

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 961

Introduced by D. Pederson, 42; Brown, 6; Engel, 17; Raikes, 25

Read first time January 10, 2002

Committee: Agriculture

A BILL

1 FOR AN ACT relating to the State Board of Agriculture; to amend
2 sections 2-101, 2-220 to 2-220.02, 2-220.04, 2-1204,
3 51-601, 51-603, 51-604, 77-2704.16, 81-1108.30, and
4 90-240, Reissue Revised Statutes of Nebraska, sections
5 2-219 and 84-1301, Revised Statutes Supplement, 2000, and
6 section 53-124.14, Revised Statutes Supplement, 2001; to
7 abolish the State Board of Agriculture; to create the
8 State Fair Commission; to provide, change, and eliminate
9 powers and duties; to create and eliminate funds; to
10 change provisions relating to the Nebraska State Fair; to
11 harmonize provisions; to provide an operative date; to
12 repeal the original sections; and to outright repeal
13 sections 2-102, 2-115, 2-116, 2-118, and 2-125 to 2-128,
14 Reissue Revised Statutes of Nebraska, and section 2-117,
15 Revised Statutes Supplement, 2001.

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

1 Section 1. Section 2-101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-101. ~~There shall be held prior to April 1 of each~~
4 ~~year, a meeting of the State Board of Agriculture, together with~~
5 ~~the president of each county society, or delegate therefrom duly~~
6 ~~authorized, who shall for the time being be ex officio members of~~
7 ~~the State Board of Agriculture, for the purpose of deliberating and~~
8 ~~consulting as to the wants, prospects, and conditions of the~~
9 ~~agricultural interests throughout the state. Such meeting shall be~~
10 ~~held in every odd-numbered year at the capital of the state, and in~~
11 ~~every even-numbered year at such location as the board may~~
12 ~~determine. At such annual meeting the several reports from the~~
13 ~~subordinate societies shall be delivered to the president of the~~
14 ~~board. The president and delegates shall at this meeting elect~~
15 ~~suitable persons to fill all vacancies in the board. The president~~
16 ~~shall also have the power to call meetings of the board whenever he~~
17 ~~or she may deem it expedient. The state fair shall be held at or~~
18 ~~near the city of Lincoln, in Lancaster County, under the direction~~
19 ~~and supervision of the State Board of Agriculture, upon the site~~
20 ~~and tract of land, selected and now owned by the state for that~~
21 ~~purpose and known as the state fairgrounds Fair Commission. The~~
22 ~~board Governor may, at its discretion with the approval of the~~
23 ~~commission, hold or dispense with the holding of the fair, in any~~
24 ~~year. The Governor shall determine the location of the state fair~~
25 ~~with the approval of the commission.~~

26 Sec. 2. (1) The State Fair Commission shall consist of
27 nine members appointed by the Governor with the consent of a
28 majority of all members of the Legislature. Members of the

1 commission shall be legal residents and citizens of Nebraska and
2 shall not hold any other public office. Not more than four of the
3 members of the commission shall be affiliated with the same
4 political party.

5 (2) The initial members shall be appointed so that
6 one-third of the members' terms expire each year. When the term of
7 any member of the commission expires, the Governor shall appoint a
8 successor for a term of three years. Each member shall serve until
9 the appointment and qualification of his or her successor. In case
10 of a vacancy occurring prior to the expiration of the term of a
11 member, the appointment shall be made only for the remainder of the
12 term. If the Legislature is not in session when members of the
13 commission are appointed by the Governor, they shall take office
14 and act as recess appointees until confirmed by the next
15 Legislature at the next regular session.

16 (3) Each member, before entering upon the duties of his
17 or her office, shall subscribe and take the constitutional oath of
18 office, which shall be filed in the office of the Secretary of
19 State. Each member shall be bonded under the blanket surety bond
20 required by section 11-201.

