

LEGISLATIVE BILL 237

Approved by the Governor April 5, 1979

Introduced by Judiciary Committee, Nichol, 48, Chmn.; Pirsch, 10; Stoney, 4; Venditte, 7; Reutzel, 15

AN ACT to amend sections 24-202, 24-301, 26-103, and 43-233, Reissue Revised Statutes of Nebraska, 1943, and section 48-153, Revised Statutes Supplement, 1978, relating to judicial qualifications; to provide qualifications as prescribed; and to repeal the original sections, and also section 24-505, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 24-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-202. (1) No person shall be eligible to the office of Judge of the Supreme Court unless he or she (a) is he at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state at least three years next preceding his selection; nor unless he shall have been regularly admitted as an attorney in this state, and remains as an attorney in good standing at the bar thereof; (b) has had five years of practice of law in the State of Nebraska which may include prior service as a judge, (c) is currently admitted to practice before the Nebraska Supreme Court, and (d) is, on the effective date of appointment, a resident and elector of the district he or she is to represent.

(2) This act shall not apply to a person serving as a Judge of the Supreme Court on the effective date of this act who continues to serve as a Judge of the Supreme Court after such effective date.

Sec. 2. That section 24-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-301. No person shall be eligible to the office of district judge in any district unless he or she: ~~is also eligible to the office of Supreme Judge:~~

(1) Is at least thirty years of age;

(2) Is a citizen of the United States;

(3) Has been engaged in the practice of law in the State of Nebraska for at least five years, which may include prior service as a judge;

(4) Is currently admitted to practice before the Nebraska Supreme Court; and

(5) Is, on the effective date of appointment, a resident of the district to be served, and remains a resident of such district during the period of service.

This act shall not apply to a person serving as a district judge on the effective date of this act who continues to serve as a district judge after such effective date.

Sec. 3. That section 26-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-103. No person shall be eligible to the office of judge of the municipal court unless he or she (1) is thirty years of age, (2) is a citizen of the United States, (3) ~~is a resident of the state for at least three years next preceding his election or appointment; and~~ (4) ~~shall have been regularly admitted as an attorney in this state and remains as an attorney in good standing at the bar thereof;~~ has been engaged in the practice of law in the State of Nebraska for at least five years, which may include prior service as a judge; (4) is currently admitted to practice before the Nebraska Supreme Court; and (5) is, on the effective date of appointment, a resident of the county in which such municipal court is located, and remains a resident of such county during the period of service.

This act shall not apply to a person serving as a municipal court judge on the effective date of this act who continues to serve as a municipal court judge after such effective date.

Sec. 4. That section 43-233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-233. No person shall be eligible to the office of judge of a separate juvenile court unless he or she (1) is thirty years of age, (2) is a citizen of the United States, (3) ~~is a resident of the state for at least three years next preceding his election or appointment; and~~ (4) ~~shall have been regularly admitted~~

as an attorney in this state and remains as an attorney in good standing at the bar thereof; has been engaged in the practice of law in the State of Nebraska for at least five years, which may include prior service as a judge; (4) is currently admitted to practice before the Nebraska Supreme Court; and (5) is, on the effective date of appointment, a resident of the district to be served, and remains a resident of such district during the period of service.

This act shall not apply to a person serving as a judge of a separate juvenile court on the effective date of this act who continues to serve as a judge of a separate juvenile court after such effective date.

Sec. 5. That section 48-153, Revised Statutes Supplement, 1978, be amended to read as follows:

48-153. The Nebraska Workmen's Compensation Court shall consist of five judges. Their right to continue in office shall be determined in the manner provided in sections 24-813 to 24-818, and the terms of office shall be for six years beginning on January 1 immediately following their retention. In case of a vacancy occurring in the court, the same shall be filled in accordance with the provisions of Article V, section 21 of the Constitution of the State of Nebraska and the right of any judge so appointed to continue in office shall be determined in the manner provided in sections 24-813 to 24-818. All such judges shall hold office until their successors are appointed and qualified, or until death, voluntary resignation or removal for cause. No judge of the Nebraska Workmen's Compensation Court shall, during his or her tenure in office as judge, hold any other office or position of profit, pursue any other business or avocation inconsistent or which interferes with his or her duties as such judge, or serve on or under any committee of any political party. ~~A judge of such court shall possess the same qualifications as are required of a district judge.~~ The judges of such court shall reside in Lancaster County, Nebraska, unless, for the convenience of the court, they are permitted to reside elsewhere by a majority vote of the court, but no such judge shall be deemed thereby to have lost his or her residence at the place from which he or she was selected unless he or she so chooses.

Sec. 6. No person shall be eligible for the office of judge of the Nebraska Workmen's Compensation Court unless he or she:

- (1) Is at least thirty years of age;

(2) Is a citizen of the United States;

(3) Has been engaged in the practice of law in the State of Nebraska for at least five years, which may include prior service as a judge;

(4) Is currently admitted to practice before the Nebraska Supreme Court; and

(5) Is a resident of the State of Nebraska, and remains a resident of such state during the period of service.

This act shall not apply to a person serving as a judge of the Nebraska Workmen's Compensation Court on the effective date of this act who continues to serve as a judge of the Nebraska Workmen's Compensation Court after such effective date.

Sec. 7. No person shall be eligible for the office of county judge unless he or she:

(1) Is at least thirty years of age;

(2) Is a citizen of the United States;

(3) Has been engaged in the practice of law in the State of Nebraska for at least five years, which may include prior service as a judge;

(4) Is currently admitted to practice before the Nebraska Supreme Court; and

(5) Is, on the effective date of appointment, a resident of the county court district to be served, and remains a resident of such district during the period of service.

This act shall not apply to a person serving as a county judge on the effective date of this act who continues to serve as a county judge after such effective date.

Sec. 8. That original sections 24-202, 24-301, 26-103, and 43-233, Reissue Revised Statutes of Nebraska, 1943, and section 48-153, Revised Statutes Supplement, 1978, and also section 24-505, Reissue Revised Statutes of Nebraska, 1943, are repealed.