

LEGISLATIVE BILL 813

Approved by the Governor January 30, 2004

Introduced by Executive Board: Engel, 17, Chairperson

AN ACT relating to statutory forms; to amend sections 10-505, 12-522, 15-813, 19-3005, 19-3006, 19-3007.01, 19-3037, 23-1802, 23-1809, 30-2329, 30-3408, 31-324, 31-331, 31-333, 32-812, 32-934, 32-1040, 32-1401, 32-1402, 49-218, 49-1522, 49-1559, 53-135.01, 53-1,108, 54-403, 57-202, 58-525, 76-1004, 76-1007, 76-1008, 76-1012, 77-1819, 77-1839, and 77-3204, Reissue Revised Statutes of Nebraska; to change certain forms for the twenty-first century; and to repeal the original sections.

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

Section 1. Section 10-505, Reissue Revised Statutes of Nebraska, is amended to read:

10-505. Whenever ~~said~~ bonds subject to sections 10-501 to 10-509 are sold and the proceeds paid into the county treasury, it shall be the duty of the county treasurer to immediately notify the holders of all bonds, warrants, orders, certificates, or audited accounts intended to be redeemed and paid under the provisions of sections 10-501 to 10-509; and the holders of such bonds, warrants, orders, certificates, or audited accounts, dated prior to the issuing of ~~said~~ such bonds, shall present the same for payment, and the ~~said~~ county treasurer shall pay the same out of the funds so provided, and ~~said~~ the county treasurer shall forthwith cancel ~~said~~ such bonds, warrants, orders, certificates, or audited accounts so presented and paid, by writing across the face of each of them with red ink, plainly and legibly, the following words (properly filling the blank): "Canceled from bonds and warrants, bond funds this day of ~~19....~~ 20.... . Signed, county treasurer. Signed, holder."

Sec. 2. Section 12-522, Reissue Revised Statutes of Nebraska, is amended to read:

12-522. Upon the filing of such petition, due notice of the same shall be given all the members of ~~said~~ such association, and all other persons interested therein, and in ~~said~~ the real estate or other property of ~~said~~ such association, by causing a notice of ~~said~~ the application to be published in some weekly newspaper printed and published and of general circulation in the county where ~~said~~ the action is brought for three successive weeks, which ~~said~~ notice shall be substantially in the following form:

LEGAL NOTICE

The members of the Cemetery Association of, Nebraska, and all other persons interested in ~~said~~ the association and in the real estate or other property of ~~said~~ the association, are hereby notified that on the day of ~~19....~~ said 20...., the association, filed its petition in the district court of County, Nebraska, the object and prayer of which is (here set forth in at least a general way the object sought and relief prayed for in ~~said~~ the petition).

Any person desiring to oppose the granting of the relief sought by or the prayer of ~~said~~ the petition is required to file ~~his~~ an objection in writing with the clerk of ~~said~~ the district court as required by law on or before Monday, the day of ~~19....~~ 20.... . Dated, ~~19....~~ 20.... .

..... Cemetery Association of
....., ~~Neb~~ NE.
Petitioner.

Sec. 3. Section 15-813, Reissue Revised Statutes of Nebraska, is amended to read:

15-813. To each tax list so delivered a warrant under the hand of the city clerk shall be annexed, to be substantially in the following form:

In the name and by the authority of the State of Nebraska: To city treasurer of the city of in Nebraska;

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax list and owners of real estate described therein the taxes set down in such list opposite their respective names, and the several parcels of land described therein; and in case any person or corporation upon whom any such tax or sum is imposed, or who by law is required to pay the same, shall refuse or neglect to pay the full amount thereof before the first day of March (or September), ~~19....~~ 20.... (insert

year after levy), you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed as are by law required to pay such tax.

Given under my hand and official seal this day of A.D. ~~19~~ 20.... .

.....
City Clerk of the City of

Sec. 4. Section 19-3005, Reissue Revised Statutes of Nebraska, is amended to read:

19-3005. Not less than ten days prior to any general municipal election held on the first Tuesday of April in each even-numbered year, the municipal clerk shall prepare a notice to be published in a newspaper that is published in or of general circulation in such municipality, but if no newspaper is published in or of general circulation in such municipality, then by posting in each of three public places in the municipality, a notice calling such election. The notice shall be substantially as follows:

Notice is hereby given, that on Tuesday, the day of ~~19~~ 20...., at the usual polling place in each precinct in the city (or village) of, Nebraska, a general election will be held for selecting the following municipal officials:

.....
.....
(naming all officials to be balloted for), which election will be open at 8 a.m. and will continue open until 8 p.m., of the same day.

Dated this day of ~~19~~ 20.... .

.....
City (or Village) Clerk of the City
(or Village) of, Nebraska.

If one or more measures, propositions, or issues are also submitted at the same general municipal election, for approval or rejection by the electors, then such notice shall, after naming the officials to be elected, also contain the following:

and the following measures, propositions, or issues:

.....
.....
will also be submitted for approval or rejection by the electors; and (insert language as to polls being open).

The last-mentioned phraseology shall be inserted in such general election notice immediately before the words which election will be open at 8 a.m. and will continue open until 8 p.m., of the same day.

If the municipal election is being held in conjunction with the statewide primary, such notice shall be given by the county clerk or election commissioner as provided in the Election Act.

Sec. 5. Section 19-3006, Reissue Revised Statutes of Nebraska, is amended to read:

19-3006. Except as otherwise provided by law, not less than five days, nor more than ten days, prior to any special municipal election, the municipal clerk shall prepare and cause to be published once in a newspaper that is published in or of general circulation in such municipality, but if no newspaper is published in or of general circulation in such municipality, then by posting in each of three public places in such municipality, a notice containing the proclamation concerning such special election. The notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the day of ~~19~~ 20...., at the usual polling place in each precinct of the city (or village) of, Nebraska, a special election will be held at which there will be submitted to the electors of the municipality for their approval or rejection, the following measures, propositions, or issues:

.....
.....
(naming measures, propositions or issues), which special election will be open at eight a.m. and will continue open until eight p.m., of the same day.