21 (4) Members may be removed by the Governor for
22 inefficiency, neglect of duty, or misconduct in office, but only
23 after delivering to the member a copy of the charges and affording
24 an opportunity of being publicly heard in person or by counsel in
25 his or her own defense, upon not less than ten days' notice. Such
26 hearing shall be held before the Governor.

27 (5) If such member is removed, the Governor shall file in
28 the office of the Secretary of State a complete statement of all

1 charges made against such member and his or her findings thereon,
2 together with a complete record of the proceedings.

3 (6) No person who has served a full term shall be
4 eligible for reappointment as a member of the commission until at
5 least three years have elapsed between any previous term which he
6 or she might have served and the effective date of his or her new
7 appointment.

8 Sec. 3. The members of the State Fair Commission shall
9 meet in January of each year and shall elect a chairperson of the
10 commission from the membership.

11 Sec. 4. Regular meetings of the State Fair Commission
12 shall be held quarterly. Special meetings may be held upon call of
13 the chairperson or pursuant to a call signed by three other
14 members, of which the chairperson shall have three days' written
15 notice. No official action shall be taken except at a public
16 meeting at the headquarters of the commission or at a public
17 meeting at a location within the state as determined by a majority
18 of members of the commission. Five members of the commission shall
19 constitute a quorum for the transaction of business.

20 Sec. 5. The members of the State Fair Commission, other
21 than the director, shall be reimbursed for all actual and necessary
22 traveling and other expenses incurred in the discharge of their
23 official duties as provided in sections 81-1174 to 81-1177 and
24 shall be allowed a per diem of thirty-five dollars for days
25 actually away from home on business of the commission, not
26 exceeding forty-five days in any one year.

27 Sec. 6. The Governor shall appoint a director for the
28 State Fair Commission to be in charge of its activities. He or she

1 shall be a person with knowledge of and experience in the
2 management of business activities and the promotion of the
3 resources of the state. The director shall serve at the pleasure
4 of the Governor. The director shall not hold any other public
5 office and shall devote his or her entire time to the service of
6 the state in the discharge of his or her official duties. The
7 director shall receive such compensation as the Governor may
8 determine and shall be reimbursed for all actual and necessary
9 traveling and other expenses incurred by him or her in the
10 discharge of his or her official duties as provided in sections
11 81-1174 to 81-1177. Before entering upon the duties of his or her
12 office, the director shall take and subscribe to the constitutional
13 oath of office, and shall, in addition thereto, swear or affirm
14 that he or she holds no other public office, nor any position under
15 any political committee or party. Such oath or affirmation shall
16 be filed in the office of the Secretary of State. Under the
17 direction of the commission, the director shall have general
18 supervision and control of all activities and functions of the
19 commission and shall exercise all necessary powers incident thereto
20 not specifically conferred on the commission. The director may be
21 removed by the Governor for inefficiency, neglect of duty, or
22 misconduct in office, but only after delivering to the director a
23 copy of the charges and affording him or her an opportunity of
24 being publicly heard in person or by counsel in his or her own
25 defense. Such hearing shall be held before the Governor.

26 Sec. 7. The director of the State Fair Commission shall
27 keep an exact and detailed account and record of the activities of
28 the commission, and on September 15 of each year, he or she shall

1 submit to the Governor a report of all expenditures made during the
2 preceding fiscal year, vouchers for which shall be kept on file in
3 the office of the director and open to the inspection of the
4 Governor, Auditor of Public Accounts, and members of the
5 Legislature. All money received by the commission from the
6 administration of the State Fair shall be remitted to the State
7 Treasurer for credit to the State Fair Fund.

8 Sec. 8. The State Fair Fund is created. The fund shall
9 consist of money appropriated to such fund by the Legislature, all
10 funds of the State Board of Agriculture as it existed prior to the
11 operative date of this act, and any money in the Nebraska State
12 Fairgrounds Building Fund on the operative date of this act. The
13 State Fair Commission shall administer the State Fair Fund for the
14 conduct of the Nebraska State Fair. Any money in the fund
15 available for investment shall be invested by the state investment
16 officer pursuant to the Nebraska Capital Expansion Act and the
17 Nebraska State Funds Investment Act.

