

LEGISLATIVE BILL 1030

Approved by the Governor April 13, 1988

Introduced by L. Johnson, 15; Pirsch, 10; Conway, 17;
Hartnett, 45; Campbell, 22; Abboud, 12;
Peterson, 21

AN ACT relating to official acts and proceedings; to amend sections 11-119, 14-606, 16-323, 17-118, 23-1705, 23-1802, 23-1803, 23-1811, 24-595, 24-5,100, 24-5,101, 25-1011, 25-1012.01, 25-1031.02, 25-1056, 25-1230, 25-1232, 28-927, 28-1305, 29-205, 29-401, 29-406, 29-407, 29-413, 29-2403, 29-2701, 29-2815, 32-464 to 32-466, 33-136, 37-603, 37-606, 37-609, 37-913, 39-683, 49-801, 53-197, 54-705, 60-109, 64-102, 64-103, 64-202, 75-334, 79-453, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, sections 15-326, 32-1221, 39-6,104, and 42-357, Revised Statutes Supplement, 1986, and sections 23-1801 and 33-117, Revised Statutes Supplement, 1987; to eliminate certain powers of constables; to change provisions relating to garnishment proceedings; to provide for continuing liens as prescribed; to change and provide fees; to provide powers for county judges as prescribed; to change provisions relating to notaries public; to harmonize provisions; to repeal the original sections, and also section 29-204, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. That section 11-119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

11-119. The following named officers shall execute a bond with penalties of the following amounts:

- (1) The Governor, one hundred thousand dollars;
- (2) The Lieutenant Governor, one hundred thousand dollars;
- (3) The Auditor of Public Accounts, one hundred thousand dollars;
- (4) The Secretary of State, one hundred thousand dollars;

(5) The Attorney General, one hundred thousand dollars;

(6) The State Treasurer, not less than one million dollars, and not more than double the amount of money that may come into his or her hands, to be fixed by the Governor;

(7) Each county attorney, in a sum not less than one thousand dollars, to be fixed by the county board;

(8) Each clerk of the district court, not less than five thousand dollars, ~~not~~ or more than one hundred thousand dollars, to be determined by the county board;

(9) Each county clerk, not less than one thousand dollars, ~~not~~ or more than one hundred thousand dollars, to be determined by the county board, except ~~PROVIDED~~, that when a county clerk also has the duties of other county offices the minimum bond shall be two thousand dollars;

(10) Each county treasurer, not less than ten thousand dollars, and not more than the amount of money that may come into his or her hands, to be determined by the county board;

(11) Each sheriff, in counties of not more than twenty thousand inhabitants, five thousand dollars, and in counties ~~;~~ over twenty thousand inhabitants, ten thousand dollars;

(12) Each county superintendent of public instruction or district superintendent of public instruction, one thousand dollars;

(13) Each county surveyor, five hundred dollars;

(14) Each county commissioner or supervisor, in counties of not more than twenty thousand inhabitants, one thousand dollars, in counties ~~;~~ over twenty thousand and not more than thirty thousand inhabitants, two thousand dollars, in counties ~~;~~ over thirty thousand and not more than fifty thousand inhabitants, three thousand dollars, and in counties ~~;~~ over fifty thousand inhabitants, five thousand dollars;

(15) Each register of deeds in counties having a population of more than sixteen thousand five hundred inhabitants, not less than two thousand dollars ~~not~~ or more than one hundred thousand dollars to be determined by the county board;

~~(16) Each constable, three hundred dollars;~~

~~(17) (16) Each township clerk, two hundred fifty dollars;~~

~~(18) (17) Each township treasurer, two thousand dollars;~~

~~(19)~~ (18) Each county assessor, not more than five thousand dollars and not less than two thousand dollars;

~~(20)~~ (19) Each school district treasurer, not less than five hundred dollars, ~~not~~ or more than double the amount of money that may come into his or her hands, the amount to be fixed by the president and secretary of the district;

~~(21)~~ (20) Each road overseer, two hundred fifty dollars; and

~~(22)~~ (21) Each member of a county weed district board, and the manager thereof, such amount as may be determined by the county board of commissioners or supervisors of each county, with the same amount to apply to each member of any particular board.

All other state officers, department heads, and employees shall be bonded under the blanket surety bond required by section 11-201.

Sec. 2. That section 14-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-606. Each ~~poliieeman~~ police officer shall give a bond, and shall have the same powers as sheriffs constables in arresting all offenders against the laws of the state, and may arrest all offenders against the ordinances of the city with or without a warrant. In discharge of their duties as ~~poliieemen~~ police officers, they shall be subject to the immediate orders of the chief of police.

Sec. 3. That section 15-326, Revised Statutes Supplement, 1986, be amended to read as follows:

15-326. The marshal or chief of police shall have the immediate charge of the police, and he or she and the police officers shall have the power and the duty to arrest all offenders against the laws of the state or the ordinances of the city in the same manner as the sheriff ~~or constable~~ and to keep such offenders in the city jail or other place to prevent their escape until a trial or examination may be had before a proper officer. He or she shall have the same powers as a sheriff ~~or a constable~~ in relation to all criminal matters and all process issued by the county court.

Sec. 4. That section 16-323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-323. The chief of police shall have the immediate superintendence of the police. He or she and the police officers shall have the power, and ~~it shall~~ be ~~their~~ the duty, to arrest all offenders against the

laws of the state or of the city, by day or by night, in the same manner as a sheriff ~~or constable~~, and to keep them such offenders in the city prison or other place to prevent their escape, until a trial or examination may be had before the proper officer. The chief of police and police officers ; and they shall have the same power as the sheriff and constable in relation to all criminal matters arising out of a violation of a city ordinance and all process issued by the county court in connection with a violation of a city ordinance.

Sec. 5. That section 17-118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-118. The ~~police~~ police officers of the city shall have the power to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as the sheriff ~~or constable~~, and to keep them such offenders in the city prison or other place, to prevent their escape, until trial can be had before the proper officer.