Dated this day of ~~19~~ 20.... .

.....
City (or Village) Clerk of
the City (or Village) of
....., Nebraska.

Sec. 6. Section 19-3007.01, Reissue Revised Statutes of Nebraska, is amended to read:

19-3007.01. Candidates for public office of cities of the first and second class and villages may file by petition or statement of candidacy at a

municipal election. Any person desiring to become a candidate for public office of a city of the first class, second class, or village by filing a statement of candidacy shall, at least sixty days prior to the statewide primary election, file with the election commissioner a statement of such candidacy in substantially the following form:

STATE OF NEBRASKA County, ss. I,, being first duly sworn, say that I reside at No. Street in the City of, County of, and State of Nebraska; that I am a citizen of the United States, and a qualified voter of such city; that I am a candidate for election for the office of to be voted upon at the election to be held on the day of ~~19....~~ 20...., and I hereby request that my name be printed upon the official city ballot for election for such office.

Signed

Subscribed and sworn to before me by ~~the said~~ this day of ~~19....~~ 20.... .

Signed

Notary Public

Sec. 7. Section 19-3037, Reissue Revised Statutes of Nebraska, is amended to read:

19-3037. Upon the completion of the counting of the votes cast in their respective precincts at a municipal election, the judges and clerks of election composing the counting boards shall prepare returns of election as follows: (1) A separate return of the vote in their precincts for the candidates for the various officers, showing the name of each candidate and the office he or she was seeking, and the total vote cast for each such candidate; and (2) a separate return showing the total vote cast for or against each measure, proposition, or issue submitted at the election. The return, or returns as the case may be, shall then be attested to by all the judges and clerks of election, composing the counting board, as showing the correct total vote received by each candidate and correctly showing the total vote for and against any measure, proposition, or issue submitted at such municipal election; and the same shall then be sealed in a separate envelope marked: Return of all votes cast in Precinct No. at a general (or special) municipal election held in the City (or Village) of, Nebraska, on the day of ~~19....~~ 20....; and then the same shall be delivered to the municipal clerk along with the supplies and ballots, and he or she shall have full custody of all election supplies and deliver such supplies to the canvassing board as provided in section 19-3040.

Sec. 8. Section 23-1802, Reissue Revised Statutes of Nebraska, is amended to read:

23-1802. The warrant may be in substance as follows: The State of Nebraska, County. To any sheriff of such county:

In the name of the people of the State of Nebraska, you are hereby required to summon six residents of your county to appear before me at, on the day of ~~19....~~ 20...., 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....~~ 20.... Coroner.

Sec. 9. Section 23-1809, Reissue Revised Statutes of Nebraska, is amended to read:

23-1809. The jurors, having inspected the body, heard the testimony, and made all needful inquiries, shall return to the coroner their inquisition in writing, under their hands, in substance as follows, and stating the matter in the following form, as nearly as practicable:

State of Nebraska, County. At an inquisition held at, in County, on the day of A.D. ~~19....~~ 20...., before me,, coroner of ~~said~~ such county, upon the body of, lying dead, by the jurors whose names are hereto subscribed, the ~~said~~ jurors upon their oath do say (Here state when, how, or by what person, means, weapon, or accident the person came to his or her death, and whether feloniously). In testimony whereof the ~~said~~ jurors have hereunto set their hands the day and year aforesaid. Attest:, Coroner.

Sec. 10. Section 30-2329, Reissue Revised Statutes of Nebraska, is amended to read:

30-2329. (1) Any will may be simultaneously executed, attested, and made self-proved by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this state or under the laws of the state where execution occurs and evidenced by the officer's certificate, under official seal, in form and content substantially as follows:

I, the testator, sign my name to this instrument this day of ~~19....~~ 20...., and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes therein expressed and that I am eighteen years of age or older or am not at this time a minor, and am of sound mind and under no constraint or undue influence.

.....
Testator

We, and, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his or her last will and that he or she signs it willingly or willingly directs another to sign for him or her, and that he or she executes it as his or her free and voluntary act for the purposes therein expressed, and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of his or her knowledge the testator is eighteen years of age or older or is not at this time a minor, and is of sound mind and under no constraint or undue influence.

.....
Witness

.....
Witness

THE STATE OF
COUNTY OF

Subscribed, sworn to, and acknowledged before me by, the testator, and subscribed and sworn to before me by and, witnesses, this day of 20.... .

(SEAL) (Signed)

.....
(Official capacity of officer)

The execution of the acknowledgment by the testator and the affidavits of the witnesses as provided for in this section shall be sufficient to satisfy the requirements of the signing of the will by the testator and the witnesses under section 30-2327.

(2) An attested will may at any time subsequent to its execution be made self-proved, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this state or under the laws of the state where execution occurs, and evidenced by the officer's certificate, under official seal, attached or annexed to the will in form and content substantially as follows:

THE STATE OF
COUNTY OF

We,,, and, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his or her last will and that he or she had signed willingly or directed another to sign for him or her, and that he or she executed it as his or her free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his or her knowledge the testator was at that time eighteen or more years of age or was not at that time a minor, and was of sound mind and under no constraint or undue influence.

.....
Testator

.....
Witness

.....
Witness

Subscribed, sworn to, and acknowledged before me by, the testator, and subscribed and sworn to before me by and, witnesses, this day of 20.... .

(SEAL) (Signed)

.....
(Official capacity of officer)

Sec. 11. Section 30-3408, Reissue Revised Statutes of Nebraska, is amended to read:

30-3408. (1) A power of attorney for health care executed on or after September 9, 1993, shall be in a form which complies with sections

30-3401 to 30-3432 and may be in the form provided in this subsection.

