

LEGISLATIVE BILL 1162

Approved by the Governor March 6, 1972

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend section 26-1,203, Reissue Revised Statutes of Nebraska, 1943, relating to municipal courts; to provide additional provisions relating to the acting municipal judge as prescribed; to provide when certain fees shall not be taxed as costs; and to repeal the original section.

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

Section 1. That section 26-1,203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,203. When any judge of the municipal court shall be disqualified from acting in any case or matter before him, is temporarily absent from the county, or shall be temporarily unable to act in any cause or matter before him because of sickness, or other emergency, the Governor may appoint a competent and disinterested person to act in place of such judge in such case or other matter, during such absence, disqualification or emergency. The person so appointed shall possess the same powers, and be subject to the duties, restrictions, and liabilities therein as one prescribed by law respecting judges of the municipal court; Provided, that the Governor may, in his discretion, by a single order, appoint some competent and disinterested person to act as acting municipal judge in the place of the judge of the municipal court during all such absences, emergencies and disqualifications during his term of office. When the volume of court matters which occupy the time and attention of the municipal judges is such that they are unable to hear matters ready to be heard, the acting municipal judge may also act to hear such matters, as the presiding judge of such court may direct. Such appointment shall be subject to revocation by the Governor at his pleasure. The acting municipal judge shall be paid a salary per diem at the same rate as the regularly elected and appointed municipal judge. He shall file his claim for the same with the council or commission, which shall allow the same as a matter of course and pay the same out of the general fund of the city.

Sec. 2. Notwithstanding any existing provision to the contrary, whenever any employee of the State of Nebraska or of any political subdivision thereof is a witness in any action or proceeding in this state in connection with his officially-assigned duties, he shall not receive any witness fee, attendance fee, or mileage fee which shall be taxed as court costs in such action or proceeding.

Sec. 3. That original section 26-1,203, Reissue Revised Statutes of Nebraska, 1943, is repealed.