

AMENDMENTS TO LB447

Introduced by Government, Military and Veterans Affairs.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 81-1316, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5           81-1316 (1) All agencies and personnel of state government shall be  
6 covered by sections 81-1301 to 81-1319 and shall be considered subject to  
7 the State Personnel System, except the following:

8           (a) All personnel of the office of the Governor;

9           (b) All personnel of the office of the Lieutenant Governor;

10          (c) All personnel of the office of the Secretary of State;

11          (d) All personnel of the office of the State Treasurer;

12          (e) All personnel of the office of the Attorney General;

13          (f) All personnel of the office of the Auditor of Public Accounts;

14          (g) All personnel of the Legislature;

15          (h) All personnel of the court systems;

16          (i) All personnel of the Board of Educational Lands and Funds;

17          (j) All personnel of the Public Service Commission;

18          (k) All personnel of the Nebraska Brand Committee;

19          (l) All personnel of the Commission of Industrial Relations;

20          (m) All personnel of the State Department of Education;

21          (n) All personnel of the Nebraska state colleges and the Board of  
22 Trustees of the Nebraska State Colleges;

23          (o) All personnel of the University of Nebraska;

24          (p) All personnel of the Coordinating Commission for Postsecondary  
25 Education;

26          (q) All personnel of the Governor's Policy Research Office, but not  
27 to include personnel within the State Energy Office;

1 (r) All personnel of the Commission on Public Advocacy;

2 (s) All agency heads;

3 (t)(i) The Director of Behavioral Health of the Division of  
4 Behavioral Health; (ii) the Director of Children and Family Services of  
5 the Division of Children and Family Services; (iii) the Director of  
6 Developmental Disabilities of the Division of Developmental Disabilities;  
7 (iv) the Director of Medicaid and Long-Term Care of the Division of  
8 Medicaid and Long-Term Care; and (v) the Director of Public Health of the  
9 Division of Public Health;

10 (u) The chief medical officer established under section 81-3115, the  
11 Administrator of the Office of Juvenile Services, and the chief executive  
12 officers of the Beatrice State Developmental Center, Lincoln Regional  
13 Center, Norfolk Regional Center, Hastings Regional Center, Grand Island  
14 Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home,  
15 Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment  
16 Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

17 (v) The chief executive officers of all facilities operated by the  
18 Department of Correctional Services and the medical director for the  
19 department appointed pursuant to section 83-4,156;

20 (w) All personnel employed as pharmacists, physicians,  
21 psychiatrists, or psychologists by the Department of Correctional  
22 Services;

23 (x) All personnel employed as pharmacists, physicians,  
24 psychiatrists, psychologists, service area administrators, or facility  
25 operating officers of the Department of Health and Human Services or the  
26 Department of Veterans' Affairs;

27 (y) Deputies and examiners of the Department of Banking and Finance  
28 and the Department of Insurance as set forth in sections 8-105 and  
29 44-119, except for those deputies and examiners who remain in the State  
30 Personnel System; ~~and~~

31 (z) All personnel of the Tax Equalization and Review Commission;

1 and -

2 (aa) The associate director of the Conservation Division of the  
3 Nebraska State Historical Society and all personnel employed as a  
4 Conservator I or Conservator II of the Conservation Division of the  
5 Nebraska State Historical Society.

6 (2) At each agency head's discretion, up to the following number of  
7 additional positions may be exempted from the State Personnel System,  
8 based on the following agency size categories:

9	Number of Agency	Number of Noncovered
10	Employees	Positions
11	less than 25	0
12	25 to 100	1
13	101 to 250	2
14	251 to 500	3
15	501 to 1000	4
16	1001 to 2000	5
17	2001 to 3000	8
18	3001 to 4000	11
19	4001 to 5000	40
20	over 5000	50

21 The purpose of having such noncovered positions shall be to allow  
22 agency heads the opportunity to recruit, hire, and supervise critical,  
23 confidential, or policymaking personnel without restrictions from  
24 selection procedures, compensation rules, career protections, and  
25 grievance privileges. Persons holding the noncovered positions shall  
26 serve at the pleasure of the agency head and shall be paid salaries set  
27 by the agency head. An agency with over five thousand employees shall  
28 provide notice in writing to the Health and Human Services Committee of  
29 the Legislature when forty noncovered positions have been filled by the  
30 agency head pursuant to this subsection.

1           (3) No changes to this section or to the number of noncovered  
2 positions within an agency shall affect the status of personnel employed  
3 on the date the changes become operative without their prior written  
4 agreement. A state employee's career protections or coverage by personnel  
5 rules and regulations shall not be revoked by redesignation of the  
6 employee's position as a noncovered position without the prior written  
7 agreement of such employee.

