

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1195**

FINAL READING

Introduced by Conrad, 46.

Read first time January 12, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to law; to amend sections 25-3003, 25-3004,  
2 30-2446, 30-2603, 30-3816, 30-3828, 30-4002, 40-101, 40-103,  
3 43-2707, 71-5905, and 84-168, Reissue Revised Statutes of Nebraska,  
4 and sections 30-24,129 and 30-3402, Revised Statutes Cumulative  
5 Supplement, 2022; to change provisions relating to grants for  
6 service providers by the Commission on Public Advocacy; to change  
7 provisions of the Nebraska Probate Code relating to bonds, small  
8 estate affidavits, and certain payments and transfers to minors; to  
9 redefine adult for purposes of health care powers of attorney; to  
10 change provisions of the Nebraska Uniform Trust Code relating to  
11 registration of trusts and the requirements to be a settlor; to  
12 change the definition of principal under the Nebraska Uniform Power  
13 of Attorney Act; to change and eliminate provisions relating to  
14 homestead exemptions for judgment liens and executions; to change  
15 provisions relating to irrevocable transfers under the Nebraska  
16 Uniform Transfers to Minors Act; to provide restrictions and  
17 requirements relating to third-party guarantees of payment under the  
18 Assisted-Living Facility Act; to authorize acceptance of cession or  
19 retrocession of federal jurisdiction for juvenile matters; to change  
20 provisions and provide duties relating to such acceptance and to  
21 authorize certain agreements; to harmonize provisions; to repeal the  
22 original sections; and to outright repeal section 40-102, Reissue

- 1 Revised Statutes of Nebraska.
- 2 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-3003, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 25-3003 (1) The Commission on Public Advocacy shall establish  
4 eligibility criteria and guidelines to determine on an annual basis (a)  
5 the service areas, (b) the legal services to be provided and the  
6 priorities for providing the services, which shall be determined in  
7 accordance with subsection (1) of section 25-3004, and (c) the service  
8 provider or providers for each service area. The commission shall  
9 annually certify one or more service providers for each service area. A  
10 single service provider may be certified for more than one service area.  
11 Such certification entitles the service provider to a distribution of  
12 funds as defined and determined by section 25-3004.

13 (2) The commission shall accept applications for certification on an  
14 annual basis from entities interested in providing free civil legal  
15 services to eligible low-income persons. In the application, each  
16 applicant shall certify to the commission that the applicant intends to  
17 provide free civil legal services to eligible low-income persons as  
18 determined by the commission.

19 Sec. 2. Section 25-3004, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 25-3004 (1) Each service provider certified by the Commission on  
22 Public Advocacy shall be eligible to receive funds from the Legal Aid and  
23 Services Fund to provide free civil legal services to eligible low-income  
24 persons in the service area for which it is certified. The funds granted  
25 to each service provider from the Legal Aid and Services Fund shall be  
26 determined by the commission. Grants shall be awarded to legal service  
27 providers that provide direct legal representation of eligible low-income  
28 persons.

29 (2) Each service provider is authorized to use funds received from  
30 the Legal Aid and Services Fund to provide legal services in civil  
31 matters to any eligible low-income person.

1 (3) A service provider which has received funds from the Legal Aid  
2 and Services Fund shall be audited annually. For any service provider  
3 receiving funds pursuant to subsection (1) of this section, such audit  
4 shall include confirmation of the direct legal representation described  
5 in subsection (1) of this section, as shown through an entry of  
6 appearance as attorney in a court action, an execution of a retainer  
7 agreement, or any similar confirmation of actual legal representation.

8 Sec. 3. Section 30-2446, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 30-2446 (1) A bond shall be required of a personal representative  
11 unless: (a) The will expressly waives the bond, expressly requests that  
12 there be no bond, or waives the requirement of a surety thereon other  
13 than the personal representative; (b) all of the heirs, if no will has  
14 been probated, or all of the devisees under a will which does not provide  
15 for relieving the personal representative of bond in accordance with  
16 subdivision (1)(a) of this section, file with the court a written waiver  
17 of the bond requirement; (c) a duly appointed guardian or conservator  
18 waives bond may waive on behalf of a his ward or protected person unless  
19 the guardian or conservator is the personal representative; (d) a person  
20 eighteen years of age or older waives bond on the person's own behalf;  
21 (e) (c) the personal representative is a national banking association, a  
22 holder of a banking permit under the laws of this state, or a trust  
23 company holding a certificate to engage in trust business from the  
24 Department of Banking and Finance; or (f) (d) the petition for formal or  
25 informal appointment alleges that the probable value of the entire estate  
26 will permit summary procedures under section 30-24,127.

