

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 45**

Introduced by Ashford, 20.

Read first time January 10, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend sections 24-1101 and 24-1102,  
2 Reissue Revised Statutes of Nebraska; to change Court of  
3 Appeals judges eligibility requirements; to eliminate  
4 obsolete provisions; to harmonize provisions; and to  
5 repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 24-1101, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   24-1101 (1) There is hereby created the Court of Appeals  
4 which shall consist of six judges. The court shall sit in panels of  
5 three judges to conduct the business of the court. The decision of a  
6 majority of the judges of the panel to which a case is submitted  
7 shall constitute the decision of the court for that case. The  
8 membership of the panels shall be assigned and regularly rotated by  
9 the Chief Judge of the Court of Appeals in such a manner as to  
10 provide each judge the opportunity to serve a proportionate amount of  
11 time with every other judge on the court.

12                   (2) One judge of the Court of Appeals shall be appointed  
13 by the Governor from each Supreme Court judicial district who meet  
14 the eligibility requirements of section 24-1102. ~~For purposes of this~~  
15 ~~section, a judge's residence on the effective date of appointment~~  
16 ~~shall be considered the judge's residence while he or she serves on~~  
17 ~~the Court of Appeals. Prior to September 13, 1997, the Supreme Court~~  
18 ~~shall each year select one judge of the Court of Appeals as Chief~~  
19 ~~Judge. Upon the expiration of the term of the Chief Judge in office~~  
20 ~~on September 13, 1997, and each two years thereafter, the The judges~~  
21 of the Court of Appeals shall by majority vote nominate one of their  
22 number to be Chief Judge for the ensuing two years, which judge  
23 shall, upon the ratification of the selection by the Supreme Court,  
24 serve as Chief Judge for that two-year period.

25                   (3) Judges of the Court of Appeals shall be paid an

1 amount equal to ninety-five percent of the salary set for the Chief  
2 Justice and judges of the Supreme Court.

3 (4) Judges of the Court of Appeals shall be subject to  
4 the same provisions relating to selection, filling of a vacancy, term  
5 of office, discipline, removal from office, and retirement as are all  
6 other judges covered by Article V of the Constitution of Nebraska.

7 Sec. 2. Section 24-1102, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 24-1102 No person shall be eligible for the office of  
10 judge of the Court of Appeals unless he or she (1) is at the time of  
11 consideration for appointment a resident of Nebraska, (2) is at least  
12 thirty years of age, (3) is a citizen of the United States, (4) has  
13 been engaged in the practice of law in the State of Nebraska for at  
14 least five years which may include prior service as a judge, ~~and~~ (5)  
15 is currently admitted to practice before the Nebraska Supreme Court,  
16 and (6) is, on the effective date of appointment, a resident of the  
17 Supreme Court judicial district to be served and remains a resident  
18 of such district during the period of service.

19 Sec. 3. Original sections 24-1101 and 24-1102, Reissue  
20 Revised Statutes of Nebraska, are repealed.