Sec. 6. That section 23-1705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1705. The sheriff shall attend upon the district court at its session in his or her county, ~~shall be and he is~~ allowed the assistance of two ~~constables deputies~~ and of such further number as the court may direct, and shall attend the sessions of the county court when required by the judge.

Sec. 7. That section 23-1801, Revised Statutes Supplement, 1987, be amended to read as follows:

23-1801. The coroner shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means. When the coroner has notice of the presence in the county of the body of a person supposed to have died by unlawful means, the coroner may, at his or her discretion, issue a warrant to a ~~constable~~ sheriff of the county requiring the ~~constable~~ sheriff to summon ~~forthwith~~ six residents of the county to appear before the coroner at a time and place named in the warrant. Each juror shall receive for each day employed in the discharge of his or her duty the sum of twenty dollars to be paid by certificate drawn by the coroner on the general funds of the county.

Sec. 8. That section 23-1802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1802. The warrant may be in substance as

follows: The State of Nebraska, County.
To any constable sheriff of said such county:

In the name of the people of the State of Nebraska, you are hereby required to summon ~~forthwith~~ six residents of your county to appear before me at, on the day of, 19...., then and there to hold an inquest upon the dead body of, there lying, and by what means such person died. Witness my hand this day of, A.D. 19..... Coroner.

Sec. 9. That section 23-1803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1803. The constable sheriff shall execute the warrant and make return thereof at the time and place therein named.

Sec. 10. That section 23-1811, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1811. If the person charged be is present, the coroner may order his or her arrest by an officer or any other person present; and shall then make a warrant requiring the officer or other person to take him or her before the county court for examination, or if the person charged be is not present and the coroner believes the person can be taken, the coroner may issue a warrant to the sheriff or constable requiring him or her to arrest the person and take the person charged before the county court for examination.

Sec. 11. That section 24-595, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-595. All constables and sheriffs shall be ministerial officers in county courts; in their respective jurisdictions; in civil and criminal cases, and civil and criminal processes may be executed by them throughout the jurisdiction. All constables shall be ministerial officers in county courts in their respective jurisdictions in civil cases, and civil processes may be executed by them throughout the jurisdiction.

Sec. 12. That section 24-5,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-5,101. In serving all civil process; either civil or criminal; and in doing his or her duties generally, when not otherwise restricted by law, the authority of a constable shall extend throughout the territory in which the judges of the county court who

appointed him or her have jurisdiction, and in executing and serving process issued by courts inferior to the district court, he or she shall have and exercise the same authority and powers over goods and chattels and the persons or parties and in serving process as is granted by law to a sheriff under like process issued from courts of record. Any constable who shall knowingly perform or attempt to perform any official act outside of the territory in which the court which appointed him or her has jurisdiction shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars or shall be imprisoned for not more than ten days.

Sec. 13. That section 24-5,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-5,100. It shall be the duty of every constable and sheriff to apprehend, on view or warrant, and bring to the court, all felons and disturbers and violators of the criminal laws of this state, to suppress all riots, affrays, and unlawful assemblies, which may come to his or her knowledge, and generally to keep the peace in his or her proper city.

Sec. 14. That section 25-1011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1011. (1) The summons and order of garnishment and the interrogatories in duplicate, a notice to judgment debtor form, and a request for hearing form shall be served upon the garnishee in the manner provided for service of a summons in a civil action, except that certified mail service may not be used.

(2) The judgment creditor or his or her agent or attorney shall send to the judgment debtor by certified mail to the last-known address of the judgment debtor a copy of the summons and order of garnishment, a notice to judgment debtor form, and a request for hearing form within three business days of issuance by the court and shall certify in writing to the court the date of the mailing.

(3) The Supreme Court by rule of court shall promulgate uniform garnishment forms for use in all courts in this state. Until the forms are promulgated, garnishments shall continue in the courts by use of the existing forms. The forms shall include the summons and order of garnishment, the garnishment interrogatories, a notice to judgment debtor form, and a request for hearing form.

(4) The notice to judgment debtor form shall include the following information:

(a) That certain funds are exempt from garnishment if such funds are from certain government benefits and other sources;

(b) That wages are exempt up to a certain level and the amount that can be garnished varies if the judgment debtor is the head of a family;

(c) That if the judgment debtor believes the court should not allow a garnishment either because the funds sought are exempt or because the amount is not owed on the judgment, the judgment debtor is entitled to a hearing within ten days of a request by the judgment debtor to determine such issues; and

(d) That if the judgment debtor wishes a hearing as prescribed in subdivision (c) of this subsection, the judgment debtor shall make a request by filling out the request for hearing form and file the form with the court within three business days of receipt of the notice to judgment debtor form by the judgment debtor.

(5) If the judgment debtor in a garnishment proceeding requests a hearing, the court shall grant the hearing within ten days of the request.

Sec. 15. That section 25-1012.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1012.01. All provisions, including provisions for a continuing lien prescribed in section 25-1056, requirements, conditions, and exemptions of the garnishment laws of the State of Nebraska shall apply to all state, county, municipal, municipally owned corporation, township, and school district officers and employees; to the same extent and effect as such laws apply under the existing statutes of the State of Nebraska to officers and employees of private corporations. Consent is hereby given for garnishment proceedings against the State of Nebraska and against all counties, townships, municipal corporations, municipally owned corporations, and school districts in the same manner and under the same procedure as is now provided by law for bringing such suits and proceedings against corporations and individuals. This section shall apply only in case it is sought to hold and apply the earnings of such officers and employees, which earnings have been earned or are to be earned by personal services rendered to the state or to any county, township, municipal corporation, municipally owned corporation, or school district.

Sec. 16. That section 25-1031.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1031.02. (1) The party seeking garnishment shall advance the costs of transcript and docketing said the matter in the district court.

(2) The district court shall be entitled to the following fee in civil matters: For issuance of a writ of execution, restitution, garnishment, attachment, and examination in aid of execution, a fee of five dollars each.