27 (2) In any case when bond is not required under subsection (1) of  
28 this section, the court may, upon petition of any interested person and  
29 upon reasonable proof that the interest of the petitioning person is in  
30 danger of being lost because of the administration of the estate, require  
31 a bond in such amount as the court may direct in order to protect the

1 interest of the petitioner or of the petitioner and others. An heir or  
2 devisee who initially waived bond may be a petitioner under this  
3 subsection.

4 (3) If a bond is not initially required because the petition for  
5 appointment alleges that the probable value of the entire estate will  
6 permit summary procedures under section 30-24,127, and it later appears  
7 from the inventory and appraisal that the value of the estate will not  
8 permit use of such procedures, then the personal representative shall  
9 promptly file a bond unless one is not required for some other reason  
10 under subsection (1) of this section.

11 Sec. 4. Section 30-24,129, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 30-24,129 (a) Thirty days after the death of a decedent, any person  
14 claiming as successor to the decedent's interest in real property in this  
15 state may file or cause to be filed on his or her behalf, with the  
16 register of deeds office of a county in which the real property of the  
17 decedent that is the subject of the affidavit is located, an affidavit  
18 describing the real property owned by the decedent and the interest of  
19 the decedent in the property. The affidavit shall be signed by all  
20 persons claiming as successors or by parties legally acting on their  
21 behalf and shall be prima facie evidence of the facts stated in the  
22 affidavit. The affidavit shall state:

23 (1) the value of the decedent's interest in all real property in the  
24 decedent's estate located in this state does not exceed one hundred fifty  
25 thousand dollars. The value of the decedent's interest shall be  
26 determined from the value of the property shown on the assessment rolls  
27 for the year in which the decedent died less real estate taxes and  
28 interest thereon if any is due at the time of death;

29 (2) thirty days have elapsed since the death of the decedent as  
30 shown in a certified or authenticated copy of the decedent's death  
31 certificate attached to the affidavit;

1 (3) no application or petition for the appointment of a personal  
2 representative is pending or has been granted in the State of Nebraska;

3 (4) the claiming successor is entitled to the real property either  
4 by reason of the homestead allowance, exempt property allowance, or  
5 family allowance, by intestate succession, or by devise under the will of  
6 the decedent. If claiming by devise under the will of the decedent, a  
7 copy of such will shall be attached to the affidavit;

8 (5) the claiming successor has made an investigation and has been  
9 unable to determine any subsequent will;

10 (6) no other person has a right to the interest of the decedent in  
11 the described property;

12 (7) the claiming successor's relationship to the decedent and the  
13 value of the entire estate of the decedent subject to probate; and

14 (8) the person or persons claiming as successors under the affidavit  
15 swear or affirm that all statements in the affidavit are true and  
16 material and further acknowledge that any false statement may subject the  
17 person or persons to penalties relating to perjury under section 28-915.

18 (b) The recorded affidavit and certified or authenticated copy of  
19 the decedent's death certificate shall also be recorded by the claiming  
20 successor in any other county in this state in which the real property of  
21 the decedent that is the subject of the affidavit is located.

22 Sec. 5. Section 30-2603, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 30-2603 Any person under a duty to pay or deliver money or personal  
25 property to a minor may perform this duty, in amounts not exceeding forty  
26 ~~twenty-five~~ thousand dollars per annum, by paying or delivering the money  
27 or property to:

28 (1) The minor, if he or she has attained the age of eighteen years  
29 or is married;

30 (2) Any person having the care and custody of the minor with whom  
31 the minor resides;

1 (3) A guardian of the minor; or

2 (4) A financial institution incident to a deposit in a federally  
3 insured savings account in the sole name of the minor and giving notice  
4 of the deposit to the minor.

5 This section does not apply if the person making payment or delivery  
6 has actual knowledge that a conservator has been appointed or proceedings  
7 for appointment of a conservator of the estate of the minor are pending.  
8 The persons, other than the minor or any financial institution under  
9 subdivision (4) of this section, receiving money or property for a minor  
10 are obligated to apply the money to the support and education of the  
11 minor but may not pay themselves except by way of reimbursement for out-  
12 of-pocket expenses for goods and services necessary for the minor's  
13 support. Any excess sums shall be preserved for future support of the  
14 minor, and any balance not so used and any property received for the  
15 minor must be turned over to the minor when he or she attains majority.  
16 Persons who pay or deliver in accordance with provisions of this section  
17 are not responsible for the proper application thereof.