POWER OF ATTORNEY FOR HEALTH CARE

I appoint, whose address is, and whose telephone number is, as my attorney in fact for health care. I appoint, whose address is, and whose telephone number is, as my successor attorney in fact for health care. I authorize my attorney in fact appointed by this document to make health care decisions for me when I am determined to be incapable of making my own health care decisions. I have read the warning which accompanies this document and understand the consequences of executing a power of attorney for health care.

I direct that my attorney in fact comply with the following instructions or limitations:

I direct that my attorney in fact comply with the following instructions on life-sustaining treatment: (optional) ..

I direct that my attorney in fact comply with the following instructions on artificially administered nutrition and hydration: (optional)

I HAVE READ THIS POWER OF ATTORNEY FOR HEALTH CARE. I UNDERSTAND THAT IT ALLOWS ANOTHER PERSON TO MAKE LIFE AND DEATH DECISIONS FOR ME IF I AM INCAPABLE OF MAKING SUCH DECISIONS. I ALSO UNDERSTAND THAT I CAN REVOKE THIS POWER OF ATTORNEY FOR HEALTH CARE AT ANY TIME BY NOTIFYING MY ATTORNEY IN FACT, MY PHYSICIAN, OR THE FACILITY IN WHICH I AM A PATIENT OR RESIDENT. I ALSO UNDERSTAND THAT I CAN REQUIRE IN THIS POWER OF ATTORNEY FOR HEALTH CARE THAT THE FACT OF MY INCAPACITY IN THE FUTURE BE CONFIRMED BY A SECOND PHYSICIAN.

..... (Signature of person making designation/date)

DECLARATION OF WITNESSES

We declare that the principal is personally known to us, that the principal signed or acknowledged his or her signature on this power of attorney for health care in our presence, that the principal appears to be of sound mind and not under duress or undue influence, and that neither of us nor the principal's attending physician is the person appointed as attorney in fact by this document.

Witnessed By:

..... (Signature of Witness/Date) (Printed Name of Witness)
..... (Signature of Witness/Date) (Printed Name of Witness)

OR

State of Nebraska,)
) ss.
County of)

On this day of 19.... 20...., before me,, a notary public in and for County, personally came, personally to me known to be the identical person whose name is affixed to the above power of attorney for health care as principal, and I declare that he or she appears in sound mind and not under duress or undue influence, that he or she acknowledges the execution of the same to be his or her voluntary act and deed, and that I am not the attorney in fact or successor attorney in fact designated by this power of attorney for health care.

Witness my hand and notarial seal at in such county the day and year last above written.

Seal Signature of Notary Public

(2) A power of attorney for health care may be included in a durable power of attorney drafted under the Uniform Durable Power of Attorney Act or in any other form if the power of attorney for health care included in such durable power of attorney or any other form fully complies with the terms of section 30-3404.

(3) A power of attorney for health care executed prior to January 1, 1993, shall be effective if it fully complies with the terms of section 30-3404.

(4) A power of attorney for health care which is executed in another state and is valid under the laws of that state shall be valid according to its terms.

Sec. 12. Section 31-324, Reissue Revised Statutes of Nebraska, is

amended to read:

31-324. The board of supervisors shall give notice of the meeting provided for in section 31-323 by causing a publication thereof to be made once a week for two consecutive weeks in some newspaper published in each county in the district, the last publication to be at least ten days before the day set for the hearing. It shall not be necessary in such notice for the board to name the parties interested, and the following form shall be sufficient:

Notice is hereby given to all parties interested in the following described lands and property in County, Nebraska, (here describe the lands and property) included within (here insert name of drainage district) that the engineer heretofore appointed to make a topographical survey of ~~said~~ such drainage district and maps and profiles thereof, and a complete plan for draining, reclaiming, and protecting ~~said~~ such district and an estimate of the cost of the proposed drainage improvements, and to assess benefits to the property and lands in ~~said~~ such drainage district and to classify the same, filed ~~his~~ a report with the board of supervisors of (here insert the name of the drainage district) on the day of ~~19....~~ 20...., and you and each of you are hereby notified that you may file objections to ~~said~~ such report within the time fixed by law.

.....
~~Chairman~~ Chairperson of the board of supervisors of Drainage District Number of County, Nebraska.

Sec. 13. Section 31-331, Reissue Revised Statutes of Nebraska, is amended to read:

31-331. The levy of the tax when so fixed and determined, shall be evidenced and certified by the board of supervisors to the county clerk of each county in which lands of the district are situated, which certificate shall be substantially in the following form:

State of Nebraska,)
) ss.
County of

To, county clerk of the county:

This is to certify that by virtue of the provisions and terms of sections 31-330 and 31-331, the board of supervisors of (here insert name of drainage district) including lands and property in the counties of in the State of Nebraska, have determined to and do hereby levy the special tax provided for in such sections on the lands and property situated in your county, described in the following table, in which are (1) the names of owners of the lands and property as they appeared in the decree of the district court organizing the district or as then shown by the deed records of the county, (2) the description of the lands and property opposite the names of the owners, and (3) the amount of the tax levied on each tract of land or piece of property: (here insert table). The tax shall be collected and payable in annual installments, and the amount of each annual installment will be certified to you not later than September 1 in each year. Witness the signature of the chairperson of the board of supervisors, attested by the seal of the district and the signature of the secretary of the board on this day of A.D. ~~19....~~ 20.... .

..... Secretary (Seal) Chairperson

The county clerk shall file the certificate in his or her office and record the same.

