

LEGISLATIVE BILL 21

Approved by the Governor March 5, 1981

Introduced by Lamb, 43

AN ACT to amend section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to permit all counties to employ a full-time county attorney; 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 any county not specifically provided for under subsection (1) of this section, counties--having--a population--of--twenty--thousand--inhabitants--or--more--or--when 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 adopt a resolution provide not less than sixty days prior to the deadline for filing for the office of county attorney providing that the county attorney shall devote his or her 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, except that in a county having a population of twenty thousand inhabitants or more or when two or more contiguous counties jointly employ one county attorney and have a combined population of twenty thousand inhabitants or more, the county attorney for such county or counties shall receive an annual salary of not less than twenty thousand dollars. ~~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. That original section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.