18 Sec. 6. Section 30-3402, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 30-3402 For purposes of sections 30-3401 to 30-3432:

21 (1) Adult shall mean any person who is eighteen ~~nineteen~~ years of  
22 age or older or ~~who is not a minor or has been married~~;

23 (2) Attending physician shall mean the physician, selected by or  
24 assigned to a principal, who has primary responsibility for the care and  
25 treatment of such principal;

26 (3) Attorney in fact shall mean an adult properly designated and  
27 authorized under sections 30-3401 to 30-3432 to make health care  
28 decisions for a principal pursuant to a power of attorney for health care  
29 and shall include a successor attorney in fact;

30 (4) Health care shall mean any treatment, procedure, or intervention  
31 to diagnose, cure, care for, or treat the effects of disease, injury, and

1 degenerative conditions. Health care shall include mental health care;

2 (5) Health care decision shall include consent, refusal of consent,  
3 or withdrawal of consent to health care. Health care decision shall not  
4 include (a) the withdrawal or withholding of routine care necessary to  
5 maintain patient comfort, (b) the withdrawal or withholding of the usual  
6 and typical provision of nutrition and hydration, or (c) the withdrawal  
7 or withholding of life-sustaining procedures or of artificially  
8 administered nutrition or hydration, except as provided by sections  
9 30-3401 to 30-3432;

10 (6) Health care provider shall mean an individual or facility  
11 licensed, certified, or otherwise authorized or permitted by law to  
12 administer health care in the ordinary course of business or professional  
13 practice and shall include all facilities defined in the Health Care  
14 Facility Licensure Act;

15 (7) Except as otherwise provided in section 30-4404 for an advance  
16 mental health care directive, incapable shall mean the inability to  
17 understand and appreciate the nature and consequences of health care  
18 decisions, including the benefits of, risks of, and alternatives to any  
19 proposed health care or the inability to communicate in any manner an  
20 informed health care decision;

21 (8) Life-sustaining procedure shall mean any medical procedure,  
22 treatment, or intervention that (a) uses mechanical or other artificial  
23 means to sustain, restore, or supplant a spontaneous vital function and  
24 (b) when applied to a person suffering from a terminal condition or who  
25 is in a persistent vegetative state, serves only to prolong the dying  
26 process. Life-sustaining procedure shall not include routine care  
27 necessary to maintain patient comfort or the usual and typical provision  
28 of nutrition and hydration;

29 (9) Mental health care shall include, but not be limited to, mental  
30 health care and treatment expressly provided for in the Advance Mental  
31 Health Care Directives Act;



1 (10) Persistent vegetative state shall mean a medical condition  
2 that, to a reasonable degree of medical certainty as determined in  
3 accordance with currently accepted medical standards, is characterized by  
4 a total and irreversible loss of consciousness and capacity for cognitive  
5 interaction with the environment and no reasonable hope of improvement;

6 (11) Power of attorney for health care shall mean a power of  
7 attorney executed in accordance with sections 30-3401 to 30-3432 which  
8 authorizes a designated attorney in fact to make health care decisions  
9 for the principal when the principal is incapable;

10 (12) Principal shall mean an adult who, when competent, confers upon  
11 another adult a power of attorney for health care;

12 (13) Reasonably available shall mean that a person can be contacted  
13 with reasonable efforts by an attending physician or another person  
14 acting on behalf of the attending physician;

15 (14) Terminal condition shall mean an incurable and irreversible  
16 medical condition caused by injury, disease, or physical illness which,  
17 to a reasonable degree of medical certainty, will result in death  
18 regardless of the continued application of medical treatment including  
19 life-sustaining procedures; and

20 (15) Usual and typical provision of nutrition and hydration shall  
21 mean delivery of food and fluids orally, including by cup, eating  
22 utensil, bottle, or drinking straw.

23 Sec. 7. Section 30-3816, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 30-3816 (1) The trustee of a trust having its principal place of  
26 administration in this state may register the trust in the county court  
27 of this state at the principal place of administration. Unless otherwise  
28 designated in the trust instrument, the principal place of administration  
29 of a trust is the trustee's usual place of business where the records  
30 pertaining to the trust are kept, or at the trustee's residence if he or  
31 she has no such place of business.

