

LEGISLATIVE BILL 468

Approved by the Governor May 8, 1993

Introduced by Hohenstein, 17

AN ACT relating to county attorneys; to amend sections 23-1201.01 and 23-1201.02, Reissue Revised Statutes of Nebraska, 1943; to change residency requirements and appointment provisions; and to repeal the original sections.

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

Section 1. That section 23-1201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1201.01. (1) Except as provided in subsection (2) of this section, a ~~county attorney elected after November 1986~~ qualified person need not be a resident of the county when he or she files for election as county attorney, but ~~a~~ if elected as county attorney, such person shall reside in the county in which he or she holds office.

(2) ~~When there is no qualified attorney within a county who will accept the appointment of county attorney, the~~ If there is no county attorney elected pursuant to section 32-308, the county board of such county may appoint a qualified attorney from any other county of the State of Nebraska to ~~such~~ the office of county attorney. In making such appointment, the county board shall negotiate a contract with the attorney, such contract to specify the terms and conditions of the appointment, including the compensation of the attorney, which compensation shall not be subject to sections 23-1114.02 to 23-1114.06.

Sec. 2. That section 23-1201.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1201.02. No person shall seek nomination or appointment for the office of county attorney in counties of Class 4, 5, 6, or 7, nor serve in that capacity unless he or she has been admitted to the practice of law in this state for at least two years next preceding the date such person would take office, ~~if elected,~~ and has practiced law actively in this state during such two-year period, ~~except~~ ;-PROVIDED; that if no person who meets the requirements of this section has filed for or sought such office ten days before by the filing deadline for nomination or by the deadline for applications for appointment, the provisions of this section shall not apply to any person seeking such office.

Sec. 3. That original sections 23-1201.01 and 23-1201.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.