

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 143

Introduced by Briese, 41; Ballard, 21; Bostar, 29; Brandt, 32; Brewer,
43; DeBoer, 10; Dorn, 30; Dungan, 26; Hansen, B., 16; Hunt,
8; Linehan, 39; Lowe, 37; Slama, 1; Wayne, 13.

Read first time January 06, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to time; to amend sections 49-1301, 49-1302,
- 2 and 81-1323, Reissue Revised Statutes of Nebraska, and sections
- 3 32-908 and 81-1328, Revised Statutes Cumulative Supplement, 2022; to
- 4 provide for year-round daylight saving time as prescribed; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-908, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 32-908 (1) At all elections in the area of this state lying within
4 the mountain ~~Mountain Standard or Mountain Daylight~~ time zone, the polls
5 shall open at 7 a.m. and close at 7 p.m. of the same day, and in the area
6 lying within the central ~~Central Standard or Central Daylight~~ time zone,
7 the polls shall open at 8 a.m. and close at 8 p.m. of the same day.

8 (2) Except for special elections conducted by mail as provided in
9 sections 32-952 to 32-959, the deadline for the receipt of ballots is 7
10 p.m. on the day set for the election in the area lying within the
11 mountain ~~Mountain Standard or Mountain Daylight~~ time zone and 8 p.m. on
12 the day set for the election in the area lying within the central ~~Central~~
13 ~~Standard or Central Daylight~~ time zone.

14 (3) If the judges and clerks of election are not present at the
15 polls at the required hour, the polls may be opened by those placed in
16 charge of the polling place at any time before the time required for
17 closing the polls on election day.

18 (4) If at the hour of closing there are any persons desiring to vote
19 who are in the polling place or in a line at the polling place and who
20 have not been able to vote since appearing at the polling place, the
21 polls shall be kept open reasonably long enough after the hour for
22 closing to allow those present at that hour to vote. No person arriving
23 after the hour when the polls have officially closed shall be entitled to
24 vote.

25 Sec. 2. Section 49-1301, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 49-1301 (1) Except as provided in subsection (2) of this section,
28 the ~~The~~ standard time of the State of Nebraska shall be the time
29 established by the Uniform Time Act of 1966 in both the central ~~Central~~
30 and mountain ~~Rocky Mountain~~ time zones.

31 (2)(a) The standard time for the State of Nebraska shall be, in the

1 central time zone, the Coordinated Universal Time minus five hours and,
2 in the mountain time zone, the Coordinated Universal Time minus six
3 hours.

4 (b) For purposes of this subsection, Coordinated Universal Time
5 means the time scale maintained through the General Conference of Weights
6 and Measures and interpreted or modified for the United States by the
7 United States Secretary of Commerce in coordination with the United
8 States Secretary of the Navy.

9 (c) This subsection becomes operative on the first Sunday in
10 November after (i) the provisions of this subsection are authorized by
11 the laws of the United States or any order of the United States Secretary
12 of Transportation or are no longer in conflict with the laws of the
13 United States or any order of the United States Secretary of
14 Transportation and (ii) three states adjacent to this state adopt laws
15 for a single year-round standard of time.

16 Sec. 3. Section 49-1302, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 49-1302 (1) Daylight saving time for the State of Nebraska shall be
19 in effect from the second first Sunday in March April until the first
20 last Sunday in November October of each year at such clock time as is
21 prescribed in the Uniform Time Act of 1966.

22 (2) This section becomes null and void upon subsection (2) of
23 section 49-1301 becoming operative.

24 Sec. 4. Section 81-1323, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-1323 The sick leave account shall be balanced as of 11:59 p.m.
27 central time Central Standard Time on December 31 each calendar year.
28 Sick leave shall be cumulative for not more than one thousand four
29 hundred forty hours.

30 Sec. 5. Section 81-1328, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 81-1328 (1) State employees shall, during each year of continuous
2 employment, be entitled to ninety-six working hours of vacation leave
3 with full pay.

4 (2) State employees who complete five years of continuous employment
5 by the state shall be entitled to one hundred twenty hours of vacation
6 leave during their sixth year of employment and shall thereafter be
7 entitled to eight additional hours of vacation leave with full pay for
8 each additional year of continuous state employment up to a maximum of
9 two hundred hours of vacation leave a year. Vacation leave shall be
10 earned in accordance with the following schedule:

