

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 703**

Introduced by Wightman, 36.

Read first time January 06, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to powers of attorney; to amend sections  
2 30-2664 and 49-1501, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to the Uniform  
4 Durable Power of Attorney Act, the Nebraska Short Form  
5 Act, and general powers of attorney; and to repeal the  
6 original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 30-2664, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           30-2664 Sections 30-2664 to 30-2672 and section 2 of this  
4 act shall be known and may be cited as the Uniform Durable Power of  
5 Attorney Act.

6           Sec. 2. An agent or attorney in fact under a durable  
7 power of attorney may do the following on behalf of the principal  
8 or with the principal's property only if the durable power of  
9 attorney expressly grants the agent or attorney in fact the  
10 authority and exercise of the authority is not otherwise prohibited  
11 by another agreement or instrument to which the authority or  
12 property is subject:

13           (1) Create or change rights of survivorship; or

14           (2) Create or change a beneficiary designation.

15           Sec. 3. Section 49-1501, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           49-1501 Sections 49-1501 to 49-1561 and section 4 of this  
18 act shall be known and may be cited as the Nebraska Short Form Act.

19           Sec. 4. An agent or attorney in fact under a power of  
20 attorney, whether the power of attorney is durable or nondurable,  
21 may do the following on behalf of the principal or with the  
22 principal's property only if the power of attorney expressly grants  
23 the agent or attorney in fact the authority and exercise of the  
24 authority is not otherwise prohibited by another agreement or  
25 instrument to which the authority or property is subject:

1           (1) Create or change rights of survivorship; or

2           (2) Create or change a beneficiary designation.

3           Sec. 5. An agent or attorney in fact under a power of  
4 attorney, whether the power of attorney is durable or nondurable,  
5 may do the following on behalf of the principal or with the  
6 principal's property only if the power of attorney expressly grants  
7 the agent or attorney in fact the authority and exercise of the  
8 authority is not otherwise prohibited by another agreement or  
9 instrument to which the authority or property is subject:

10           (1) Create or change rights of survivorship; or

11           (2) Create or change a beneficiary designation.

12           Sec. 6. Original sections 30-2664 and 49-1501, Reissue  
13 Revised Statutes of Nebraska, are repealed.