

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 46

Introduced by Hansen, M., 26.

Read first time January 07, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant
2 Act; to amend sections 76-1442 and 76-1446, Reissue Revised Statutes
3 of Nebraska; to eliminate an alternative service provision; to
4 harmonize provisions; to repeal the original sections; and to
5 outright repeal section 76-1442.01, Reissue Revised Statutes of
6 Nebraska.

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

1 Section 1. Section 76-1442, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1442 The summons shall be issued and directed, with a copy of the
4 complaint attached thereto, and shall state the cause of the complaint,
5 the time and place of trial of the action for possession, answer day for
6 other causes of action, and notice that if the defendant fails to appear
7 judgment shall be entered against him or her. The summons may be served
8 and returned as in other cases or by any person, except that the summons
9 shall be served within three days, excluding nonjudicial days, from the
10 date of issuance and shall be returnable within five days, excluding
11 nonjudicial days, from the date of issuance. The person making the
12 service shall file with the court an affidavit stating with particularity
13 the manner in which he or she made the service. ~~If diligent efforts have~~
14 ~~been made to serve the summons in the manner provided in sections~~
15 ~~25-505.01 to 25-516.01 but such efforts were unsuccessful, the summons~~
16 ~~may be served in the manner provided in section 76-1442.01.~~

17 Sec. 2. Section 76-1446, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 76-1446 Trial of the action for possession shall be held not less
20 than ten nor more than fourteen days after the issuance of the summons.
21 The action shall be tried by the court without a jury. ~~If the plaintiff~~
22 ~~serves the summons in the manner provided in section 76-1442.01, the~~
23 ~~action shall proceed as other actions for possession except that a money~~
24 ~~judgment shall not be granted for the plaintiff.~~ If judgment is rendered
25 against the defendant for the restitution of the premises, the court
26 shall declare the forfeiture of the rental agreement, and shall, at the
27 request of the plaintiff or his or her attorney, issue a writ of
28 restitution, directing the constable or sheriff to restore possession of
29 the premises to the plaintiff on a specified date not more than ten days
30 after issuance of the writ of restitution. The plaintiff shall comply
31 with the Disposition of Personal Property Landlord and Tenant Act and

1 subsection (5) of section 76-1414 in the removal of personal property
2 remaining on the premises at the time possession of the premises is
3 restored.

4 Sec. 3. Original sections 76-1442 and 76-1446, Reissue Revised
5 Statutes of Nebraska, are repealed.

6 Sec. 4. The following section is outright repealed: Section
7 76-1442.01, Reissue Revised Statutes of Nebraska.