

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 485

Introduced by Pansing Brooks, 28; Albrecht, 17; Brewer, 43; Ebke, 32;
Linehan, 39; McCollister, 20; Morfeld, 46; Schumacher, 22.

Read first time January 17, 2017

Committee:

1 A BILL FOR AN ACT relating to state holidays; to amend sections 25-2221
2 and 62-301, Reissue Revised Statutes of Nebraska; to establish Chief
3 Standing Bear and Indigenous Leaders' Day; to eliminate a state
4 holiday; to harmonize provisions; and to repeal the original
5 sections.

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

1 Section 1. (1) The Legislature finds:

2 (a) Ma-n-chu-Na-n-zhi-n, also known as Chief Standing Bear of the
3 Ponca tribe, in the case of United States ex rel. Standing Bear v. Crook
4 in the United States District Court, argued that Native Americans are
5 persons within the meaning of the law;

6 (b) Near the close of the trial, Chief Standing Bear rose, famously
7 held out his right hand, and addressed the court, stating "That hand is
8 not the color of yours, but if I prick it, the blood will flow, and I
9 shall feel pain. The blood is of the same color as yours. God made me,
10 and I am a man.";

11 (c) The court rendered a decision in favor of Chief Standing Bear on
12 May 12, 1879;

13 (d) This Nebraska story is recognized as a symbol of civil rights
14 for Native Americans throughout the United States. The trial of Chief
15 Standing Bear is not solely a Ponca story. It also reaches broader
16 concerns common to all Native Americans and all peoples, speaking to
17 matters of citizenship, humanity, and the rights of all Americans; and

18 (e) The historic court case echoes Nebraska's motto of "Equality
19 Before the Law," reflecting Nebraska's deep conviction that everyone who
20 comes before the law is equal.

21 (2) Standing Bear and Indigenous Leaders' Day is established to
22 honor Chief Standing Bear and the many other remarkable and noble leaders
23 of the state's indigenous peoples, including, but not limited to, Chief
24 Blackbird, Chief Little Priest, and Big Eagle. The second Monday in
25 October each year shall be known as Standing Bear and Indigenous Leaders'
26 Day, shall be observed in this state as a legal holiday, and shall
27 replace Columbus Day as a state holiday.

28 Sec. 2. Section 25-2221, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 25-2221 Except as may be otherwise more specifically provided, the
31 period of time within which an act is to be done in any action or

1 proceeding shall be computed by excluding the day of the act, event, or
2 default after which the designated period of time begins to run. The last
3 day of the period so computed shall be included unless it is a Saturday,
4 a Sunday, or a day during which the offices of courts of record may be
5 legally closed as provided in this section, in which event the period
6 shall run until the end of the next day on which the office will be open.

7 All courts and their offices may be closed on Saturdays, Sundays,
8 days on which a specifically designated court is closed by order of the
9 Chief Justice of the Supreme Court, and these holidays: New Year's Day,
10 January 1; Birthday of Martin Luther King, Jr., the third Monday in
11 January; President's Day, the third Monday in February; Arbor Day, the
12 last Friday in April; Memorial Day, the last Monday in May; Independence
13 Day, July 4; Labor Day, the first Monday in September; Standing Bear and
14 Indigenous Leaders' ~~Columbus~~ Day, the second Monday in October; Veterans
15 Day, November 11; Thanksgiving Day, the fourth Thursday in November; the
16 day after Thanksgiving; Christmas Day, December 25; and all days declared
17 by law or proclamation of the Governor to be holidays. Such days shall be
18 designated as nonjudicial days. If any such holiday falls on Sunday, the
19 following Monday shall be a holiday. If any such holiday falls on
20 Saturday, the preceding Friday shall be a holiday. Court services shall
21 be available on all other days. If the date designated by the state for
22 observance of any legal holiday pursuant to this section, except Veterans
23 Day, is different from the date of observance of such holiday pursuant to
24 a federal holiday schedule, the federal holiday schedule shall be
25 observed.

26 Sec. 3. Section 62-301, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 62-301 (1) For the purposes of the Uniform Commercial Code and
29 section 62-301.01, the following days shall be holidays: New Year's Day,
30 January 1; Birthday of Martin Luther King, Jr., the third Monday in
31 January; President's Day, the third Monday in February; Arbor Day, the

1 last Friday in April; Memorial Day, the last Monday in May; Independence
2 Day, July 4; Labor Day, the first Monday in September; Standing Bear and
3 Indigenous Leaders' Columbus Day, the second Monday in October; Veterans
4 Day, November 11, and the federally recognized holiday therefor, or
5 either of them; Thanksgiving Day, the fourth Thursday in November; the
6 day after Thanksgiving; and Christmas Day, December 25. If any such
7 holiday falls on Sunday, the following Monday shall be a holiday. If the
8 date designated by the state for observance of any legal holiday
9 enumerated in this section, except Veterans Day, is different from the
10 date of observance of such holiday pursuant to a federal holiday
11 schedule, the federal holiday schedule shall be observed.

12 (2) Any bank doing business in this state may, by a brief written
13 notice at, on, or near its front door, fully dispense with or restrict,
14 to such extent as it may determine, the hours within which it will be
15 open for business.

16 (3) Any bank may close on Saturday if it states such fact by a brief
17 written notice at, on, or near its front door. When such bank will, in
18 observance of such a notice, not be open for general business, such day
19 shall, with respect to the particular bank, be the equivalent of a
20 holiday as fully as if such day were listed in subsection (1) of this
21 section, and any act authorized, required, or permitted to be performed
22 at, by, or with respect to such bank which will, in observance of such
23 notice, not be open for general business, acting in its own behalf or in
24 any capacity whatever, may be performed on the next succeeding business
25 day and no liability or loss of rights on the part of any person shall
26 result from such delay.

27 (4) Any bank which, by the notice provided for by subsection (3) of
28 this section, has created the holiday for such bank may, without
29 destroying the legal effect of the holiday for it and solely for the
30 convenience of its customers, remain open all or part of such day in a
31 limited fashion by treating every transaction with its customers on such

1 day as though the transaction had taken place immediately upon the
2 opening of such bank on the first following business day.

3 (5) Whenever the word bank is used in this section it includes
4 building and loan association, savings and loan association, credit
5 union, savings bank, trust company, investment company, and any other
6 type of financial institution.

7 Sec. 4. Original sections 25-2221 and 62-301, Reissue Revised
8 Statutes of Nebraska, are repealed.