

## LEGISLATIVE BILL 108

Approved by the Governor February 28, 1997

Introduced by Kristensen, 37

AN ACT relating to the Commission on Public Advocacy; to amend sections 29-3921 and 29-3931, Reissue Revised Statutes of Nebraska; to change provisions relating to funding and cost of defense; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 29-3921, Reissue Revised Statutes of Nebraska, is amended to read:

29-3921. The County Revenue Assistance Fund is created. The fund shall be used for the operations of the commission. The fund shall consist of money appropriated from the General Fund and amounts remitted pursuant to section 29-3931. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 29-3931, Reissue Revised Statutes of Nebraska, is amended to read:

29-3931. When the commission staff completes its representation of a client, the chief counsel shall make a showing to the county or district court for the county in which the prosecution arose regarding the commission's actual cost of defense. The chief counsel shall consider the complexity of the case, the amount of expenses involved, and the ability of the county to pay the costs, in determining how often to make a showing to the court. A showing shall be made no more than once a month and shall be made once after the case is completed. The showing cost shall be based upon (1) the actual time spent by commission staff attorneys and their hourly rates of pay, including benefits, (2) a reasonable amount for administrative and support staff time, (3) the actual expenditures for litigation support, such as expert witnesses, and depositions, photocopying, printing, and travel and lodging expenses, and (4) a reasonable amount for office overhead, including rent, telephone, and utilities, ~~and photocoppying~~. After a hearing, the county or district court shall order the county to pay one-third of the commission's actual cost of defense. The county shall pay the costs to the commission which shall remit the amount to the State Treasurer for credit to the County Revenue Assistance Fund.

Sec. 3. Original sections 29-3921 and 29-3931, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.