1           (2) In the case of cotrustees, the principal place of  
2 administration, if not otherwise designated in the trust instrument, is  
3 (a) ~~(1)~~ the usual place of business of the corporate trustee if there is  
4 ~~but~~ one corporate cotrustee, (b) ~~or~~ ~~(2)~~ the usual place of business or  
5 residence of the individual trustee who is a professional fiduciary if  
6 there is ~~but~~ one such person and no corporate cotrustee, and (c)  
7 ~~otherwise~~ ~~(3)~~ the usual place of business or residence of any of the  
8 cotrustees as agreed upon by such cotrustees ~~them~~.

9           (3) If there is more than one trustee, any trustee may register the  
10 trust in the county in which the principal place of administration is  
11 located under subsection (2). If the principal place of administration is  
12 determined under subdivision (2)(c) and the cotrustees cannot agree on  
13 the principal place of administration, a proceeding may be filed under  
14 section 30-3812 by any interested person to determine the principal place  
15 of administration.

16           (4) The right to register under sections 30-3816 to 30-3820 does not  
17 apply to the trustee of a trust if registration would be inconsistent  
18 with the retained jurisdiction of a foreign court from which the trustee  
19 cannot obtain release.

20           (5) No one other than a trustee shall register a trust. Registration  
21 of a trust is not required in order for a court to exercise jurisdiction  
22 over a trust, a trustee, or the beneficiaries.

23           Sec. 8. Section 30-3828, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25           30-3828 (UTC 402) (a) A trust is created only if:

26           (1) the settlor has capacity to create a trust and meets one of the  
27 following requirements: ÷

28           (A) the settlor is eighteen years of age or older; or

29           (B) the settlor is not a minor;

30           (2) the settlor indicates an intention to create the trust;

31           (3) the trust has a definite beneficiary or is:

1 (A) a charitable trust;

2 (B) a trust for the care of an animal, as provided in section  
3 30-3834; or

4 (C) a trust for a noncharitable purpose, as provided in section  
5 30-3835;

6 (4) the trustee has duties to perform; and

7 (5) the same person is not the sole trustee and sole beneficiary.

8 (b) A beneficiary is definite if the beneficiary can be ascertained  
9 now or in the future, subject to any applicable rule against  
10 perpetuities.

11 (c) A power in a trustee to select a beneficiary from an indefinite  
12 class is valid. If the power is not exercised within a reasonable time,  
13 the power fails and the property subject to the power passes to the  
14 persons who would have taken the property had the power not been  
15 conferred.

16 Sec. 9. Section 30-4002, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 30-4002 For purposes of the Nebraska Uniform Power of Attorney Act:

19 (1) Agent means a person granted authority to act for a principal  
20 under a power of attorney, whether denominated an agent, attorney in  
21 fact, or otherwise. The term includes an original agent, coagent,  
22 successor agent, and a person to which an agent's authority is delegated;

23 (2) Business day means any day other than a Saturday, Sunday, or  
24 state or nationally observed legal holiday;

25 (3) Durable, with respect to a power of attorney, means not  
26 terminated by the principal's incapacity;

27 (4) Electronic means relating to technology having electrical,  
28 digital, magnetic, wireless, optical, electromagnetic, or similar  
29 capabilities;

30 (5) Good faith means honesty in fact;

31 (6) Incapacity means inability of an individual to manage property

1 or property affairs effectively because the individual:

2 (a) Has an impairment in the ability to receive and evaluate  
3 information or make or communicate responsible decisions even with the  
4 use of technological assistance for reasons such as mental illness,  
5 mental deficiency, physical illness or disability, chronic use of drugs,  
6 chronic intoxication, or lack of discretion in managing benefits received  
7 from public funds; or

8 (b) Is:

9 (i) Missing;

10 (ii) Detained, including incarcerated in a penal system; or

11 (iii) Outside the United States and unable to return;

12 (7) Person means an individual, corporation, business trust, estate,  
13 trust, partnership, limited liability company, association, joint  
14 venture, public corporation, government or governmental subdivision,  
15 agency, or instrumentality, or any other legal or commercial entity;

16 (8) Power of attorney means a writing or other record that grants  
17 authority to an agent to act in the place of the principal, whether or  
18 not the term power of attorney is used;