Sec. 14. Section 31-333, Reissue Revised Statutes of Nebraska, is amended to read:

31-333. The board of supervisors shall annually thereafter determine, order, and levy the amount of the installment of the tax hereinbefore named which shall become due and be collected during the year at the same time that county taxes are due and collected, and in case bonds are issued, the amount of the interest which will accrue on such bonds shall be included and added to the tax. The annual installment and levy shall be evidenced and certified by the board, on or before September 20, to the county clerk of each county in which lands of the district are situated, which certificate shall be substantially in the following form:

State of Nebraska,)
) ss.
County of

To county clerk of the county:

This is to certify that by virtue of the provisions of sections 31-330 to 31-333, the board of supervisors of drainage district, including lands and property in the counties of in the State

of Nebraska, have determined to and do hereby levy the annual installment of the total tax, heretofore certified to you under the direction of such sections, on the lands and property situated in your county described in the following table in which are (1) the names of the owners of such lands and properties as they appeared in the decree of the district court organizing the district or as shown by the certificate heretofore filed showing the total assessment against the property, (2) the description of the lands and property opposite the names of owners, and (3) the amount of the annual installment and interest levied on each tract of land or piece of property: (Here insert table). The installments of tax shall be collectible and payable the present year at the same time that county taxes are due and collected. Witness the signature of the chairperson of the board of supervisors and attested by the seal of the district and the signature of the secretary of the board this

..... day of A.D. ~~19....~~ 20.... .

 Secretary (Seal) Chairperson

The certificate shall be filed in the office of the clerk, and the annual installment of the total tax so certified shall be extended by the county clerk on the tax books of the county against the real property, right-of-way, road, or property to be benefited, situated in such drainage district, in the same manner that other taxes are extended on the tax books of the county in a column under the heading of Drainage Tax, and the taxes shall be collected by the treasurer of the county in which the real property is situated on which the tax is levied at the same time and in the same manner that the county taxes on such property are collected. The county clerk shall be allowed the same fees as he or she receives for like services in other cases.

Sec. 15. Section 32-812, Reissue Revised Statutes of Nebraska, is amended to read:

32-812. The form of the official ballot at the statewide general election shall be prescribed by the Secretary of State. At the top of the ballot for general elections and over all else shall be printed in boldface type the words Official Ballot, General Election, November, ~~19....~~ 20.... . Each division containing the names of the office and a list of candidates nominated for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and subdistrict candidates under appropriate headings.

Sec. 16. Section 32-934, Reissue Revised Statutes of Nebraska, is amended to read:

32-934. Any person who desires to vote pursuant to section 32-933 shall execute an affidavit in duplicate substantially as follows:

I,, do solemnly swear that:

1. I am a citizen of the United States.

2. Before moving, I resided at the following address (describing it by street and number if in a city or village and by section, township, and range if outside of a city or village, and the precinct, city, county, and state in which such residence is located):

.....

3. On the day of the next presidential election, I will be at least the constitutionally prescribed age of a voter and I reside at the following address:

.....

4. I am unable to vote for all offices because the voter registration deadline has passed and, under the Election Act, I believe I am entitled to vote for the candidates for President and Vice President of the United States at the election to be held November, ~~19....~~ 20.... .

5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot for President and Vice President.

Sec. 17. Section 32-1040, Reissue Revised Statutes of Nebraska, is amended to read:

32-1040. The Secretary of State shall within forty days after the election prepare and deliver a certificate of nomination or certificate of election to each person who meets the constitutional and statutory requirements of office and whom the board of state canvassers or Legislature has declared to have received the highest vote for such office or position in the statewide primary or general election. The certificate shall be substantially as follows:

State of Nebraska. At an election held on the day of, was elected to (or nominated for) the office of

..... for the term of years from the (or when filling a vacancy, for the residue of the term ending on the day of ~~19....~~ 20....). Given at this day of ~~19....~~ 20.... .

The certificate shall be signed by the Governor, under the seal of the state, and countersigned by the Secretary of State if the candidate filed with the Secretary of State and was elected to a state office, as a member of Congress, or from a district whose boundaries extend beyond the limits of a single county.

Sec. 18. Section 32-1401, Reissue Revised Statutes of Nebraska, is amended to read:

32-1401. The form of a petition for initiating any law or any amendment to the Constitution of Nebraska shall comply with the requirements of sections 32-628 and 32-1403 and shall be substantially as follows:

Initiative Petition

The object of this petition is to (Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of, respectfully demand that the following proposed law (or amendment to the Constitution of Nebraska as the case may be) shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the day of ~~19....~~ 20...., and each for himself or herself says:

I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date of birth, date, street and number or voting precinct, and city, village, or post office address.)

Sec. 19. Section 32-1402, Reissue Revised Statutes of Nebraska, is amended to read:

32-1402. The form of a petition for ordering a referendum upon any act or any part of any act passed by the Legislature of the State of Nebraska shall comply with the requirements of sections 32-628 and 32-1403 and shall be substantially as follows:

Referendum Petition

The object of this petition is to (Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of, respectfully order that Legislative Bill No. entitled (title of act and, if the petition is against less than the whole act, then set forth here the part or parts on which the referendum is sought), passed by the Legislature of the State of Nebraska at its Session, shall be referred to the registered voters of the state for retention or repeal at the general election to be held on the day of ~~19....~~ 20...., and each for himself or herself says:

I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date, date of birth, street and number or voting precinct, and city, village, or post office address.)

Sec. 20. Section 49-218, Reissue Revised Statutes of Nebraska, is amended to read:

49-218. Nominating petitions shall comply with section 32-628 and shall be in substantially the following form:

I,, do hereby announce myself as a candidate for member of the constitutional convention to be convened December, ~~19....~~ 20...., I reside at in the legislative district, and I will qualify as a member of the constitutional convention if elected.

To the Secretary of State

We, the undersigned electors of the legislative district of Nebraska, do hereby petition that be named as a member of the constitutional convention to be convened December, ~~19....~~ 20...., from the legislative district, and we do each hereby separately recommend his or her election as such.

Name	Address
.....
.....
.....

State of Nebraska)

) ss.

..... County)

The undersigned having signed the foregoing petition and being first duly sworn on oath state that the foregoing petition is bona fide in every respect to the best of our knowledge and belief.