Sec. 17. That section 25-1056, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1056. (1) In all cases when a judgment has been entered by any court of record and the judgment creditor, or his or her agent or attorney, shall file has filed an affidavit setting forth the amount due on the judgment, interest, and costs in the office of the clerk of the court where the judgment has been entered, and that he or she has good reason to and does believe that any person, partnership, or corporation, naming him, her, or it, has property of and is indebted to the judgment debtor, the clerk shall issue a summons which shall set forth the amount due on the judgment, interest, and costs as shown in the affidavit, and require such person, partnership, or corporation, as garnishee, to answer written interrogatories to be furnished by the plaintiff and to be attached to such summons respecting the matters set forth in section 25-1026. The summons shall be returnable within five ten days from the date of its issuance and shall require the garnishee to answer within ten days from the date of issuance. Except when wages are involved, the garnishee shall hold the property of every description and the credits of the defendant in his or her possession or under his or her control at the time of the service of the summons and interrogatories until the further order of the court. If the only property in the possession or under the control of the garnishee at the time of the service of the summons and interrogatories shall be is credits of the defendant and the amount of such credits is not in dispute by the garnishee, then such garnishee shall only hold the credits of the defendant in his or her possession or under his or her control at the time of the service of the summons and interrogatories to the extent of the amount of the judgment, interest, and costs set forth in the summons, until further order of the court. When wages are involved, the garnishee shall

pay to the employee all disposable earnings exempted from garnishment by statute, and any disposable earnings remaining after such payment shall be retained by the garnishee until further order of the court. Thereafter, the service of the summons and interrogatories and all further proceedings shall be in all respects the same as is provided for in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with the provisions of this section.

(2) If it appears from the answer of the garnishee that the judgment debtor was an employee of the garnishee, that the garnishee otherwise owed earnings to the judgment debtor when the garnishment order was served, or that earnings would be owed within sixty days thereafter and there is not a successful written objection to the order or the answer of the garnishee filed, on application by the judgment creditor, the court shall order that the nonexempt earnings, if any, withheld by the garnishee after service of the order be transferred to the court for payment to the judgment creditor who is entitled to such earnings. The court shall, upon application of the judgment creditor, further order that the garnishment is a continuing lien against the nonexempt earnings of the judgment debtor. An order of continuing lien on nonexempt earnings entered pursuant to this section shall require the garnishee to continue to withhold the nonexempt earnings of the judgment debtor for as long as the continuing lien remains in effect.

Beginning with the pay period during which the writ was served and while the continuing lien remains in effect, the garnishee shall deliver the nonexempt earnings to the court from which the garnishment was issued for each pay period or on a monthly basis if the garnishee so desires and shall deliver to the judgment debtor his or her exempt earnings for each pay period.

(3) A continuing lien ordered pursuant to this section shall be invalid and shall have no force and effect upon the occurrence of any of the following:

(a) The underlying judgment is satisfied in full or vacated or expires;

(b) The judgment debtor leaves the garnishee's employ for more than sixty days;

(c) The judgment creditor releases the garnishment;

(d) The proceedings are stayed by a court of competent jurisdiction, including the United States Bankruptcy Court;

(e) The judgment debtor has not earned any

nonexempt earnings for at least sixty days;

(f) The court orders that the garnishment be quashed; or

(g) Ninety days have expired since service of the writ. The judgment creditor may extend the lien for a second ninety-day period by filing with the court a notice of extension within fifteen days of the expiration of the initial lien, and the continuing lien in favor of the initial judgment debtor shall continue for a second ninety-day period.

(4)(a) To determine priority, garnishments and liens shall rank according to time of service.

(b) Garnishments, liens, and wage assignments which are not for the support of a person shall be inferior to wage assignments for the support of a person. Garnishments which are not for the support of a person and liens shall be inferior to garnishments for the support of a person.

(5) Only one order of continuing lien against earnings due the judgment debtor shall be in effect at one time. If an employee's wages are already being garnished pursuant to a continuing lien at the time of service of a garnishment upon an employer, the answer to garnishment interrogatories shall include such information along with the date of termination of such continuing lien and the title of the case from which such garnishment is issued. Except as provided in subsection (4) of this section, a continuing lien obtained pursuant to this section shall have priority over any subsequent garnishment or wage assignment.

Sec. 18. That section 25-1230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1230. When a witness fails to attend in obedience to a subpoena, (except in case of a demand and failure to pay his or her fee), the court or officer before whom his or her attendance is required may issue an attachment to the sheriff, or coroner ~~or constable~~ of the county, commanding him or her to arrest and bring the person therein named before the court or officer, at a time and place to be fixed in the attachment, to give his or her testimony, and answer for the contempt. If the attachment be is not for immediately bringing the witness before the court or officer, a sum may be fixed in which the witness may give an undertaking with surety for his or her appearance. Such sum shall be endorsed on the back of the attachment, and if no sum is so fixed and endorsed, it shall be one hundred dollars. If the witness is not personally served, the court may, by a

rule, order him or her to show cause why attachment should not issue against him or her.

Sec. 19. That section 25-1232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1232. Every attachment for the arrest or order of commitment to prison, of a witness by a court or officer, pursuant to sections 25-1230 and 25-1231, must shall be under the seal of the court or officer, if he or she has have an official seal, and must shall specify particularly the cause of the arrest or commitment, and if the commitment be is for refusing to answer a question, such question must shall be stated in the order. Such order of commitment may be directed to the sheriff, or coroner or any constable of the county where such witness resides or may be at the time, and shall be executed by committing him or her to the jail of such county, and delivering a copy of the order to the jailer.

Sec. 20. That section 28-927, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-927. (1) When any warrant legally issued by any magistrate in this state in any criminal case shall be delivered into the hands of any constable, sheriff, or other officer, to be executed, whose duty it shall be to execute such warrant, it is hereby made the duty of such constable, sheriff, or other officer to serve the same immediately, and if such constable, sheriff, or other officer shall neglect or delay to serve any such warrant, delivered to him or her as aforesaid, when in his or her power to serve the same, either alone or by calling upon assistance according to law, he or she commits the offense of neglecting to serve a warrant.

(2) Neglecting to serve a warrant is a Class II misdemeanor if the offense charged for which the warrant was issued is a felony.

(3) Neglecting to serve a warrant is a Class III misdemeanor, if the offense charged for which the warrant was issued is a misdemeanor.

