

## LEGISLATIVE BILL 373

Approved by the Governor April 6, 1979

Introduced by Judiciary Committee, Nichol, 48, Chmn.;  
Pirsch, 10; Stoney, 4; Wagner, 41; Haberman,  
44

AN ACT to amend section 43-239, Reissue Revised Statutes of Nebraska, 1943, and sections 24-517, 43-229, and 43-234, Revised Statutes Supplement, 1978, relating to courts; to harmonize provisions relating to county and juvenile courts; and to repeal the original sections, and also section 43-233.02, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 24-517, Revised Statutes Supplement, 1978, be amended to read as follows:

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

(1) Exclusive original jurisdiction of all matters relating to decedents' estates, including the probate of wills and the construction thereof;

(2) Exclusive original jurisdiction of all matters relating to guardianship or conservatorship of any person, including (a) original jurisdiction to consent to and authorize a voluntary selection, partition, and setoff of a ward's interest in real estate owned in common with others and to exercise any right of the ward in connection therewith which the ward could exercise if competent, and (b) original jurisdiction to license the sale of such real estate for cash or on such terms of credit as shall seem best calculated to produce the highest price subject only to the requirements set forth in section 24-601;

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

(4) Concurrent original jurisdiction with the district court in all civil actions of any type when the amount in controversy does not exceed five thousand dollars;

(5) Concurrent original jurisdiction with the district court in any criminal matter when the penalty

does not exceed one year imprisonment ~~in the county jail~~ or a fine over one thousand dollars, or both;

(6) Exclusive original jurisdiction in any action based on violation of a city or village ordinance, except ordinances of cities of the metropolitan or primary class for which exclusive original jurisdiction shall be in the municipal court;

(7) ~~Concurrent~~ Exclusive original jurisdiction ~~with the district court~~ in all juvenile matters, except in counties which have established separate juvenile courts;

(8) Exclusive original jurisdiction in all matters of adoption; and

(9) All other jurisdiction heretofore provided and not specifically repealed by laws 1972, Legislative Bill 1032, and such other jurisdiction as hereafter provided by law.

Sec. 2. That section 43-229, Revised Statutes Supplement, 1978, be amended to read as follows:

43-229. The question of whether or not there shall be established a separate juvenile court in any county having a population of thirty thousand or more inhabitants shall be submitted to the qualified electors of any such county at the first general state election or at any special election held not less than four months after the filing with the Secretary of State of a petition requesting the establishment of such court signed by electors of such county in a number not less than five per cent of the total votes cast for Governor in such county at the general state election next preceding the filing of the petition. The question shall be submitted to the qualified electors of the county in the following form:

Shall there be established in .....  
County a separate juvenile court?

...Yes

...No

The election shall be conducted, and the ballots shall be counted and canvassed, by the regular election officials conducting the general state election in the manner prescribed by law for submission of special propositions to the electors.

After a separate juvenile court has been established, the clerk of the district county court shall forthwith transfer to the docket of the separate juvenile court all pending matters within the exclusive jurisdiction of the separate juvenile court for consideration and disposition by the judge thereof.

Sec. 3. That section 43-234, Revised Statutes Supplement, 1978, be amended to read as follows:

43-234. The salary of a judge of a separate juvenile court shall be as provided in section 24-301.01 and shall be paid out of the General Fund of the state. ~~There shall be appointed by each separate juvenile judge a stenographic reporter who shall be well skilled in the art of stenography and capable of reporting verbatim the oral proceedings had in court.~~

Sec. 4. That section 43-239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-239. After a separate juvenile court has been established, the question of whether it should be abolished shall be submitted to the qualified electors of any county having adopted same at the first general state election held not less than four months after the filing with the Secretary of State of a petition requesting the abolishment of such court signed by electors of such county in a number not less than five per cent of the total vote cast for Governor in such county at the general state election next preceding the filing of the petition. The question shall be submitted to the qualified electors of the county in the following form:

..... Shall the separate juvenile court in  
..... County be abolished.

...Yes

...No

The election shall be conducted, and the ballots shall be counted and canvassed, by the regular election official conducting the general state election in the manner prescribed by law for the submission of special propositions to the electors.

If the proposition to abolish a separate juvenile court shall be carried by a majority of the electors voting on the proposition, the jurisdiction, powers, and duties of the separate juvenile court shall cease, and the powers and duties of the district county court over

juvenile matters shall be reestablished, at the end of the term of the incumbent juvenile judge. After a separate juvenile court has been abolished, the clerk of the district county court shall forthwith transfer to the docket of the district county court all pending matters theretofore within the exclusive jurisdiction of the separate juvenile court for consideration and disposition by the district county court.

Sec. 5. That original section 43-239, Reissue Revised Statutes of Nebraska, 1943, and sections 24-517, 43-229, and 43-234, Revised Statutes Supplement, 1978, and also section 43-233.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.