

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 314

Introduced by Hansen, 26.

Read first time January 15, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to county courts; to amend section 24-517,
- 2 Revised Statutes Cumulative Supplement, 2014; to state matters
- 3 subject to the jurisdiction of county courts; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-517, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 24-517 Each county court shall have the following jurisdiction:

4 (1) Exclusive original jurisdiction of all matters relating to
5 decedents' estates, including the probate of wills and the construction
6 thereof, except as provided in subsection (c) of section 30-2464 and
7 section 30-2486;

8 (2) Exclusive original jurisdiction in all matters relating to the
9 guardianship of a person, except if a separate juvenile court already has
10 jurisdiction over a child in need of a guardian, concurrent original
11 jurisdiction with the separate juvenile court in such guardianship;

12 (3) Exclusive original jurisdiction of all matters relating to
13 conservatorship of any person, including (a) original jurisdiction to
14 consent to and authorize a voluntary selection, partition, and setoff of
15 a ward's interest in real estate owned in common with others and to
16 exercise any right of the ward in connection therewith which the ward
17 could exercise if competent and (b) original jurisdiction to license the
18 sale of such real estate for cash or on such terms of credit as shall
19 seem best calculated to produce the highest price subject only to the
20 requirements set forth in section 30-3201;

21 (4) Concurrent jurisdiction with the district court to involuntarily
22 partition a ward's interest in real estate owned in common with others;

23 (5) Concurrent original jurisdiction with the district court in all
24 civil actions of any type when the amount in controversy is forty-five
25 thousand dollars or less through June 30, 2005, and as set by the Supreme
26 Court pursuant to subdivision (b) of this subdivision on and after July
27 1, 2005.

28 (a) When the pleadings or discovery proceedings in a civil action
29 indicate that the amount in controversy is greater than the
30 jurisdictional amount of subdivision (5) of this section, the county
31 court shall, upon the request of any party, certify the proceedings to

1 the district court as provided in section 25-2706. An award of the county
2 court which is greater than the jurisdictional amount of subdivision (5)
3 of this section is not void or unenforceable because it is greater than
4 such amount, however, if an award of the county court is greater than the
5 jurisdictional amount, the county court shall tax as additional costs the
6 difference between the filing fee in district court and the filing fee in
7 county court.

8 (b) The Supreme Court shall adjust the jurisdictional amount for the
9 county court every fifth year commencing July 1, 2005. The adjusted
10 jurisdictional amount shall be equal to the then current jurisdictional
11 amount adjusted by the average percentage change in the unadjusted
12 Consumer Price Index for All Urban Consumers published by the Federal
13 Bureau of Labor Statistics for the five-year period preceding the
14 adjustment date. The jurisdictional amount shall be rounded to the
15 nearest one-thousand-dollar amount;

16 (6) Concurrent original jurisdiction with the district court in any
17 criminal matter classified as a misdemeanor or for any infraction. The
18 district court shall have concurrent original jurisdiction in any
19 criminal matter classified as a misdemeanor that arises from the same
20 incident as a charged felony;

21 (7) Concurrent original jurisdiction with the district court in
22 domestic relations matters as defined in section 25-2740 and with the
23 district court and separate juvenile court in paternity or custody
24 determinations as provided in section 25-2740;

25 (8) Concurrent original jurisdiction with the district court in
26 matters arising under the Nebraska Uniform Trust Code;

27 (9) Exclusive original jurisdiction in any action based on violation
28 of a city or village ordinance, except with respect to violations
29 committed by persons under eighteen years of age;

30 (10) The jurisdiction of a juvenile court as provided in the
31 Nebraska Juvenile Code when sitting as a juvenile court in counties which

1 have not established separate juvenile courts;

2 (11) Exclusive original jurisdiction in matters of adoption, except
3 if a separate juvenile court already has jurisdiction over the child to
4 be adopted, concurrent original jurisdiction with the separate juvenile
5 court; ~~and~~

6 (12) Concurrent original jurisdiction with the district court in
7 matters arising under the Nebraska Uniform Custodial Trust Act;

8 (13) Concurrent original jurisdiction with the district court in any
9 matter relating to a power of attorney and the action or inaction of any
10 agent acting under a power of attorney;

11 (14) Exclusive original jurisdiction in any action arising under
12 sections 30-3401 to 30-3432;

13 (15) Concurrent original jurisdiction with the district court in
14 matters arising under the Nebraska Uniform Transfers to Minors Act;

15 (16) Concurrent original jurisdiction with the district court in
16 matters arising under the Uniform Principal and Income Act;

17 (17) Concurrent original jurisdiction with the district court in
18 matters arising under the Uniform Testamentary Additions to Trusts Act
19 (1991) except as otherwise provided in subdivision (1) of this section;
20 and

21 (18 12) All other jurisdiction heretofore provided and not
22 specifically repealed by Laws 1972, Legislative Bill 1032, and such other
23 jurisdiction as hereafter provided by law.

24 Sec. 2. Original section 24-517, Revised Statutes Cumulative
25 Supplement, 2014, is repealed.