(4) Any constable, sheriff, or other officer who is convicted under this section shall immediately forfeit his or her office.

Sec. 21. That section 28-1305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1305. Whoever shall put the carcass of any dead animal, or the offals from any slaughter house, or

butcher's establishment, packing house, or fish house, or any spoiled meats, or spoiled fish, or any putrid animal substance, or the contents of any privy vault upon or into any river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common; or whoever, being the owner or owners, or occupant or occupants thereof, shall knowingly permit the same to remain in any of the aforesaid situations, to the annoyance of the citizens of this state, or any of them, or shall neglect or refuse to remove or abate the nuisance occasioned thereby, within twenty-four hours after knowledge of the existence of such nuisance upon any of the above described premises owned or occupied by him, her, or them, or after notice thereof in writing from the street commissioner, supervisor, constable, or any trustee or health officer of any city or precinct in which such nuisance shall exist, shall be guilty of a Class V misdemeanor. If the nuisance be is not abated within twenty-four hours thereafter, it shall be deemed a second offense against the provisions of this section, and every like neglect of each twenty-four hours thereafter shall be considered an additional offense.

Sec. 22. That section 29-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-205. If any person or persons, who may be charged with the commission of a crime or offense made punishable by the laws of this state, shall abscond or remove from the county in which such crime or offense is charged to have been committed, it shall be lawful for any sheriff, constable or other person to apprehend the person or persons so charged, and forthwith remove him, her, or them to the county in which the alleged crime may be said to have been committed, and deliver such person or persons to any magistrate in such county, who shall cause the person or persons so delivered to be dealt with as the law may direct.

Sec. 23. That section 29-401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-401. Every sheriff, deputy sheriff, constable, marshal, or deputy marshal, watchman, police officer, or peace officer as defined in subdivision (15) of section 49-801, shall arrest and detain any person found violating any law of this state, or any legal ordinance of any city or incorporated village, until a legal warrant can be obtained, except; PROVIDED, that (1) any such law enforcement officer taking a juvenile

under the age of eighteen years into his or her custody for any violation herein defined shall proceed as set forth in sections 43-248 and 43-250, and (2) the court in which the child is to appear shall not accept a plea from the child until finding that the parents of the child have been notified or that reasonable efforts to notify such parents have been made.

Sec. 24. That section 29-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-406. The warrant shall be directed to the sheriff ~~or to any constable~~ of the county, or to the marshal or other police officer of a city or village, and, reciting the substance of the accusation, shall command the officer ~~forthwith~~ to take the accused and bring him ~~or her~~ before the magistrate or court issuing the warrant, or some other magistrate having cognizance of the case, to be dealt with according to law. ~~No~~ No ~~and no~~ seal shall be necessary to the validity of the warrant.

Sec. 25. That section 29-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-407. The magistrate issuing any such warrant may make an order thereon authorizing a person, to be named in such warrant, to execute the ~~same~~, the warrant. The person named in such order may execute such warrant anywhere in the state, by apprehending and conveying such offender before the magistrate issuing such warrant, or before some other magistrate of the same county. All ~~and all~~ sheriffs, coroners, ~~and constables~~, and others when required, in their respective counties, shall aid and assist in the execution of such warrant.

Sec. 26. That section 29-413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-413. When any offense is committed in view of any magistrate, he ~~or she~~ may, by verbal direction to any sheriff, ~~or constable or marshal~~, or other proper officer, or, if no such officer is present, then to any citizen, cause the offender to be arrested and kept in custody for the space of one hour, unless he ~~or she~~ shall sooner be taken from such custody by virtue of a warrant issued on complaint under oath. A ~~but a~~ person so arrested shall not be confined in jail nor put upon trial until arrested by virtue of such a warrant.

Sec. 27. That section 29-2403, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

29-2403. When any person convicted of an offense shall be is sentenced to imprisonment in the county jail, the court or magistrate shall order the defendant into the custody of the sheriff, constable or other proper officer, and shall issue to such officer a warrant of commitment. The officer shall deliver the convict, together with a copy of the warrant, to the jailer, in whose custody he or she shall remain in the jail of the proper county until the term of his or her confinement shall have expired, or he or she shall have been pardoned, or otherwise legally discharged.

Sec. 28. That section 29-2701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2701. All money due upon any judgment for fines, costs, or forfeited recognizances, shall be paid to the judge or clerk of the court where the judgment is pending, if paid before execution is issued therefor, otherwise to the officer holding the execution, or such money may be paid to the sheriff of the county if the judgment debtor is in jail. Every sheriff, constable, marshal, or other ministerial officer who shall receive any such money as aforesaid shall pay the same to the proper clerk of the court within ten days from the time of receiving the same.

Sec. 29. That section 29-2815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2815. In case of confinement, imprisonment, or detention by any person not a sheriff, deputy sheriff, coroner, jailer, constable or marshal of this state, nor a marshal or other like officer of the courts of the United States, the writ of habeas corpus shall be in the form following:

The State of Nebraska,

ss

.....County,
The People of the State of Nebraska to the Sheriff of said such county, greeting:

We command you, that the body of of by of imprisoned and restrained of his or her liberty, as it is said, you take and have before, a judge of our court, or, in case of his or her absence or disability, before some other judge of the same court at, forthwith to do and receive what our said judge shall then and there

consider concerning him or her in his or her behalf, and summon the said then and there to appear before our said judge to show the cause of the taking and detaining the said; and have you there this writ, with your doings thereon.

Witness at this day of in the year

Sec. 30. That section 32-464, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-464. Except in counties having an election commissioner, upon the day fixed for holding any election therein the proper authorities of every city shall detail a police officer to each polling place of such city and the proper authorities of every village shall detail the village marshal ~~or constable~~ of such precinct to the voting places of such village or precinct. The special duties of the police officer, or village marshal, ~~or constable~~, in addition to the preservation of peace and order, shall be as follows: (1) He or she shall, as far as possible, remain at or near the entrance of the enclosure in which the compartments are placed; (2) he or she shall not permit any person to enter such enclosure unless duly provided with an official ballot, signed with the names of two judges of the election board; (3) he or she shall not permit any person to enter the enclosure while the several compartments therein are occupied; (4) he or she shall not permit any person to leave the enclosure without first voting or surrendering his or her ballot to a judge of the election board; and (5) he or she shall not permit any person to leave the polling room after receiving a ballot, without first voting or surrendering his or her ballot. In counties having an election commissioner, such election commissioner shall have power to appoint such police officers as may be necessary to maintain order at the election and enforce the election laws.