.....
.....
.....
.....

Subscribed and sworn to before me this day of ~~19....~~ 20.... .

.....
Notary Public

The Secretary of State shall prepare and have printed suitable blank forms. Supplies thereof shall be mailed to the several county clerks.

Sec. 21. Section 49-1522, Reissue Revised Statutes of Nebraska, is amended to read:

49-1522. The following statutory short form, when reproduced and used in the identical indicated words or in substantially the same or more similar than dissimilar formulation of words by means of printing, typing, writing, or other method of reproduction and use or when appropriately adapted to particular circumstances, shall be and constitute a statutory short form power of attorney and, when completed by adoption by check or other clear mark of each included provision desired and permitted to be adopted and made operative, by deletion by line or other clear obliteration of each included provision desired and permitted to be deleted and made inoperative, by inclusion by printing, typing, writing, or other clear presentation of each provision not included but desired and permitted to be included and made operative, and by insertion by printing, typing, writing, or other clear presentation of all additional data and information required to be included and when effectuated by execution by or for the principal, by acknowledgment by or for the principal, and by delivery by or at the express direction of the principal to and acceptance by the agent of at least one so completed, executed, and acknowledged form, shall create and establish an agency relationship under a power of attorney in accordance with the Nebraska Short Form Act.

POWER OF ATTORNEY

....., a domiciliary of County, Nebraska, Principal, desiring and intending to establish a Power of Attorney operative under the Nebraska Short Form Act, does hereby appoint, constitute, and designate, a of or with an office in County, Nebraska, and, a of or with an office in County, Nebraska, Agent, the lawful and true Agent and attorney in fact for Principal; and Principal does hereby further provide and stipulate in connection therewith as follows:

1. This Power of Attorney is, as marked, a
 - Durable Power of Attorney and a
 - Contingent Durable Power of Attorney, upon the contingency of,
 - Incompetence of Principal, or
 - Other Contingency:, or
 - Present Durable Power of Attorney

() Nondurable Power of Attorney.

2. By this Power of Attorney, Principal confers upon and grants to Agent plenary power, plenary power subject to limitations, or all and each of the listed general powers as individually marked:

- () Plenary Power; or
- () Plenary Power Subject to Limitations, exclusive of General Powers for Domestic and Personal Concerns and for Fiduciary Relationships and
 - () No Other Restrictions, or
 - () Other Restrictions:; or
- () General Power for Bank and Financial Transactions.
- () General Power for Business Interests.
- () General Power for Chattels and Goods.
- () General Power for Disputes and Litigation.
- () General Power for Domestic and Personal Concerns.
- () General Power for Fiduciary Relationships.
- () General Power for Governmental and Other Benefits.
- () General Power for Insurance Coverages and Policies.
- () General Power for Proprietary Interests and Materials.
- () General Power for Real Estate.
- () General Power for Securities.
- () General Power for Records, Reports, and Statements.

3. By this Power of Attorney, Principal makes the following additional provision or provisions:

.....
.....
.....

4. This Power of Attorney revokes and supersedes all prior executed instruments of like import and remains operative until revoked.

EXECUTED AT, County, Nebraska, on, ~~19~~ 20....

.....
Principal

STATE OF NEBRASKA)

) ss.

COUNTY OF.....)

The foregoing instrument was acknowledged before me on, ~~19~~ 20...., by the Principal

.....
Notary Public

Sec. 22. Section 49-1559, Reissue Revised Statutes of Nebraska, is amended to read:

49-1559. The following statutory short form, when reproduced and used in the identical indicated words or in substantially the same or more similar than dissimilar formulation of words by means of printing, typing, writing, or other method of reproduction and use or when appropriately adapted to particular circumstances, shall be and constitute a statutory short form revocation of power of attorney and, when completed by deletion by line or other clear obliteration of each included provision desired and permitted to be deleted and made inoperative, by inclusion by printing, typing, writing, or other clear presentation of each provision not included but desired and permitted to be included and made operative, and by insertion by printing, typing, writing, or other clear presentation of all additional data and information required to be included and when effectuated by execution by or for the principal, by acknowledgment by or for the principal, and by delivery by or at the express direction of or on behalf of the principal to the agent of at least one so completed, executed, and acknowledged form, shall revoke and terminate an agency relationship under a revocation of power of attorney in accordance with the Nebraska Short Form Act.

REVOCATION OF POWER OF ATTORNEY

....., a domiciliary of County, Nebraska, Principal, desiring and intending under the Nebraska Short Form Act to revoke a previously effectuated Power of Attorney heretofore granted to or to each of, a of or with an office in County, Nebraska, and, a of or with an office in County, Nebraska, Agent, does hereby effective on, ~~19~~ 20...., effectuate Total Revocation of such Power of Attorney dated on, ~~19~~

20.... . EXECUTED at, County, Nebraska, on,
19.... 20.... .

Principal

STATE OF NEBRASKA)

) ss.

COUNTY OF.....)

The foregoing instrument was acknowledged before me on,
19.... 20...., by or for the Principal by

Notary Public

Sec. 23. Section 53-135.01, Reissue Revised Statutes of Nebraska,
is amended to read:

53-135.01. The city, village, or county clerk shall cause to be
published in a legal newspaper in or of general circulation in such city,
village, or county, one time between January 10 and January 30 of each year,
individual notice of the right of automatic renewal of each retail liquor and
beer license, except that notice of the right of automatic renewal of Class C
licenses shall be published between the dates of July 10 and July 30 of each
year within such city, village, or county, in substantially the following
form:

NOTICE OF RENEWAL
OF RETAIL LIQUOR LICENSE

Notice is hereby given pursuant to section 53-135.01 that a liquor
license may be automatically renewed for one year from May 1, 19.... 20....,
or November 1, 19.... 20...., for the following retail liquor licensee:

(Name of Licensee) (Address of licensed premises)

Notice is hereby given that written protests to the issuance of
automatic renewal of license may be filed by any resident of the city (village
or county) on or before February 10, 19.... 20...., or August 10, 19....
20...., in the office of the city (village or county) clerk and that in the
event protests are filed by three or more such persons, hearing will be had to
determine whether continuation of the license should be allowed.

