State Treasurer, the Auditor of Public  
14 Accounts, the Reporter of the Supreme Court and Court of Appeals,  
15 the State Court Administrator, the State Fire Marshal, the  
16 Department of Administrative Services, the Department of  
17 Aeronautics, the Department of Agriculture, the Department of  
18 Banking and Finance, the State Department of Education, the  
19 Department of Environmental Quality, the Department of Insurance,  
20 the Department of Labor, the Department of Motor Vehicles, the  
21 Department of Property Assessment and Taxation, the Department of  
22 Revenue, the Department of Roads, the Department of Veterans'  
23 Affairs, the Department of Water Resources, the Military  
24 Department, the Nebraska State Patrol, the Nebraska Commission on  
25 Law Enforcement and Criminal Justice, each of the Nebraska state  
26 colleges, the Game and Parks Commission, the Nebraska Library  
27 Commission, the Nebraska Liquor Control Commission, the Nebraska  
28 Natural Resources Commission, the Nebraska Accountability and

1 Disclosure Commission, the Public Service Commission, the State  
2 Real Estate Commission, the Nebraska State Historical Society, the  
3 Public Employees Retirement Board, the Risk Manager, the  
4 Legislative Fiscal Analyst, the Public Counsel, the materiel  
5 division of the Department of Administrative Services, the State  
6 Records Administrator, the budget division of the Department of  
7 Administrative Services, the Department of Health and Human  
8 Services, the Department of Health and Human Services Regulation  
9 and Licensure, the Department of Health and Human Services Finance  
10 and Support, the Tax Equalization and Review Commission, the inmate  
11 library at all state penal and correctional institutions, the  
12 Commission on Public Advocacy, and the Library of Congress; two  
13 copies to the Governor, the Secretary of State, the Nebraska  
14 Workers' Compensation Court, the Commission of Industrial  
15 Relations, and the Coordinating Commission for Postsecondary  
16 Education, one of which shall be for use by the community colleges;  
17 four copies to the Nebraska Publications Clearinghouse; five copies  
18 to the Attorney General; eight copies to the Clerk of the  
19 Legislature; nine copies to the Revisor of Statutes; sixteen copies  
20 to the Supreme Court and the Legislative Council; and thirty-five  
21 copies to the University of Nebraska College of Law.

22 One copy of the journal of the Legislature shall be  
23 delivered to the Governor, the Lieutenant Governor, the State  
24 Treasurer, the Auditor of Public Accounts, the Reporter of the  
25 Supreme Court and Court of Appeals, the State Court Administrator,  
26 the Nebraska State Historical Society, the Legislative Fiscal  
27 Analyst, the Tax Equalization and Review Commission, the Commission  
28 on Public Advocacy, and the Library of Congress; two copies to the

1 Secretary of State, the Commission of Industrial Relations, and the  
2 Nebraska Workers' Compensation Court; four copies to the Nebraska  
3 Publications Clearinghouse; five copies to the Attorney General and  
4 the Revisor of Statutes; eight copies to the Clerk of the  
5 Legislature; thirteen copies to the Supreme Court and the  
6 Legislative Council; and thirty-five copies to the University of  
7 Nebraska College of Law. The remaining copies shall be delivered  
8 to the State Librarian who shall use the same, so far as required  
9 for exchange purposes, in building up the State Library and in the  
10 manner specified in sections 49-507 to 49-509.

11 Sec. 3. Section 49-617, Revised Statutes Supplement,  
12 1999, is amended to read:

13 49-617. The Revisor of Statutes shall cause the statutes  
14 to be printed. The printer shall deliver all completed copies to  
15 the Supreme Court. These copies shall be held and disposed of by  
16 the court as follows: Sixty copies to the State Library to exchange  
17 for statutes of other states; five copies to the State Library to  
18 keep for daily use; not to exceed twenty-five copies to the  
19 Legislative Council for bill drafting and related services to the  
20 Legislature and executive state officers; as many copies to the  
21 Attorney General as he or she has attorneys on his or her staff; as  
22 many copies to the Commission on Public Advocacy as it has  
23 attorneys on its staff; up to sixteen copies to the State Court  
24 Administrator; twelve copies to the Tax Commissioner; eight copies  
25 to the Nebraska Publications Clearinghouse; six copies to the  
26 Public Service Commission; four copies to the Secretary of State;  
27 four copies to the Clerk of the Legislature for use in his or her  
28 office and three copies to be maintained in the legislative