Sec. 31. That section 32-465, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-465. Except in counties having an election commissioner, if no police officer, or village marshal ~~or constable~~ is in attendance, the judges of election may appoint one or more persons specially by writing, which officer shall have all the powers of a regular constable police officer or village marshal.

Sec. 32. That section 32-466, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-466. If any person conducts himself or herself in a noisy, riotous, or tumultuous manner at or about the polls, so as to disturb the election, or insults or abuses the inspectors, judges, or clerks of election, and persists in such conduct after being warned to desist, any inspector, judge of election, police officer, or village marshal or constable shall forthwith arrest him or her without warrant, and bring him or her before the county court, to be dealt with according to law, except that; ~~but~~ such person shall be permitted to vote.

Sec. 33. That section 32-1221, Revised Statutes Supplement, 1986, be amended to read as follows:

32-1221. No officer of election shall do any electioneering on election day. No person shall do any electioneering on election day within any polling place, any building in which an election is being held, or two hundred feet thereof, nor obstruct the doors or entries thereto or prevent free ingress to and egress from such building. Any election officer, sheriff, ~~constable~~, or other peace officer shall clear the passageways and prevent such obstruction and shall arrest any person so doing. No person shall conduct any exit poll, public opinion poll, or any other interview with voters on election day seeking to determine voter preference within twenty feet of the entrance of any polling place room or, if inside the polling place building, within one hundred feet of any voting booth. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his or her ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of the candidate or candidates for whom he or she has marked his or her vote, nor shall any person solicit the elector to show the same. No person except a judge of election shall receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than the judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he or she received from the judges of election having charge of the ballots. No elector shall place any mark upon a ballot by which it may afterwards be identified as the one voted by him or

her. Every elector who does not vote a ballot delivered to him or her by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to the judges. Whoever shall violate this section shall be guilty of a Class V misdemeanor.

Sec. 34. That section 33-117, Revised Statutes Supplement, 1987, be amended to read as follows:

33-117. (1) The several sheriffs shall charge and collect fees at the rates specified in this section. The rates shall be as follows: (a) Serving a capias with commitment or bail bond and return, two dollars; (b) serving a search warrant, two dollars; (c) arresting under a search warrant, two dollars for each person so arrested; (d) unless otherwise specifically listed in subdivisions (f) to (s) of this subsection, serving a summons, subpoena, in equity, order of attachment, order of replevin, other order of injunction, seire facias, citation the court, notice of motion, other notice, order of the court, or other writ and return thereof, ten dollars for the first defendant and two dollars and fifty cents for each of the other defendants in the same case; making a certified copy of a or document, or any combination thereof, including any accompanying or attached documents, ten dollars for each person served, except that when more than one person is served at the same time and location in the same case, the service fee shall be ten dollars for the first person served at that time and location and two dollars and fifty cents for each other person served at that time and location; (e) making a return of each summons, subpoena, in equity, order of attachment, order of replevin, other order of injunction, seire facias, citation the court, notice of motion, other notice, or other writ or document, whether served or not, five dollars; (f) taking and filing a replevin bond or other indemnification to be furnished and approved by the sheriff, one dollar; (g) making a copy of any process, bond, or other paper other than herein not otherwise provided for in this section, twenty-five cents per page; (h) traveling each mile actually and necessarily traveled within or without their several counties in their official duties, three cents more per mile than the rate provided for county officers and employees in section 23-1112, except that the minimum fee shall be fifty cents when the service is made within one mile of the courthouse, and, as far as is expedient, all papers in the hands of the sheriff at any one time shall be served in one or more trips by the most direct route or routes and only one mileage fee

shall be charged for a single trip, the total mileage cost to be computed as a unit for each trip and the combined mileage cost of each trip to be prorated among the persons or parties liable for the payment of same; (i) levying a writ or a court order of execution and return thereof, fifteen dollars; levying a writ of possession without the aid of the county, two dollars; levying a writ of possession with the aid of the county, four dollars; (j) summoning a grand jury, not including mileage to be paid by the county, ten dollars; (k) summoning a petit jury, not including mileage to be paid by the county, twelve dollars; (l) summoning a special jury, for each person impaneled, fifty cents; (m) calling a jury for a trial of a case or cause, fifty cents; (n) executing a writ of restitution or a writ of assistance and return, fifteen dollars; (o) calling an inquest to appraise lands and tenements levied on by execution, one dollar; (p) calling an inquest to appraise goods and chattels taken by an order of attachment or replevin, one dollar; (q) advertising a sale in a newspaper in addition to the price of printing, one dollar; (r) advertising in writing for a sale of real or personal property, five dollars; executing a writ of partition, four dollars; and (s) making deeds for land sold on execution or order of sale, five dollars.

(2)(a) Except as provided in subdivision (b) of this subsection, the commission due a sheriff on an execution or order of sale, an order of attachment decree, or a sale of real or personal property shall be: For each dollar not exceeding four hundred dollars, six cents; for every dollar above four hundred dollars and not exceeding one thousand dollars, four cents; and for every dollar above one thousand dollars, two cents.

(b) In real estate foreclosure, when any party to the original action purchases the property or when no money is received or disbursed by the sheriff, the commission shall be computed pursuant to subdivision (a) of this subsection but shall not exceed two hundred dollars.

(3) (2) The sheriff shall, on the first Tuesday in January, April, July, and October of each year, make a report to the county board showing (a) the different items of fees, except mileage, collected or earned, from whom, at what time, and for what service, (b) the total amount of the fees collected or earned by the officer since the last report, and (c) the amount collected or earned for the current year. He or she shall pay all fees earned to the county treasurer who

shall credit the fees to the general fund of the county.