19 (9) Presently exercisable general power of appointment, with respect  
20 to property or a property interest subject to a power of appointment,  
21 means power exercisable at the time in question to vest absolute  
22 ownership in the principal individually, the principal's estate, the  
23 principal's creditors, or the creditors of the principal's estate. The  
24 term includes a power of appointment not exercisable until the occurrence  
25 of a specified event, the satisfaction of an ascertainable standard, or  
26 the passage of a specified period only after the occurrence of the  
27 specified event, the satisfaction of the ascertainable standard, or the  
28 passage of the specified period. The term does not include a power  
29 exercisable in a fiduciary capacity or only by will;

30 (10) Principal means an individual, who is eighteen years of age or  
31 older or is not a minor, who grants authority to an agent in a power of

1 attorney;

2 (11) Property means anything that may be the subject of ownership,  
3 whether real or personal, legal or equitable, or any interest or right  
4 therein;

5 (12) Record means information that is inscribed on a tangible medium  
6 or that is stored in an electronic or other medium and is retrievable in  
7 perceivable form;

8 (13) Sign means, with present intent to authenticate or adopt a  
9 record:

10 (a) To execute or adopt a tangible symbol; or

11 (b) To attach to or logically associate with the record an  
12 electronic sound, symbol, or process;

13 (14) State means a state of the United States, the District of  
14 Columbia, Puerto Rico, the United States Virgin Islands, or any territory  
15 or insular possession subject to the jurisdiction of the United States;  
16 and

17 (15) Stocks and bonds means stocks, bonds, mutual funds, and all  
18 other types of securities and financial instruments, whether held  
19 directly, indirectly, or in any other manner. The term does not include  
20 commodity futures contracts and call or put options on stocks or stock  
21 indexes.

22 Sec. 10. Section 40-101, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 40-101 Each natural person residing in this state shall have exempt  
25 from judgment liens and from execution or forced sale, except as provided  
26 in sections 40-101 to 40-116, a A homestead not exceeding one hundred  
27 twenty sixty thousand dollars in value consisting shall consist of the  
28 dwelling house in which the claimant resides, its appurtenances, and the  
29 land on which the same is situated, not exceeding one hundred and sixty  
30 acres of land, to be selected by the owner, and not in any incorporated  
31 city or village, or, at the option of the claimant, a quantity of

1 contiguous land not exceeding two lots within any incorporated city or  
2 village, ~~and shall be exempt from judgment liens and from execution or~~  
3 ~~forced sale, except as provided in sections 40-101 to 40-116.~~

4 Sec. 11. Section 40-103, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 40-103 The homestead is subject to execution or forced sale in  
7 satisfaction of judgments obtained (1) on debts secured by mechanics',  
8 laborers', or vendors' liens upon the premises and (2) on debts secured  
9 by mortgages or trust deeds upon the premises executed and acknowledged  
10 by a ~~both husband and wife, or an unmarried~~ claimant.

11 Sec. 12. Section 43-2707, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 43-2707 (1) Subject to subsection (3) of this section, a personal  
14 representative or trustee may make an irrevocable transfer to another  
15 adult or trust company as custodian for the benefit of a minor pursuant  
16 to section 43-2710, in the absence of a will or under a will or trust  
17 that does not contain an authorization to do so.

18 (2) Subject to subsection (3) of this section, a conservator may  
19 make an irrevocable transfer to another adult or trust company as  
20 custodian for the benefit of the minor pursuant to section 43-2710.

21 (3) A transfer under subsection (1) or (2) of this section may be  
22 made only if (a) the personal representative, trustee, or conservator  
23 considers the transfer to be in the best interest of the minor, (b) the  
24 transfer is not prohibited by or inconsistent with provisions of the  
25 applicable will, trust agreement, or other governing instrument, and (c)  
26 the transfer is authorized by the court if it exceeds forty ~~ten~~ thousand  
27 dollars in value.

28 Sec. 13. Section 71-5905, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 71-5905 (1) An assisted-living facility shall determine if an  
31 applicant for admission to the assisted-living facility is admitted or if

1 a resident of the assisted-living facility is retained based on the care  
2 needs of the applicant or resident, the ability to meet those care needs  
3 within the assisted-living facility, and the degree to which the  
4 admission or retention of the applicant or resident poses a danger to the  
5 applicant or resident or others.

6 (2) Any complex nursing intervention or noncomplex intervention  
7 provided by an employee of the assisted-living facility shall be  
8 performed in accordance with applicable state law.