(Name)

City (village or county) Clerk

Upon the conclusion of any hearing required by this section, the
local governing body may request a licensee to submit an application as
provided in section 53-135.

Sec. 24. Section 53-1,108, Reissue Revised Statutes of Nebraska, is
amended to read:

53-1,108. Whenever complaint is made in writing, verified by
affidavit, to any judge of any court having cognizance of criminal offenses,
that complainant has just and reasonable grounds to believe and does believe
that alcoholic liquor is manufactured, possessed, kept for sale, used, or
transported in violation of the Nebraska Liquor Control Act, or any mash,
still, or other property designed for the manufacture of alcoholic liquor is
possessed in any premises which are not licensed under the act, particularly
describing and designating such property in such complaint, the judge may
issue a search warrant. No search warrant shall be necessary for the
inspection or search of any premises licensed under the act. The property
seized on any such warrant shall not be taken from the officer seizing the
same on any writ of replevin or other like process. Each complaint shall be
substantially in the following form:

STATE OF NEBRASKA,)

) ss.

County of

COMPLAINT FOR SEARCH WARRANT

The complaint and affidavit of (name of complainant),
of (his or her residence), made before
(name of officer) one of the (official title of officer), in
and for (county, city, or village, as the case may be), on
this day of, 19.... 20...., being first duly
sworn, upon oath says: That he or she has just and reasonable grounds to
believe, and does believe, that alcoholic liquor is now unlawfully
(manufactured, possessed, used, disposed of, or kept for sale, or any mash,
still, or other property designed for the illegal manufacture of alcoholic
liquor is possessed therein, as the case may be), to wit: At and within a
certain (here describe the house, building, premises, boat,
vehicle, receptacle, or other place to be searched, with particulars as to the
location sufficiently to identify it, stating the name of the person occupying
the same, if known), in the (county, city, or village, as the

case may be, of) in the county and state aforesaid; that the following are the reasons for his or her belief, to wit: (here insert the facts upon which such belief is based).

WHEREFORE he or she prays that a search warrant may issue according to law.

.....
.....
(Signature of complainant)

Subscribed and sworn to before me this day of 19.... 20.... .

.....
(Name of officer)
.....
(Official title of officer)

Sec. 25. Section 54-403, Reissue Revised Statutes of Nebraska, is amended to read:

54-403. When any such stock is found upon the lands of another, it is lawful for the owner or person in possession of such lands to impound such stock. If the owner of the stock can be found, and is known to the distrainer, it is the duty of the distrainer to notify the owner by leaving a written notice at his or her usual place of residence with some member of the family over the age of fourteen or, in the absence of such person, by posting on the door of such residence a copy of the notice of the distraint of the stock, describing it, and stating the amount of damages claimed and the name of the arbitrator. The notice shall also require the owner within forty-eight hours after receiving such notice to take the stock away, after making full payment of all damages and costs to the satisfaction of the distrainer of trespassing animals. The notice may be in the following form:

You are hereby notified that on this day of 19.... 20...., your stock, of which I now have in my possession (here describe the animal or animals) did trespass upon my land, and damage it to the amount of You are required to pay the above charges within forty-eight hours from the delivery of this notice or the stock will be sold as provided by law. I have appointed to act as arbitrator should you not feel satisfied with the amount of damages claimed in the within notice.

No claim for damages shall be maintained by the distrainer without the notice contemplated in this section having been given when the owner is known by the distrainer of such stock.

Sec. 26. Section 57-202, Reissue Revised Statutes of Nebraska, is amended to read:

57-202. If the lessee, his or her successors or assigns, shall fail or neglect to execute and record such surrender within the time provided for, then the owner of the land may serve upon the lessee, his or her successors or assigns, in person or by either registered or certified letter, at his or her last-known address, or by publication for one week in a newspaper of general circulation in the county where the land is situated, a notice in writing in substantially the following form:

To: I, the undersigned, owner of the following described land situated in County, Nebraska, to wit: (description of land), upon which a lease, dated day of 19.... 20...., was given to do hereby notify you that the terms of said the lease have been broken by the owner thereof; that I hereby elect to declare and do declare the said lease forfeited and void and that, unless you do, within ten days from this date, notify the register of deeds of said such county as provided by law that said the lease has not been forfeited, I will file with the said register of deeds an affidavit of forfeiture as provided by law; and I hereby demand that you execute or have executed a proper surrender of said the lease and that you cause the same to be recorded in the office of the register of deeds of said such county, within ten days from this date. Dated this day of 19.... 20.... .

Sec. 27. Section 58-525, Reissue Revised Statutes of Nebraska, is amended to read:

58-525. (1) Bonds or certificates, when validated under section 58-524, shall have stamped or written on the bond or certificate, by the proper officers of such contracting public body issuing them, a statement in substantially the following form: "This bond is one of a series of bonds which were validated by judgment of the District Court for County, rendered on 19.... 20....".

(2) A certified copy of the judgment or decree shall be received as evidence in any court in this state.

Sec. 28. Section 76-1004, Reissue Revised Statutes of Nebraska, is amended to read:

76-1004. (1) The beneficiary may appoint a successor trustee at any time by filing for record in the office of the register of deeds of each county in which the trust property or some part thereof is situated a substitution of trustee. From the time the substitution is filed for record, the new trustee shall succeed to all the power, duties, authority, and title of the trustee named in the deed of trust and of any successor trustee.

(2) The substitution shall identify the trust deed by stating the names of the original parties thereto, the date of recordation, the full legal description of the realty affected, and the book and page or computer system reference where the trust deed is recorded, shall state the name of the new trustee, and shall be executed and acknowledged by all of the beneficiaries under the trust deed or their successors in interest.