(4) ~~(3)~~ Any future adjustment made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

(5) ~~(4)~~ Commencing on and after January 1, 1988, all fees earned pursuant to this section, except fees for mileage, by any constable who is a salaried employee of the State of Nebraska shall be remitted to the clerk of the county court. The clerk of the county court shall pay the same to the General Fund.

Sec. 35. That section 33-136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-136. The county boards of the several counties in this state are hereby authorized to audit and allow the fees that may be fixed by law for services that may hereafter be performed by ~~constables and~~ sheriffs in their respective counties, in the arrest and examination of offenders charged with ~~felony~~ felonies.

Sec. 36. That section 37-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-603. It shall be the duty of all conservation officers, deputy conservation officers, sheriffs, deputy sheriffs, ~~constables,~~ and other police officers to make prompt investigation of and arrests for any violations of the provisions of this act, and of all conservation officers and deputy conservation officers to make prompt investigations of and arrests for any violations of the provisions of Chapter 81, article 8, respecting the Game and Parks Commission, reported by any person, and to cause a complaint to be filed before a court having jurisdiction thereof in case there seems just ground for such complaint, and evidence procurable to support the same. Upon the filing of such a complaint it shall be the duty of such officer to render assistance in the prosecution of the party complained against. Sheriffs, deputy sheriffs, ~~constables,~~ and other police officers making arrests and serving warrants under ~~the provisions hereof this section~~ shall receive the same fees and mileage as ~~constables are entitled to in similar cases,~~ under the provisions of the statutes of the state with mileage to be computed at the rate provided for county sheriffs in section 33-117. All full-time conservation officers and full-time deputy conservation officers are hereby made peace officers of the state with the powers of sheriffs, ~~and constables.~~

It shall be the duty of all conservation officers, deputy conservation officers, sheriffs, deputy sheriffs, ~~constables~~, and other police officers to make prompt investigations of any violations of Chapter 37, or of sections 81-801 to ~~81-815.39~~ 81-815.36, observed or reported by any person, and of any crime observed or encountered, and to make arrests or issue a summons, or both, to or otherwise notify any resident of this state to appear at a place specified in such summons or notice and at a time likewise specified at least five days after such arrest, unless the person arrested shall demand an earlier hearing or, if such person so desires, at an immediate hearing or a hearing within twenty-four hours thereafter at a convenient hour before a magistrate within the township or county wherein such offense was committed. Any resident refusing to give written promise to appear or any nonresident refusing to give a guaranteed arrest bond or similar written instrument shall be taken immediately by such officer before the nearest or most accessible magistrate. Any person who willfully violates his or her written promise to appear shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested and shall, upon conviction thereof, be fined in an amount not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding thirty days. Conservation officers and deputy conservation officers shall serve writs and processes, civil and criminal, when such writs and processes pertain to enforcement of duties imposed by law on the Game and Parks Commission. It shall be the duty of every officer, as well as of the sheriffs ~~and constables~~ in their respective counties, to arrest any person whom he or she has reason to believe guilty of a violation of the provisions of this act, and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns and other places, boxes, barrels, and packages where he or she has reason to believe any fish or game, song, insectivorous, or other birds, or raw furs, taken or held in violation of this act, are to be found, and to seize the same, except that ~~PROVIDED~~, a dwelling house actually occupied can be entered only upon authority of a search warrant. Any officer, or person purporting to enforce the laws of this state, or rules and regulations adopted and promulgated pursuant thereto, shall on the demand of any person apprehended by him or her exhibit to such person his or her written commission of authority as such

enforcement officer.

Sec. 37. That section 37-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-606. All game killed, taken, or caught, and all game and raw furs bought, sold, ~~or~~ bartered, shipped, or had in possession contrary to any of the provisions ~~hereof~~, of this chapter shall be and the same are declared to be contraband, and shall be seized and confiscated by any sheriff ~~or constable~~, or commissioner, conservation officer, deputy conservation officer, or other employee of the Game and Parks Commission.

Sec. 38. That section 37-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-609. Whenever any conservation officer, deputy conservation officer, or employee of the Game and Parks Commission, sheriff, deputy sheriff, ~~constable~~ or other police officer of the state shall have reason to believe that any person, commercial institution, commission house, restaurant or cafe keeper, or fish dealer has in his, her, or its possession any game, fish, raw fur, nets, or devices contrary to law, he or she may file, or cause to be filed, his or her sworn complaint to such effect before any magistrate having jurisdiction, and procure a search warrant and execute the same.

Sec. 39. That section 37-913, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-913. It shall be the duty of every person holding any license or permit issued under the ~~provisions of~~ sections 37-901 to 37-914 to have the same in his or her possession for immediate presentation for inspection to the officers and employees of the Game and Parks Commission, any sheriff, deputy sheriff, ~~constable~~, or any other police officer making demand for same.

Sec. 40. That section 39-683, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-683. (1) No person shall throw or deposit upon any highway:

(a) Any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person or animal or damage any vehicle upon such highway;

(b) Materials that may make the highway

unsightly, such as rubbish, sewage, garbage, paper, or any other material of such nature; or

(c) Any burning material.

(2) Any person who deposits, or permits to be deposited, upon any highway any destructive or injurious material shall immediately remove such or cause it to be removed.

(3) Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle.

(4) The Department of Roads or local authority may procure and place at reasonable intervals on the side of highways under their respective jurisdictions appropriate signs showing the penalty for violating this section. Such signs shall be of such size and design as to be easily read by persons on such highways, but the absence of such a sign shall not excuse a violation of subsections (1), (2), and (3) of this section.

(5) It shall be the duty of all Nebraska State Patrol officers, game wardens, deputy game wardens, sheriffs, deputy sheriffs, ~~constables~~, and other law enforcement officers to enforce the provisions of this section and to make prompt investigation of any violations of the provisions of this section reported by any person.