1 chamber, one copy on each side of the chamber and one copy at the  
2 desk of the Clerk of the Legislature, under control of the sergeant  
3 at arms; two copies each to the Governor of the state, the Chief  
4 Justice and each judge of the Supreme Court, each judge of the  
5 Court of Appeals, the Clerk of the Supreme Court, the Reporter of  
6 the Supreme Court and Court of Appeals, the Auditor of Public  
7 Accounts, the Commissioner of Labor, and the Revisor of Statutes;  
8 one copy each to the Secretary of State of the United States, each  
9 Indian tribal court located in the State of Nebraska, the library  
10 of the Supreme Court of the United States, the Adjutant General,  
11 the Air National Guard, the Commissioner of Education, the State  
12 Treasurer, the Board of Educational Lands and Funds, the Director  
13 of Agriculture, the Director of Administrative Services, the  
14 Director of Aeronautics, the Director of Economic Development, the  
15 director of the Public Employees Retirement Board, the  
16 Director-State Engineer, the Director of Banking and Finance, the  
17 Director of Insurance, the Director of Motor Vehicles, the Property  
18 Tax Administrator, the Director of Veterans' Affairs, the Director  
19 of Water Resources, the Director of Correctional Services, the  
20 Nebraska Emergency Operating Center, each judge of the Nebraska  
21 Workers' Compensation Court, each judge of the Commission of  
22 Industrial Relations, the Nebraska Liquor Control Commission, the  
23 Nebraska Natural Resources Commission, the State Real Estate  
24 Commission, the Tax Equalization and Review Commission, the  
25 secretary of the Game and Parks Commission, the Board of Pardons,  
26 the Department of Health and Human Services, the Department of  
27 Health and Human Services Regulation and Licensure, the Department  
28 of Health and Human Services Finance and Support, each state

1 institution under the Department of Health and Human Services, each  
2 state institution under the State Department of Education, the  
3 State Surveyor, the Nebraska State Patrol, the materiel division of  
4 the Department of Administrative Services, the personnel division  
5 of the Department of Administrative Services, the Nebraska Motor  
6 Vehicle Industry Licensing Board, the Board of Trustees of the  
7 Nebraska State Colleges, each of the Nebraska state colleges, each  
8 district judge of the State of Nebraska, each judge of the county  
9 court, each judge of a separate juvenile court, the Lieutenant  
10 Governor, each United States Senator from Nebraska, each United  
11 States Representative from Nebraska, each clerk of the district  
12 court for the use of the district court, the clerk of the Nebraska  
13 Workers' Compensation Court, each clerk of the county court, each  
14 county attorney, each county public defender, each county law  
15 library, and the inmate library at all state penal and correctional  
16 institutions, and each member of the Legislature shall be entitled  
17 to two complete sets, and two complete sets of such volumes as are  
18 necessary to update previously issued volumes, but each member of  
19 the Legislature and each judge of any court referred to in this  
20 section shall be entitled, on request, to an additional complete  
21 set. Copies of the statutes distributed without charge, as listed  
22 in this section, shall be the property of the state or governmental  
23 subdivision of the state and not the personal property of the  
24 particular person receiving a copy. Distribution of statutes to  
25 the library of the College of Law of the University of Nebraska  
26 shall be as provided in sections 85-176 and 85-177.

27           Sec. 4.     Original section 29-3931, Revised Statutes  
28 Supplement, 1998, and sections 49-506 and 49-617, Revised Statutes

1 Supplement, 1999, are repealed.

2           Sec. 5. Since an emergency exists, this act takes effect  
3 when passed and approved according to law.