(3) The recorded substitution shall also contain or have attached to it an affidavit that a copy of the substitution has, by regular United States mail with postage prepaid, been mailed to the last-known address of the trustee being replaced or an affidavit of personal service of a copy thereof or of publication of notice thereof, which notice shall be published one time in a newspaper having general circulation in any county in which the trust property or some part thereof is situated.

(4) Any affidavit contained in or attached to the substitution shall constitute prima facie evidence of the facts required to be stated and conclusive evidence of such facts as to bona fide purchasers and encumbrancers for value of the trust property or of any beneficial interest in the trust deed.

(5) On and after April 3, 1997, no recorded substitution filed for record shall be required to contain or have attached to it an affidavit pursuant to subsection (3) of this section, and any recorded substitution filed for record without containing or having attached to it an affidavit pursuant to such subsection prior to April 3, 1997, shall not be deemed incomplete or defective because such affidavit was not contained therein or attached.

(6) A substitution of trustee shall be sufficient if made in substantially the following form:

Substitution of Trustee

(insert name and address of new trustee)

is hereby appointed successor trustee under the trust deed executed by as trustor, in which is named beneficiary and as trustee, and filed for record, ~~19....~~ ~~or~~ 20...., and recorded in book, page (or computer system reference), Records of County, Nebraska. The trust property affected is legally described as follows:

.....
.....
.....
.....

Signature

Sec. 29. Section 76-1007, Reissue Revised Statutes of Nebraska, is amended to read:

76-1007. (1) The trustee shall give written notice of the time and place of sale particularly describing the property to be sold by publication of such notice, at least five times, once a week for five consecutive weeks, the last publication to be at least ten days but not more than thirty days prior to the sale, in some newspaper having a general circulation in each county in which the property to be sold, or some part thereof, is situated.

(2) The sale shall be held at the time and place designated in the notice of sale which shall be between the hours of nine a.m. and five p.m. and at the premises or at the courthouse of the county in which the property to be sold, or some part thereof, is situated.

(3) The notice of sale shall be sufficient if made in substantially the following form:

Notice of Trustee's Sale

The following described property will be sold at public auction to the highest bidder at the door of the county courthouse in, County of, Nebraska, on, ~~19....~~ 20....

(Name of Trustee)

Sec. 30. Section 76-1008, Reissue Revised Statutes of Nebraska, is amended to read:

76-1008. (1) Any person desiring a copy of any notice of default and of any notice of sale under any trust deed may, at any time subsequent to

the filing for record of the trust deed and prior to the filing for record of a notice of default thereunder, file for record in the office of the register of deeds of any county in which any part or parcel of the trust property is situated a duly acknowledged request for a copy of any such notice of default and notice of sale. The request shall set forth the name and address of the person or persons requesting copies of such notices and shall identify the trust deed by stating the names of the original parties thereto, the date of filing for record thereof, and the book and page or computer system reference where the same is recorded and shall be in substantially the following form:

Request is hereby made that a copy of any notice of default and a copy of notice of sale under the trust deed filed for record, 19.... 20...., and recorded in book, page, (or computer system reference) Records of County, Nebraska, executed by as trustor, in which is named as beneficiary and as trustee, be mailed to (insert name) at (insert address)

Signature

(2) Not later than ten days after recordation of such notice of default, the trustee or beneficiary shall mail, by registered or certified mail with postage prepaid, a copy of such notice with the recording date shown thereon, addressed to each person whose name and address is set forth in a request therefor which has been recorded prior to the filing for record of the notice of default, directed to the address designated in such request. At least twenty days before the date of sale, the trustee shall mail, by registered or certified mail with postage prepaid, a copy of the notice of the time and place of sale, addressed to each person whose name and address is set forth in a request therefor which has been recorded prior to the filing for record of the notice of default, directed to the address designated in such request.

(3) Each trust deed shall contain a request that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to each person who is a party thereto at the address of such person set forth therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as provided in this section.

(4) If no address of the trustor is set forth in the trust deed and if no request for notice by such trustor has been recorded as provided in this section, a copy of the notice of default shall be published at least three times, once a week for three consecutive weeks, in a newspaper of general circulation in each county in which the trust property or some part thereof is situated, such publication to commence not later than ten days after the filing for record of the notice of default.

(5) No request for a copy of any notice filed for record pursuant to this section nor any statement or allegation in any such request nor any record thereof shall affect the title to trust property or be deemed notice to any person that any person requesting copies of notice of default or of notice of sale has or claims any right, title, or interest in or lien or claim upon the trust property.

Sec. 31. Section 76-1012, Reissue Revised Statutes of Nebraska, is amended to read:

76-1012. Whenever all or a portion of the principal sum of any obligation secured by a trust deed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of a breach or default in the performance of any obligation secured by the trust deed, including a default in the payment of interest or of any installment of principal, or by reason of failure of the trustor to pay, in accordance with the terms of such trust deed, taxes, assessments, premiums for insurance, or advances made by the beneficiary in accordance with terms of such obligation or of such trust deed, the trustor or his or her successor in interest in the trust property or any part thereof or any other person having a subordinate lien or encumbrance of record thereon or any beneficiary under a subordinate trust deed, at any time within one month, or within two months if the notice of default is subject to ~~subsection~~ subdivision (2) of section 76-1006, of the filing for record of notice of default under such trust deed, if the power of sale is to be exercised, may pay to the beneficiary or his or her successor in interest the entire amount then due under the terms of such trust deed and the obligation secured thereby, including costs and expenses actually incurred in enforcing the terms of such obligation, or trust deed, and the trustee's fees actually incurred not exceeding in the aggregate fifty dollars or one-half of one percent of the entire unpaid principal sum secured, whichever is greater, other than such portion of the principal as would not then be due had no