11	During 1st year of continuous employment	96 hours per year
12	During 2nd year of continuous employment	96 hours per year
13	During 3rd year of continuous employment	96 hours per year
14	During 4th year of continuous employment	96 hours per year
15	During 5th year of continuous employment	96 hours per year
16	During 6th year of continuous employment	120 hours per
17	year	
18	During 7th year of continuous employment	128 hours per
19	year	
20	During 8th year of continuous employment	136 hours per
21	year	
22	During 9th year of continuous employment	144 hours per
23	year	
24	During 10th year of continuous employment	152 hours per
25	year	
26	During 11th year of continuous employment	160 hours per
27	year	
28	During 12th year of continuous employment	168 hours per
29	year	
30	During 13th year of continuous employment	176 hours per
31	year	

1 During 14th year of continuous employment 184 hours per
2 year

3 During 15th year of continuous employment 192 hours per
4 year

5 During 16th year of continuous employment 200 hours per
6 year

7 After 16th year of continuous employment 200 hours per
8 year

9 (3) State employees who are regularly employed less than forty hours
10 a week shall be entitled to vacation leave proportionate to their regular
11 workweek. Any state employee who has been employed by the Legislature or
12 Legislative Council shall, for vacation leave entitlement purposes, be
13 credited with one continuous year of employment for each two hundred
14 sixty working days such state employee was employed by the Legislature or
15 Legislative Council.

16 (4) As used in this section, state employee shall mean any person or
17 officer employed by the state including the head of any department or
18 agency, except when such a head is a board or commission, and who works a
19 full-time or part-time schedule on an ongoing basis.

20 (5) For purposes of this section, a state employee who has
21 terminated employment with the state for any reason other than
22 disciplinary and who returns to state employment within one year from the
23 date of termination shall have his or her service for vacation leave
24 entitlement computed by combining prior continuous service with current
25 continuous service disregarding the period of absence, except that a
26 state employee who has retired or voluntarily terminated in lieu of
27 retirement shall, if he or she returns to state employment, be considered
28 a new state employee for the purpose of vacation leave entitlement.

29 (6) The vacation leave account of each state employee shall be
30 balanced as of 11:59 p.m. central time ~~Central Standard Time~~ on December
31 31 each calendar year. Each state employee shall be entitled to have

1 accumulated as of such time the number of hours of vacation leave which
2 he or she earned during that calendar year. Hours of vacation leave
3 accumulated in excess of that number shall be forfeited. Any state
4 employee shall be entitled to use any vacation time as soon as it has
5 accrued. Any vacation time not used within one calendar year following
6 the calendar year during which the time accrued shall be forfeited. In
7 special and meritorious cases, when to limit the annual leave to the
8 period therein specified would work a peculiar hardship, such leave may
9 be extended in the discretion of the Governor, or in situations involving
10 employees of the Legislature, in the discretion of the Executive Board of
11 the Legislative Council.

12 (7) It is the responsibility of the head of an employing agency to
13 provide reasonable opportunity for a state employee to use rather than
14 forfeit accumulated vacation leave. If a state employee makes a
15 reasonable written request to use vacation leave before the leave must be
16 forfeited under this section and the employing agency denies the request,
17 the employing agency shall pay the state employee the cash equivalent of
18 the amount of forfeited vacation leave that was requested and denied.
19 Such cash payment shall be made within thirty days after the requested
20 and denied vacation leave is forfeited under this section. Such cash
21 payment shall be considered compensation for purposes of a state
22 employee's retirement benefit in a defined contribution or cash balance
23 benefit plan administered by the Public Employees Retirement Board but
24 shall not be considered compensation for purposes of a state employee's
25 retirement benefit in any other defined benefit plan administered by the
26 Public Employees Retirement Board. In determining whether a state
27 employee's request to use vacation leave is reasonable, the employing
28 agency shall consider the amount of vacation leave requested, the number
29 of days remaining prior to forfeiture during which the state employee may
30 take vacation leave, the amount of notice given to the employing agency
31 prior to the requested vacation leave, any effects on public safety, and

1 other relevant factors. This subsection shall not apply to state
2 employees who are exempt from the State Personnel System pursuant to
3 subdivisions (1)(g) and (h) of section 81-1316.

4 (8) Each state employee, upon retirement, dismissal, or voluntary
5 separation from state employment, shall be paid for unused accumulated
6 vacation leave. Upon the death of a state employee, the ~~his or her~~
7 beneficiary of the state employee shall be paid for unused accumulated
8 vacation leave.

9 (9) A permanent state employee who is transferred from one agency to
10 another shall have ~~his or her~~ accrued vacation leave transferred to the
11 receiving agency.

12 (10) The Director of Personnel shall adopt and promulgate such rules
13 and regulations as are necessary to administer this section.

14 Sec. 6. Original sections 49-1301, 49-1302, and 81-1323, Reissue
15 Revised Statutes of Nebraska, and sections 32-908 and 81-1328, Revised
16 Statutes Cumulative Supplement, 2022, are repealed.