

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 214

FINAL READING

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
3 change provisions relating to compensation for an acting
4 county attorney; to provide for county judge interchange
5 as prescribed; to eliminate obsolete provisions relating
6 to examination before the court; to harmonize provisions;
7 to 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
6 to act as county attorney in any investigation, appearance, or
7 trial, by an order to be entered upon the minutes of the court.
8 Such attorney shall be allowed compensation for such services as
9 the court shall determine, to be paid by order of the county
10 treasurer, upon presenting to the county board the certificate of
11 the judge before whom the cause was tried certifying to services
12 rendered by such attorney and the amount of compensation. ~~7 but who~~
13 ~~shall receive no compensation from the county except as provided~~
14 ~~for in section 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
18 each other's court. Whenever requested by a county judge of
19 another county judge district or it appears by affidavit, to the
20 satisfaction of any county judge in the state, that the judge of
21 any other county judge district is unable to act, on account of
22 sickness, interest, or absence from the county judge district or
23 from any other cause, the judge to whom application is made shall
24 have power to make any order or do any act relative to any suit,
25 judicial matter, or proceeding or to any special matter arising

1 within the county judge district where such vacancy or disability
2 exists which the judge of such county court could make or do. The
3 order or act shall have the same effect as if made or done by the
4 judge of such county judge district.

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

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

1 each action in which a district judge acts as a county judge.

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

4 29-509 It shall be the duty of every magistrate in
5 criminal proceedings to keep a docket thereof as in civil cases.
6 All recognizances taken under section ~~29-502~~, 29-506 or 29-507,
7 together with a transcript of the proceedings, where the defendant
8 is held to answer, shall be certified and returned forthwith to
9 the clerk of the court at which the prisoner is to appear. The
10 transcript shall contain an accurate bill of all the costs that
11 have accrued, and the items composing the same.

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

14 Sec. 5. The following sections are outright repealed:
15 Sections 29-501, 29-502, and 29-503, Reissue Revised Statutes of
16 Nebraska.