default occurred, and thereby cure the default theretofore existing and thereupon all proceedings theretofore had or instituted shall be dismissed or discontinued, and the obligation and trust deed shall be reinstated and shall be and remain in force and effect the same as if no acceleration had occurred. If the default is cured and the trust deed reinstated in the manner hereinabove provided, the beneficiary, or his or her assignee, shall, on demand of any person having an interest in the trust property, execute and deliver to him or her a request to the trustee that the trustee execute, acknowledge, and deliver a cancellation of the recorded notice of default under such trust deed, and any beneficiary under a trust deed, or his or her assignee, who, for a period of thirty days after such demand, refuses to request the trustee to execute and deliver such cancellation shall be liable to the person entitled to such request for all damages resulting from such refusal. A cancellation of recorded notice of default under a trust deed shall, when acknowledged, be entitled to be recorded and shall be sufficient if made and executed by the trustee in substantially the following form:

Cancellation of Notice of Default

The undersigned hereby cancels the notice of default filed for record, ~~19....~~ 20...., and recorded in book, page, (or computer system reference) Records of County, Nebraska, which notice of default refers to the trust deed executed by as trustor, in which is named as beneficiary and as trustee, and filed for record, ~~19....~~ 20...., and recorded in book, page, (or computer system reference) Records of County, Nebraska.

Signature of trustee

Sec. 32. Section 77-1819, Reissue Revised Statutes of Nebraska, is amended to read:

77-1819. The certificate shall be substantially in the following form: COUNTY TREASURER'S CERTIFICATE OF TAX SALE. State of Nebraska County, ss: I, treasurer of the county of, in the State of Nebraska, do hereby certify that the following described real estate in ~~said~~ such county and state: (describe the same) was, on the day of ~~19....~~ 20...., duly sold by me in the manner provided by law for the delinquent taxes for the years ~~19....~~(list years)..... thereon, amounting to dollars, including interest thereon, and costs allowed by law, to for the ~~said~~ sum of dollars. I further certify that unless redemption is made of ~~said~~ such real estate in the manner provided by law, the ~~said~~, heirs or assigns will be entitled to a deed therefor on and after the day of A.D. ~~19....~~ 20...., on surrender of this certificate, and compliance with the provisions required by law.

In witness whereof, I have hereunto set my hand this day of A.D. ~~19....~~ 20.... .
(L.S.), Treasurer.

Sec. 33. Section 77-1839, Reissue Revised Statutes of Nebraska, is amended to read:

77-1839. The conveyance provided by section 77-1838 shall be substantially in the following form:

~~KNOW ALL MEN BY THESE PRESENTS.~~

~~That whereas~~ Whereas, at a sale of real estate for the nonpayment of taxes, made in the county of on the day of A.D. ~~19....~~ 20...., the following described real estate situated in ~~said~~ such county: (here describe real estate conveyed) was sold to for the delinquent taxes of the year and, Whereas, the same not having been redeemed from such sale, and it appearing that the holder of the certificate of purchase of ~~said~~ such real estate has complied with the laws of the State of Nebraska, necessary to entitle to a deed of ~~said~~ such real estate, Now, Therefor, I, county treasurer of the county of, in consideration of the premises, and by virtue of the statutes of the State of Nebraska in such cases made and provided, do hereby grant and convey unto, his or her heirs and assigns, forever, the ~~said~~ real estate hereinbefore described, subject, however, to any redemption provided by law.

Given under my hand and official seal this day of A.D. ~~19....~~ 20.... .

..... County Treasurer.

State of Nebraska County, ss.

On this day of A.D. ~~19....~~ 20...., before me a in and for ~~said~~ such county, personally appeared the above named treasurer of ~~said~~ such county, personally known to me to be the treasurer of ~~said~~ such county, at the date of the execution of

the foregoing conveyance, and to be the identical person whose name is affixed to, and who executed ~~said~~ the conveyance as treasurer of ~~said~~ such county, and acknowledged the execution of the same to be his or her voluntary act and deed as treasurer of ~~said~~ such county, for the purposes therein expressed.

Witness my hand and official seal the day and year last above written.

.....
.....

Sec. 34. Section 77-3204, Reissue Revised Statutes of Nebraska, is amended to read:

77-3204. (1) The members of the Land Reutilization Commission shall meet immediately after being appointed and qualified and shall select a chairperson, a vice-chairperson, and a secretary.

(2) Each commissioner shall furnish a surety bond in a penal sum of not less than fifteen thousand dollars, the premium of such bond to be paid by the authority from which the commissioner was appointed or which he or she represents. The bond shall be issued by a surety company licensed to do business in the State of Nebraska, shall be conditioned to guarantee the faithful performance of all duties under the Land Reutilization Act, and shall be written to cover all the commissioners.

(3) Before entering upon the duties of his or her office, each commissioner shall take and subscribe to the following oath:

State of Nebraska)

) ss.

County of)

I,, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, that I will faithfully and impartially discharge my duties as a member of the Land Reutilization Authority of the county, that I will, according to my best knowledge and judgment, administer tax-delinquent lands held by me in trust according to the laws of this state and for the benefit of the public bodies and the tax bill owners which I represent, so help me God.

Subscribed and sworn to this day of ~~19....~~ 20.... .

My commission expires:

.....

Notary Public

Sec. 35. Original sections 10-505, 12-522, 15-813, 19-3005, 19-3006, 19-3007.01, 19-3037, 23-1802, 23-1809, 30-2329, 30-3408, 31-324, 31-331, 31-333, 32-812, 32-934, 32-1040, 32-1401, 32-1402, 49-218, 49-1522, 49-1559, 53-135.01, 53-1,108, 54-403, 57-202, 58-525, 76-1004, 76-1007, 76-1008, 76-1012, 77-1819, 77-1839, and 77-3204, Reissue Revised Statutes of Nebraska, are repealed.