

## LEGISLATIVE BILL 14

Passed over the Governor's veto March 13, 1973

Introduced by Schmit, 23

AN ACT to amend section 60-439, Reissue Revised Statutes of Nebraska, 1943, and section 84-205, Revised Statutes Supplement, 1972, relating to state officers; to provide for agency legal counsel in the Nebraska State Patrol; and to repeal the original sections.

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

Section 1. That section 60-439, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-439. (1) The Attorney General, or a member of his staff, or a practicing attorney designated by the Attorney General, shall defend all civil and criminal actions instituted against the superintendent or any subordinate officer or employee of the Nebraska State Patrol arising from their employment.

(2) The superintendent shall provide not less than three agency legal counsels stationed with the Nebraska State Patrol to assist county attorneys in the preparation and prosecution of cases involving drug abuse and to advise the patrol on all legal matters.

Sec. 2. That section 84-205, Revised Statutes Supplement, 1972, be amended to read as follows:

84-205. The duties of the Attorney General shall be:

(1) To appear and defend actions and claims against the state;

(2) To consult with and advise the county attorneys, when requested by them, in all criminal matters and in matters relating to the public revenue; and he shall have authority to require their aid and assistance in all matters pertaining to his duties in their respective counties, and may, in any case brought to the Supreme Court from their respective counties, demand and receive the assistance of the county attorney from whose county such case is brought;

(3) To give, when required, without fee, his opinion in writing upon all questions of law submitted to him by the Governor, the head of any executive department, the Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education, the State Railway Public Service Commission or the Legislature;

(4) At the request of the Governor, the head of any executive department, the Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education or State-Railway Public Service Commission, to prosecute any official bond or any contract in which the state is interested, deposited with any of them, and to prosecute or defend for the state all actions and proceedings, civil or criminal, relating to any matter connected with any of their departments; provided, that, after investigation, he is convinced there is sufficient legal merit to justify the proceeding; and none of the above-named officers shall pay, or contract to pay, from the funds of the state any money for special attorneys or counselors at law, unless the employment of such special counsel shall be made upon the written authorization of the Governor or the Attorney General;

(5) To enforce the proper application of money appropriated by the Legislature to the various funds of the state, and prosecute breaches of trust in the administration of such funds;

(6) To prepare, whenever requested by the Governor, Secretary of State, State Treasurer, Auditor of Public Accounts, or other executive department, proper drafts for contracts, forms or other writings which may be wanted for the use of the state, and report to the Legislature, whenever requested, upon any business pertaining to the duties of his office;

(7) To pay all money received, belonging to the people of the state, immediately upon receipt thereof, into the state treasury;

(8) To keep a record in proper books provided for that purpose at the expense of the state, a register of all actions and demands prosecuted or defended by him in behalf of the state and all proceedings had in relation thereto, and deliver the same to his successor in office; and

(9) To appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court in which the state is interested or a

party; and, when requested by the Governor or the Legislature, to appear for the state and prosecute or defend any action or conduct any investigation in which the state is interested or a party, before any court, officer, board, tribunal or commission. †and

~~{10}-To-provide-one-or-more--special--prosecutors stationed-with-the-Nebraska-State-Patrol-to-assist-county attorneys-in-the-preparation--and--prosecution--of--cases involving-drug-abuse:~~

Sec. 3. That original section 60-439, Reissue Revised Statutes of Nebraska, 1943, and section 84-205, Revised Statutes Supplement, 1972, are repealed.