Sec. 41. That section 39-6,104, Revised Statutes Supplement, 1986, be amended to read as follows:

39-6,104. It shall be the duty of any sheriff, ~~constable~~, police officer, or any other peace officer in this state, other than members of the Nebraska State Patrol, who shall investigate any traffic accident in the performance of his or her official duties, in all instances of an accident resulting in injury or death to any person or in which estimated damage exceeds five hundred dollars to the property of any one person, to submit an original report of such investigation to the Accident Records Bureau of the Department of Roads within ten days after each such accident. The Department of Roads shall have authority to collect accident information it deems necessary and shall prescribe and furnish appropriate forms for reporting.

Sec. 42. That section 42-357, Revised Statutes Supplement, 1986, be amended to read as follows:

42-357. The court may order either party to pay to the clerk a sum of money for the temporary

support and maintenance of the other party and minor children if any are affected by the action and to enable such party to prosecute or defend the action. The court may make such order after service of process and claim for temporary allowances is made in the petition or by motion by the petitioner or by the respondent in a responsive pleading; but no such order shall be entered before three days after notice of hearing has been served on the other party or notice waived. During the pendency of any proceeding under sections 42-347 to 42-379 after the petition is filed, upon application of either party and if the accompanying affidavit of the party or his or her agent shows to the court that the party is entitled thereto, the court may issue ex parte orders (1) restraining any person from transferring, encumbering, hypothecating, concealing, or in any way disposing of real or personal property except in the usual course of business or for the necessities of life, and the party against whom such order is directed shall upon order of the court account for all unusual expenditures made after such order is served upon him or her, (2) enjoining any party from molesting or disturbing the peace of the other party or any minor children affected by the action, and (3) determining the temporary custody of any minor children of the marriage, except that no restraining order enjoining any party from molesting or disturbing the peace of any minor child shall issue unless, at the same time, the court determines that the party requesting such order shall have temporary custody of such minor child. Ex parte orders issued pursuant to subdivision (1) of this section shall remain in force for no more than ten days or until a hearing is held thereon, whichever is earlier. After motion, notice to the party, and hearing, the court may order either party excluded from the premises occupied by the other upon a showing that physical or emotional harm would otherwise result. Any restraining order issued excluding either party from the premises occupied by the other shall specifically set forth the location of the premises and shall be served upon the adverse party by the sheriff in the manner prescribed for serving a summons, and a return thereof shall be filed in district court. Any person who knowingly violates such an order after service shall be guilty of a Class IIIA misdemeanor. In the event a restraining order enjoining any party from molesting or disturbing the peace of any minor children is issued, upon application and affidavit setting out the reason therefor, the court shall schedule a hearing within

seventy-two hours to determine whether the order regarding the minor children shall remain in force. Section 25-1064 shall not apply to the issuance of ex parte orders pursuant to this section, except that in the absence from the county of the district court judge, any judge of the county court may grant a temporary ex parte order in accordance with this section.

Sec. 43. That section 49-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-801. Unless the context is shown to intend otherwise, words and phrases in the statutes of Nebraska hereafter enacted are used in the following sense:

(1) Acquire when used in connection with a grant of power or property right to any person ~~includes~~ shall include the purchase, grant, gift, devise, bequest, and the obtaining by eminent domain; -

(2) Action ~~includes~~ shall include any proceeding in any court of this state; -

(3) Attorney ~~means~~ shall mean attorney at law; -

(4) Company ~~includes~~ shall include any corporation, partnership, joint-stock company, joint venture, or association; -

(5) Domestic when applied to corporations ~~means~~ shall mean all those created by authority of this state; -

(6) Federal ~~refers~~ shall refer to the United States; -

(7) Foreign when applied to corporations ~~includes~~ shall include all those created by authority other than that of this state; -

(8) Grantee ~~includes~~ shall include every person to whom any estate or interest passes in or by any conveyance; -

(9) Grantor ~~includes~~ shall include every person from or by whom any estate or interest passes in or by any conveyance; -

(10) Inhabitant shall be construed to mean a resident in the particular locality in reference to which that word is used; -

(11) Land or real estate ~~includes~~ shall include lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest; -

(12) Magistrate ~~includes~~ shall include judge of the county court and clerk magistrate; -

(13) Month ~~means~~ shall mean calendar month; -

(14) Oath ~~includes~~ shall include affirmation

in all cases in which an affirmation may be substituted for an oath; -

(15) Peace officer ~~includes~~ shall include sheriffs, ~~constables~~, coroners, jailers, marshals, police officers, state highway patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests; -

(16) Person ~~includes~~ shall include bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint-stock companies, and associations; -

(17) Personal estate ~~includes~~ shall include money, goods, chattels, claims, and evidences of debt; -

(18) Process ~~means~~ shall mean a summons, subpoena, or notice to appear issued out of a court in the course of judicial proceedings; -

(19) State when applied to different states of the United States shall be construed to extend to and include the District of Columbia and the several territories organized by Congress; -

(20) Sworn ~~includes~~ shall include affirmed in all cases in which an affirmation may be substituted for an oath; -

(21) The United States ~~includes~~ shall include territories, outlying possessions, and the District of Columbia; -

(22) Violate ~~includes~~ shall include failure to comply with; -

(23) Writ ~~signifies~~ shall signify an order or citation in writing issued in the name of the state out of a court or by a judicial officer; and -

(24) Year ~~means~~ shall mean calendar year.

Sec. 44. That section 53-197, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-197. Every sheriff, deputy sheriff, police officer, marshal, or deputy marshal ~~or constable~~ who ~~shall know~~ knows, or who ~~shall be~~ is credibly informed, that any offense has been committed against the provisions of any law of this state relating to the sale of alcoholic liquors, shall make complaint against the person so offending within their respective jurisdictions to the proper court, and for every neglect or refusal so to do, every such officer shall be guilty of a Class V misdemeanor.

Sec. 45. That section 54-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-705. The Department of Agriculture or any officer, agent, employee, or appointee thereof shall have power to call upon any sheriff, deputy sheriff, constable or other police officer to execute the orders of the department, and the officer shall obey the orders of said the department. The officers performing such duties shall receive compensation therefor as is prescribed by law for like services and shall be paid therefor by the county. Any officer may arrest and take before the county judge of the county any person found violating any of the provisions of sections 54-701 to 54-753, and such officer shall immediately notify the county attorney of such arrest, and such county attorney shall proceed to prosecute the person so offending according to law.