9 (3) Each assisted-living facility shall provide written information  
10 about the practices of the assisted-living facility to each applicant for  
11 admission to the facility or his or her authorized representative. The  
12 information shall include:

13 (a) A description of the services provided by the assisted-living  
14 facility and the staff available to provide the services;

15 (b) The charges for services provided by the assisted-living  
16 facility;

17 (c) Whether or not the assisted-living facility accepts residents  
18 who are eligible for the medical assistance program under the Medical  
19 Assistance Act and, if applicable, the policies or limitations on access  
20 to services provided by the assisted-living facility for residents who  
21 seek care paid by the medical assistance program;

22 (d) The criteria for admission to and continued residence in the  
23 assisted-living facility and the process for addressing issues that may  
24 prevent admission to or continued residence in the assisted-living  
25 facility;

26 (e) The process for developing and updating the resident services  
27 agreement;

28 (f) For facilities that have special care units for dementia, the  
29 additional services provided to meet the special needs of persons with  
30 dementia; and

31 (g) Whether or not the assisted-living facility provides part-time

1 or intermittent complex nursing interventions.

2 (4) Each assisted-living facility shall enter into a resident  
3 services agreement in consultation with each resident.

4 (5)(a) A facility shall not request or require a third-party  
5 guarantee of payment as a condition of admission, expedited admission, or  
6 continued stay in the facility.

7 (b) A facility may request and require a resident representative who  
8 has legal access to a resident's income or resources to sign a contract,  
9 without incurring personal financial liability, to provide payment to the  
10 facility from such resident's income or resources. For purposes of this  
11 subsection, resident representative has the same meaning as defined in 42  
12 C.F.R. 483.5, as such regulation existed on January 31, 2024.

13 (c) If a person other than the resident informs the assisted-living  
14 facility that such person wants to guarantee payment of a resident's  
15 expenses, the person shall execute a separate written agreement. No  
16 provision in the separate written agreement shall conflict with this  
17 subsection. The separate written agreement shall be provided to the  
18 guarantor of payment and shall contain the following statements:

19 (i) "Do not sign this agreement unless you voluntarily agree to be  
20 financially liable for paying the patient's expenses.";

21 (ii) "You may change your mind within forty-eight hours after  
22 signing this agreement by notifying the facility that you want to revoke  
23 this agreement."; and

24 (iii) "You may call the state long-term care ombudsman for an  
25 explanation of your rights."

26 (d) Nothing in this subsection shall permit an individual with legal  
27 access to a resident's income or resources to avoid liability for  
28 violation of such individual's fiduciary duty.

29 Sec. 14. Section 84-168, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 84-168 (1) By appropriate executive order, the Governor may accept



1 on behalf of the state full or partial cession or retrocession of federal  
2 jurisdiction, including criminal, or civil, or juvenile, over any lands,  
3 except Indian lands, in federal enclaves within the state where such  
4 cession or retrocession has been offered by appropriate federal  
5 authority.

6 (2) To be accepted by the Governor, such offer must:

7 (a) Clearly state the subject matter of the offer, including  
8 specifically identifying whether it includes matters of criminal, civil,  
9 or juvenile jurisdiction and the scope of any concurrent jurisdiction;

10 (b) Provide a metes and bounds description of the boundaries; and

11 (c) Indicate whether the offer includes future contiguous expansions  
12 of land acquired for military purposes.

13 (3) An executive order accepting a cession or retrocession of  
14 jurisdiction shall be filed in the office of the Secretary of State and  
15 in the office of the register of deeds of the county in which the  
16 affected real estate is located. Upon filing, the Governor shall cause a  
17 certified copy of the executive order and any documents filed under this  
18 subsection to be sent to the appropriate federal authority.

19 (4) If an area of concurrent jurisdiction between the state and the  
20 federal government is established pursuant to this section, any state  
21 agency or political subdivision may enter into a memorandum of  
22 understanding with any federal agency for coordination and designation of  
23 responsibilities relating to such concurrent jurisdiction.

24 Sec. 15. Original sections 25-3003, 25-3004, 30-2446, 30-2603,  
25 30-3816, 30-3828, 30-4002, 40-101, 40-103, 43-2707, 71-5905, and 84-168,  
26 Reissue Revised Statutes of Nebraska, and sections 30-24,129 and 30-3402,  
27 Revised Statutes Cumulative Supplement, 2022, are repealed.

28 Sec. 16. The following section is outright repealed: Section  
29 40-102, Reissue Revised Statutes of Nebraska.