8           Sec. 2. Section 82-101.01, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           82-101.01 (1) The initial board of trustees shall be comprised of  
11 the current members of the society's board of directors. As their terms  
12 expire under the society's presently existing bylaws, their successors  
13 shall be selected. Those outgoing board members who were elected shall be  
14 replaced by trustees elected by the society's membership as provided in  
15 this section. Those outgoing board members who were gubernatorial  
16 appointments shall be replaced by trustees appointed by the Governor. The  
17 trustees who are elected shall be elected for three-year terms from the  
18 same congressional district as the trustees whose terms have expired. The  
19 trustees selected by the Governor shall be appointed for three-year terms  
20 from the same congressional district as the trustees whose terms have  
21 expired.

22           (2) A nominating committee comprised of society members, one from  
23 each of the congressional districts, shall be appointed each year by the  
24 president of the board of trustees with the approval of the board of  
25 trustees. Such appointments shall be made at least one hundred twenty  
26 days prior to the date of the annual meeting of the members. The  
27 nominating committee shall file, in writing, its slate of nominees for  
28 trustee with the secretary of the society not later than ninety days  
29 prior to the date of the annual meeting. Thereafter, additional  
30 nominations may be made for trustee by written petition filed by not less  
31 than twenty-five active members of the society, which petition shall be

1 filed with the secretary of the society not later than sixty days prior  
2 to the annual meeting. Candidates nominated by the nominating committee  
3 shall file a similar petition. Not later than thirty days prior to the  
4 date of the annual meeting, the secretary of the society shall deliver  
5 ~~mail~~ a ballot listing the names of the nominees to the active members of  
6 the society eligible to vote, to be marked by the members and returned to  
7 the secretary. The ballot shall be mailed or sent electronically. All  
8 ~~Such~~ returned ballots, whether sent electronically or by mail, must be  
9 received by the secretary at least ten days prior to the date of the  
10 annual meeting in order to be counted. The board of trustees shall adopt  
11 a system of ballot certification insuring a secret ballot and that the  
12 person submitting the ballot is a society member entitled to vote. The  
13 returned ballots shall be counted by the secretary of the society, and  
14 the names of the successful candidates shall be announced at the annual  
15 meeting. The ballots and other records of the election shall be retained  
16 for one year following the election ~~until after the annual meeting and~~  
17 ~~shall be available for inspection by any member prior to the annual~~  
18 ~~meeting.~~ All members of the nominating committee, all members signing a  
19 nominating petition, and all members who are entitled to cast a ballot  
20 must be active members of the society who are in good standing. A member  
21 shall be considered in good standing when the member has fulfilled all  
22 requirements for membership. All general and other specified classes of  
23 members shall be eligible to vote for election or to be chosen as an  
24 officer or trustee or to serve as a member of the nominating committee.  
25 Only nominees named on the ballot shall be eligible for election. The  
26 candidate for a particular trustee post receiving the highest number of  
27 votes shall be declared elected even though such votes do not constitute  
28 a majority of the votes cast for such post. When two trustees are elected  
29 from a congressional district for a certain term, those declared elected  
30 shall be the two receiving the highest number of votes cast for such  
31 term, even though one or both fail to receive a majority of the votes

1 cast for such term.

2 (3) The term of each trustee shall begin on January 1 of the year  
3 following the year of his or her election or appointment and shall end on  
4 December 31 of the final year of the term to which the member was elected  
5 or appointed.

6 (4) No trustee shall be eligible to serve for more than two full  
7 consecutive three-year terms but may be eligible for election or  
8 appointment to the board of trustees after having not served for at least  
9 a period of three years.

10 (5) In the event a vacancy occurs on the board of trustees, the  
11 board of trustees shall fill the position of an elected trustee for the  
12 remainder of the unexpired term and the Governor shall fill the position  
13 of an appointed trustee for the remainder of the unexpired term.

14 (6) In the event the boundaries of the congressional districts are  
15 altered or increase or decrease in number, the trustees shall continue to  
16 serve the term for which they were elected or appointed. Thereafter, the  
17 board of trustees shall be adjusted so as to be in accordance with the  
18 boundaries and number of congressional districts.

19 (7) Members of the board of trustees shall serve without pay. The  
20 trustees shall receive remuneration for travel and expenses incurred  
21 while engaged in the business of the society.

22 Sec. 3. Original section 82-101.01, Reissue Revised Statutes of  
23 Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement,  
24 2018, are repealed.