Sec. 46. That section 60-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-109. It shall be the duty of every sheriff, chief of police, constable, state patrolman or officer, or member of the Nebraska State Patrol having knowledge of a stolen motor vehicle, to immediately to furnish the Department of Motor Vehicles with full information in connection therewith. It shall be the duty of the department whenever it may receive a report of the theft or conversion of a motor vehicle, whether the same has been registered or not, and whether owned in this or any other state, together with the make and manufacturer's serial number or motor number thereof, to make a distinctive record thereof and file the same in the numerical order of the manufacturer's serial number or motor number with the index records of the vehicles of such make. The department shall prepare a report listing motor vehicles stolen and recovered as disclosed by the reports submitted to it and the report shall be distributed as it may deem advisable. In the event of the receipt from any county clerk of a copy of a certificate of title to such motor vehicle, the department shall immediately notify the rightful owner thereof and the county clerk who issued such certificate of title, and if, upon investigation, it appears that such certificate of title was improperly issued, the department shall immediately cancel the same. In the event of the recovery of a stolen or converted motor vehicle, it shall be the duty of the owner immediately to notify the department, which shall cause the record of the theft or conversion to be removed from its file.

Sec. 47. That section 64-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

64-102. Any person may apply for a commission authorizing the applicant to act as a notary public anywhere in the State of Nebraska, and thereupon the Governor may, at his or her discretion, issue a commission authorizing such notary public to act as such anywhere in the State of Nebraska. A general commission shall not authorize the holder thereof to act as a notary public anywhere in the State of Nebraska until a bond in the sum of ~~four~~ ten thousand dollars, with an incorporated surety company as surety, has been executed and approved by and filed in the office of the Secretary of State. Upon the filing of such bond with the Secretary of State and the issuance of such commission, such notary public shall be authorized and empowered to perform any and all the duties of a notary public in any and all the counties in the State of Nebraska. Such bond shall be conditioned for the faithful performance of the duties of such office. Such person so appointed to the office of notary public shall make oath or affirmation, to be endorsed on such bond, and subscribed by him or her before some officer authorized by law to administer oaths, and by him or her certified thereon, that he or she will support the Constitution of the United States and the Constitution of the State of Nebraska, and will faithfully and impartially discharge and perform the duties of the office of notary public.

Sec. 48. That section 64-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

64-103. When any person ~~shall be~~ is appointed to the office of notary public, the Governor shall cause his or her signature or a facsimile thereof to be affixed to the commission and deliver the same to the Secretary of State. Upon the receipt of the commission by the secretary, he or she shall affix thereto the great seal of the state. Upon the filing and approval of the bond, as provided for in section 64-102, the Secretary of State shall mail or deliver the commission to the applicant. The form and format of the commission shall be prescribed by the Secretary of State on behalf of the Governor.

Sec. 49. That section 64-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

64-202. (1) (a) If the notarial act is performed by any of the persons described in paragraphs 1 to 4, inclusive of section 64-201 sections 64-201 to 64-204, other than a person authorized to perform

notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his or her authority ~~is not~~ shall not be required.

(2) ~~(b)~~ If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(a) ~~(1)~~ Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(b) ~~(2)~~ The official seal of the person performing the notarial act is affixed to the document; or

(c) ~~(3)~~ The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

(3) ~~(c)~~ If the notarial act is performed by a person other than one described in subsections (a) and (b); there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine. An apostille in the form prescribed by the Hague Convention of October 5, 1961, shall conclusively establish that the signature of the notarial officer is genuine and that the officer holds the designated office. The Secretary of State or his or her deputy shall be authorized to sign the apostille.

(4) The Secretary of State may authorize the use of computers to maintain necessary records dealing with notaries public in the State of Nebraska.

Sec. 50. That section 75-334, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-334. If a city, village, or county chooses to enact an occupation tax, each itinerant merchant shall pay an occupation tax for each vehicle to be used in his or her business, in the amount established by the

city, village, or county, to the clerk of the incorporated city or village, or, if outside the corporate limits of a city or village, to the clerk of the county, in which the itinerant merchant desires to engage in business. At the time of paying such tax, the itinerant merchant shall show the clerk the license obtained pursuant to section 75-325, the bond required by section 75-329, and the sales tax permit required by section 77-2705.

It is hereby declared the duty of county sheriffs, county attorneys, state officers, and their deputies, chiefs of police in cities, and village marshals in villages, and constables to enforce sections 75-323 to 75-335 and to proceed against all persons violating any of the provisions of such sections.

Sec. 51. That section 79-453, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-453. If, at any district meeting, any person shall conduct himself or herself in a disorderly manner and, after notice of the president or person presiding, shall persist therein, the president or person presiding may order him or her to withdraw from the meeting, and, on his or her refusal, may order any constable or any other person or persons to take him or her into custody until the meeting shall be adjourned.

Sec. 52. That section 83-1011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1011. Peace officer shall mean a sheriff, constable, coroner, jailer, marshal, police officer, or state highway patrolman member of the Nebraska State Patrol.

Sec. 53. That original sections 11-119, 14-606, 16-323, 17-118, 23-1705, 23-1802, 23-1803, 23-1811, 24-595, 24-5,100, 24-5,101, 25-1011, 25-1012.01, 25-1031.02, 25-1056, 25-1230, 25-1232, 28-927, 28-1305, 29-205, 29-401, 29-406, 29-407, 29-413, 29-2403, 29-2701, 29-2815, 32-464 to 32-466, 33-136, 37-603, 37-606, 37-609, 37-913, 39-683, 49-801, 53-197, 54-705, 60-109, 64-102, 64-103, 64-202, 75-334, 79-453, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, sections 15-326, 32-1221, 39-6,104, and 42-357, Revised Statutes Supplement, 1986, and sections 23-1801 and 33-117, Revised Statutes Supplement, 1987, and also section 29-204, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 54. Since an emergency exists, this act shall be in full force and take effect, from and after