

## LEGISLATIVE BILL 750

Approved by the Governor February 11, 1986

Introduced by Beutler, 28, Chairperson, Executive Board

AN ACT relating to courts; to amend sections 24-209, 24-302:01, and 25-2301, Reissue Revised Statutes of Nebraska, 1943, and section 76-1456, Revised Statutes Supplement, 1984; to delete references to municipal courts; and to repeal the original sections.

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

Section 1. That section 24-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-209. (1) One copy of the Supreme Court Reports shall be furnished by the Supreme Court to each judge of the Supreme, district, separate juvenile, workmen's compensation, and county courts, to each county law library, to each state library, to each officer of the executive departments of this state, to the Clerk of the Legislature, and to each judge of the United States District and Circuit Courts of this state; to the Legislative Council, two copies; to the library of the College of Law of the University of Nebraska, as provided in sections 85-176 and 85-177; to the Nebraska Publications Clearinghouse, eight copies; and to the State Court Administrator's Office, up to ten copies.

(2) One advance copy of the opinions of the Nebraska Supreme Court in pamphlet form, known as the Nebraska Advance Sheets, shall be furnished to each judge of the Supreme, district, separate juvenile, county, and workmen's compensation, and municipal courts, as many advance copies as may be requested by the members of the Legislature shall be furnished to the Clerk of the Legislature, two advance copies shall be furnished to each standing committee of the Legislature, up to twenty-five advance copies shall be furnished to the Attorney General, and the State Court Administrator shall be furnished as many advance copies as he or she deems necessary for the operation of the Supreme Court.

(3) The balance of the Supreme Court Reports and Nebraska Advance Sheets shall be sold as called for at such price as shall be prescribed by the Supreme Court. The Supreme Court shall also prescribe the price for microform copies of the reports. The money received

from such sales shall be paid into the Supreme Court Reports Cash Fund which is hereby created.

(4) Upon request from any office or entity entitled to free copies of the Supreme Court Reports or the Nebraska Advance Sheets, the court may stop sending the publications to such office or entity until the request is withdrawn.

Sec. 2. That section 24-302.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-302.01. The county ~~or municipal~~ court shall certify proceedings to the district court of the county in which an action is pending when the pleadings or discovery proceedings indicate there is an amount in controversy in excess of ten thousand dollars. The county ~~or municipal~~ court shall certify the proceedings to the district court and file the original papers of such action and a certified transcript of the docket entries with the clerk of the district court. The action shall then be tried and determined by the district court as if the proceedings were originally brought in such district court, except that no new pleadings need be filed unless ordered by the district court.

If it is determined, upon adjudication, that the allegations of either party to such action are asserted with the intention solely of avoiding the jurisdiction of the county ~~or municipal~~ court, the offending party shall not recover any costs in the county ~~or municipal~~ court or the district court.

Sec. 3. That section 25-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2301. Any court of the State of Nebraska, except the Nebraska Workmen's Compensation Court, or of any county ~~or municipality~~ shall authorize the commencement, prosecution, or defense of any suit, action, or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security, by a person who makes an affidavit that he ~~or she~~ is unable to pay such costs or give security. Such affidavit shall state the nature of the action, defense, or appeal and affiant's belief that he ~~or she~~ is entitled to redress. An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

Sec. 4. That section 76-1456, Revised Statutes Supplement, 1984, be amended to read as follows:

76-1456. The district, ~~or~~ county, ~~or~~

municipal court of this state may exercise jurisdiction over any landlord or tenant with respect to any conduct in this state governed by the Mobile Home Landlord and Tenant Act or with respect to any claim arising from a transaction subject to the act for a dwelling unit located within its jurisdictional boundaries. Service outside this state may be made in the manner provided in section 25-540.

Sec. 5. That original sections 24-209, 24-302.01, and 25-2301, Reissue Revised Statutes of Nebraska, 1943, and section 76-1456, Revised Statutes Supplement, 1984, are repealed.