

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 302

FINAL READING

Introduced by Murman, 38; Ballard, 21; Conrad, 46; Hunt, 8; Lippincott,
34; Lonowski, 33; Rountree, 3; Sanders, 45.

Read first time January 15, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to time; to amend sections 49-1301, 49-1302,
- 2 81-1323, and 81-1328, Reissue Revised Statutes of Nebraska, and
- 3 section 32-908, Revised Statutes Cumulative Supplement, 2024; to
- 4 eliminate daylight saving time; to harmonize provisions; and to
- 5 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 2024, 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 of the State of Nebraska shall be the time

1 established by the Uniform Time Act of 1966 in both the central and
2 mountain time zones, except that the State of Nebraska shall not observe
3 daylight saving time and shall be exempt from the provisions of 15 U.S.C.
4 260a(a) providing for the advancement of time.

5 (b) This subsection becomes operative on January 1 of the year
6 following when all of the following states adopt laws to not observe
7 daylight saving time and be exempt from the provisions of 15 U.S.C.
8 260a(a) providing for the advancement of time:

9 (i) Iowa;

10 (ii) Kansas;

11 (iii) South Dakota; and

12 (iv) Wyoming.

13 **Sec. 3.** Section 49-1302, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 49-1302 (1) Daylight saving time for the State of Nebraska shall be
16 in effect from the second first Sunday in March April until the first
17 last Sunday in November October of each year at such clock time as is
18 prescribed in the Uniform Time Act of 1966.

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

21 **Sec. 4.** Section 81-1323, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 81-1323 The sick leave account shall be balanced as of 11:59 p.m.
24 central time Central Standard Time on December 31 each calendar year.
25 Sick leave shall be cumulative for not more than one thousand four
26 hundred forty hours.

27 **Sec. 5.** Section 81-1328, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-1328 (1) State employees shall, during each year of continuous
30 employment, be entitled to ninety-six working hours of vacation leave
31 with full pay.

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

| | | |
|----|---|-------------------|
| 8 | During 1st year of continuous employment | 96 hours per year |
| 9 | During 2nd year of continuous employment | 96 hours per year |
| 10 | During 3rd year of continuous employment | 96 hours per year |
| 11 | During 4th year of continuous employment | 96 hours per year |
| 12 | During 5th year of continuous employment | 96 hours per year |
| 13 | During 6th year of continuous employment | 120 hours per |
| 14 | year | |
| 15 | During 7th year of continuous employment | 128 hours per |
| 16 | year | |
| 17 | During 8th year of continuous employment | 136 hours per |
| 18 | year | |
| 19 | During 9th year of continuous employment | 144 hours per |
| 20 | year | |
| 21 | During 10th year of continuous employment | 152 hours per |
| 22 | year | |
| 23 | During 11th year of continuous employment | 160 hours per |
| 24 | year | |
| 25 | During 12th year of continuous employment | 168 hours per |
| 26 | year | |
| 27 | During 13th year of continuous employment | 176 hours per |
| 28 | year | |
| 29 | During 14th year of continuous employment | 184 hours per |
| 30 | year | |
| 31 | During 15th year of continuous employment | 192 hours per |

1 year

2 During 16th year of continuous employment 200 hours per
3 year

4 After 16th year of continuous employment 200 hours per
5 year

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

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

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

26 (6) The vacation leave account of each state employee shall be
27 balanced as of 11:59 p.m. central time ~~Central Standard Time~~ on December
28 31 each calendar year. Each state employee shall be entitled to have
29 accumulated as of such time the number of hours of vacation leave which
30 he or she earned during that calendar year. Hours of vacation leave
31 accumulated in excess of that number shall be forfeited. Any state

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

9 (7) It is the responsibility of the head of an employing agency to
10 provide reasonable opportunity for a state employee to use rather than
11 forfeit accumulated vacation leave. If a state employee makes a
12 reasonable written request to use vacation leave before the leave must be
13 forfeited under this section and the employing agency denies the request,
14 the employing agency shall pay the state employee the cash equivalent of
15 the amount of forfeited vacation leave that was requested and denied.
16 Such cash payment shall be made within thirty days after the requested
17 and denied vacation leave is forfeited under this section. Such cash
18 payment shall be considered compensation for purposes of a state
19 employee's retirement benefit in a defined contribution or cash balance
20 benefit plan administered by the Public Employees Retirement Board but
21 shall not be considered compensation for purposes of a state employee's
22 retirement benefit in any other defined benefit plan administered by the
23 Public Employees Retirement Board. In determining whether a state
24 employee's request to use vacation leave is reasonable, the employing
25 agency shall consider the amount of vacation leave requested, the number
26 of days remaining prior to forfeiture during which the state employee may
27 take vacation leave, the amount of notice given to the employing agency
28 prior to the requested vacation leave, any effects on public safety, and
29 other relevant factors. This subsection shall not apply to state
30 employees who are exempt from the State Personnel System pursuant to
31 subdivisions (1)(g) and (h) of section 81-1316.

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

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

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

11 **Sec. 6.** Original sections 49-1301, 49-1302, 81-1323, and 81-1328,
12 Reissue Revised Statutes of Nebraska, and section 32-908, Revised
13 Statutes Cumulative Supplement, 2024, are repealed.