

LEGISLATIVE BILL 774

Approved by the Governor April 12, 1974

Introduced by Strower, 36

AN ACT to amend section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to provide for a full-time county attorney in certain counties as prescribed; to provide minimum annual salaries; to provide an operative date; and to repeal the original section.

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

Section 1. That section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1206.01. (1) In counties having a population of more than two hundred thousand inhabitants, the county attorney and all deputy county attorneys shall devote their full time to the legal work of such county and shall not engage in the private practice of law directly or indirectly nor shall any county attorney, deputy county attorney, or employee of the county attorney of any such county directly or indirectly refer any legal matter or civil or criminal litigation to any lawyer or either directly or indirectly recommend or suggest to any person the employment of any particular lawyer or lawyers to counsel in, conduct, defend, or prosecute any action, case, claim, demand, or legal proceeding, whether in litigation or otherwise; ~~Provided~~, in such counties the county attorney may appoint deputy county attorneys to serve without pay and when so appointed shall not be subject to the provisions of this section. ~~In counties with more than sixty thousand but less than one hundred thousand inhabitants, the county attorney shall receive a salary of not less than twenty-seven thousand five hundred dollars per annum. In counties with more than one hundred thousand but less than two hundred thousand inhabitants, the county attorney shall receive a salary of not less than thirty-two thousand five hundred dollars per annum. The county attorneys of such counties shall not engage in private practice. The deputy county attorneys in such counties may engage in private practice except that they shall not represent any other political subdivision.~~

(2) In counties having a population of twenty thousand inhabitants or more or where two or more contiguous counties have a combined population of twenty

thousand inhabitants or more, the county board or the county boards of the contiguous counties if they so agree may by resolution provide that the county attorney shall devote his full time to the legal work of the county and shall not engage in the private practice of law directly or indirectly and shall not directly or indirectly refer any legal matter or civil or criminal litigation to any lawyer nor directly or indirectly recommend or suggest to any person the employment of any particular lawyer or lawyers to counsel in, conduct, defend, or prosecute any action, case, claim, demand, or legal proceeding, whether in litigation or otherwise. Such full-time county attorney shall receive an annual salary, to be set by the county board, of not less than twenty thousand dollars and to be paid periodically out of the general fund the same as the salaries of other employees. When any two or more contiguous counties agree by resolution to have a full-time attorney each county shall pay an equal share of such attorney's annual salary.

Sec. 2. This act shall become operative on January 1, 1975.

Sec. 3. That original section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.