

1 void or unenforceable because it is greater than such amount,
2 however, if an award of the county court is greater than the
3 jurisdictional amount, the county court shall tax as additional
4 costs the difference between the filing fee in district court and
5 the filing fee in county court.

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

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

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

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

1 upon him or her and the notice or paper is served upon him or her
2 by mail, three days shall be added to the prescribed period.

3 Sec. 9. A court may refer a civil case to mediation
4 or another form of alternative dispute resolution and, unless
5 otherwise ordered following a hearing upon a motion to object
6 to such referral, may state a date for the case to return to
7 court. Such date shall be no longer than ninety days after the
8 date the order was signed unless the court grants an extension
9 upon request of the parties. Any agreement or resolution made
10 in mediation or another form of alternative dispute resolution
11 shall be voluntarily entered into by the parties. An individual
12 trial court, an appellate court, or the Supreme Court on its own
13 initiative may adopt rules of practice governing the procedures
14 for referral of cases to mediation and other forms of dispute
15 resolution. Such services may be provided by approved centers on a
16 sliding scale of fees under the Dispute Resolution Act.

17 Sec. 10. Section 25-1129, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 25-1129 All or any of the issues in the action, whether
20 of fact or law, or both, may be referred, to a referee upon the
21 written consent of the parties, or upon their oral consent in court
22 entered upon the journal.

23 Sec. 11. Section 25-1130, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 25-1130 When the parties do not consent, the court

1 may, upon application of either, or of its own motion, direct a
2 reference ~~(1)~~ where the trial of an issue of fact shall require
3 the examination of mutual accounts, or where the account is on one
4 side only, and it shall be made to appear to the court that it is
5 necessary that the party on the other side should be examined as
6 a witness to prove the account, in which cases the referees may
7 be directed to hear and report upon the whole issue, or upon any
8 specific question of fact involved therein, ~~(2)~~ where the taking
9 of an account shall be necessary for the information of the court
10 before a judgment, in cases which may be determined by the court
11 or for carrying a judgment into effect, or ~~(3)~~ where a question
12 of fact, other than upon the pleadings, shall arise upon motion or
13 otherwise, in any state of an action. in any equity matter to a
14 referee appointed by the court. The court shall direct a reference
15 to a referee only when caseload and time constraints require such
16 reference, and a referee shall not be appointed to conduct any
17 hearing involving an issue of law and not equity that could result
18 in the exercise of the right to a trial before a jury.

19 Sec. 12. Section 25-2704, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 25-2704 (1) In any civil action in county court, the
22 summons, pleadings, and time for filings shall be the same as
23 provided for civil actions in district court. A case shall stand
24 for trial at the earliest available time on the court docket
25 after the issues therein are or, according to the times fixed for

1 pleading, should have been made up.

2 (2) All nonevidentiary hearings, and any evidentiary
3 hearings approved by the county court and by stipulation of all
4 parties that have filed an appearance, may be heard by the court
5 telephonically or by videoconferencing or similar equipment at any
6 location within the judicial district as ordered by the court and
7 in a manner that ensures the preservation of an accurate record.
8 Such hearings shall not include trials before a jury. Hearings
9 conducted in this manner shall be consistent with the public's
10 access to the courts.

11 Sec. 13. Section 25-2733, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 25-2733 (1) In all cases ~~other than appeals from the~~
14 ~~Small Claims Court,~~ the district court shall review the case
15 for error appearing on the record made in the county court. The
16 district court shall render a judgment which may affirm, affirm but
17 modify, or reverse the judgment or final order of the county court.
18 If the district court reverses, it may enter judgment in accordance
19 with its findings or remand the case to the county court for
20 further proceedings consistent with the judgment of the district
21 court. Within two judicial days after the decision of the district
22 court becomes final, the clerk of the district court shall issue a
23 mandate in appeals from the county court and transmit the mandate
24 in appeals to the clerk of the county court on the form prescribed
25 by the Supreme Court together with a copy of such decision.

1 (2) The bill of exceptions, if filed with the clerk at
2 or before the hearing, shall be considered admitted in evidence
3 on the hearing of the appeal unless the court on objection by a
4 party excludes all or part of it. The ordering, preparing, signing,
5 filing, correcting, and amending of the bill of exceptions shall be
6 governed by the rules of practice prescribed by the Supreme Court.

7 (3) The judgment of the district court shall vacate the
8 judgment in the county court. The taxation of costs in the district
9 court shall include the costs in the county court. If a judgment
10 of the county court is affirmed or affirmed but modified, interest
11 on the amount of the judgment in the district court that does not
12 exceed the amount of the judgment in the county court shall run
13 from the date of entry of the judgment appealed from the county
14 court.

15 Sec. 14. Section 25-2740, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 25-2740 (1) For purposes of this section:

18 (a) Domestic relations matters means proceedings under
19 sections 28-311.09 and 28-311.10 (including harassment protection
20 orders and valid foreign harassment protection orders), the
21 Conciliation Court Law and sections 42-347 to 42-381 (including
22 dissolution, separation, annulment, custody, and support), section
23 43-512.04 (including child support or medical support), section
24 42-924 (including domestic protection orders), sections 43-1401 to
25 43-1418 (including paternity determinations and parental support),

1 and sections 43-1801 to 43-1803 (including grandparent visitation);
2 and

3 (b) Paternity determinations means proceedings to
4 establish the paternity of a child under sections 43-1411 to
5 43-1418.

6 (2) Except as provided in subsection ~~(4)~~ (3) of this
7 section, in domestic relations matters, a party shall file his or
8 her petition or complaint and all other court filings with the
9 clerk of the district court. The party shall state in the petition
10 or complaint whether such party requests that the proceeding be
11 heard by a county court judge or by a district court judge. If
12 the party requests the case be heard by a county court judge, the
13 county court judge assigned to hear cases in the county in which
14 the matter is filed at the time of the hearing is deemed appointed
15 by the district court and the consent of the county court judge
16 is not required. Such proceeding is considered a district court
17 proceeding, even if heard by a county court judge, and an order or
18 judgment of the county court in a domestic relations matter has the
19 force and effect of a district court judgment. The testimony in a
20 domestic relations matter heard before a county court judge shall
21 be preserved as provided in section 25-2732.

22 ~~(3) Until January 1, 2000, upon motion of a party in a~~
23 ~~contested action brought under subsection (2) of this section, the~~
24 ~~proceeding shall be transferred from a county court judge to a~~
25 ~~district court judge.~~