18 Sec. 9. Section 2-219, Revised Statutes Supplement,
19 2000, is amended to read:

20 2-219. No person shall be permitted to exhibit or
21 conduct indecent shows or dances or to engage in any gambling or
22 other games of chance or horseracing, either inside the enclosure
23 where any state, fair or district, or county agricultural society
24 fair is being held or within forty rods thereof, during the time of
25 holding such fairs. Nothing in this section shall be construed to
26 prohibit wagering on the results of horseraces by the parimutuel or
27 certificate method when conducted by licensees within the racetrack
28 enclosure at licensed horserace meetings, to prohibit the operation

1 of bingo games as provided in the Nebraska Bingo Act, to prohibit
 2 the conduct of lotteries pursuant to the Nebraska County and City
 3 Lottery Act, to prohibit the conduct of lotteries or raffles
 4 pursuant to the Nebraska Lottery and Raffle Act or the Nebraska
 5 Small Lottery and Raffle Act, or to prohibit the sale of pickle
 6 cards pursuant to the Nebraska Pickle Card Lottery Act. Nothing in
 7 this section shall be construed to prohibit the sale of
 8 intoxicating liquors, wine, or beer by a person properly licensed
 9 pursuant to Chapter 53 on premises under the control of the State
 10 ~~Board of Agriculture~~ Fair Commission or any county agricultural
 11 society. Any person who violates this section shall be guilty of a
 12 Class V misdemeanor. The trial of speed of horses under direction
 13 of the society shall not be included in the term horseracing. Upon
 14 the filing of proof with the State Treasurer of a violation of this
 15 section inside the enclosure of such fair, the amount of money
 16 appropriated shall be withheld from any money appropriated for the
 17 ensuing year.

18 Sec. 10. Section 2-220, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 2-220. The president of any ~~such~~ district or county
 21 agricultural society, a marshal, or any police officer appointed by
 22 the ~~board~~ State Fair Commission shall be empowered to arrest, or
 23 cause to be arrested, any person or persons engaged in violating
 24 ~~any of the provisions contained in~~ section 2-219. He or she may
 25 seize, or cause to be seized, all intoxicating liquors, wine, or
 26 beer, of any kind, with the vessels containing the same, and all
 27 tools or other implements used in any gambling or other game of
 28 chance, and may remove, or cause to be removed, all shows, swings,

1 booths, tents, carriages, wagons, vessels, boats, or any other
2 nuisance that may obstruct, or cause to be obstructed, by
3 collecting persons around or otherwise, any thoroughfare leading to
4 the enclosure in which such ~~agricultural~~ fair is being held. Any
5 person owning or occupying any of ~~the~~ such causes of obstruction
6 ~~herein specified~~, who may refuse or fail to remove such obstruction
7 or nuisance when ordered to do so by the president ~~of such society~~
8 or officer, shall be guilty of a Class V misdemeanor.

9 Sec. 11. Section 2-220.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 2-220.01. All carnival companies, booking agencies, or
12 shows that enter into any contract with the State ~~Board of~~
13 ~~Agriculture~~ Fair Commission, any county agricultural society, or
14 any county fair board may be required, within thirty days after the
15 execution of the contract, to either deposit cash or a certified
16 check payable to the State of Nebraska, the county agricultural
17 society, or the county fair board, as appropriate, or execute and
18 file with the ~~secretary~~ director of the State ~~Board of Agriculture~~
19 Fair Commission, the county agricultural society, or the county
20 fair board, as appropriate, a good and sufficient bond with a
21 corporate surety. The State ~~Board of Agriculture~~ Fair Commission,
22 the county agricultural society, or the county fair board, as
23 appropriate, shall determine the amount of the deposit or bond
24 required. Such security shall run to the State of Nebraska, the
25 county agricultural society, or the county fair board, as
26 appropriate, on the condition that the carnival company, booking
27 agency, or show will faithfully perform any contract entered into
28 by it during a period of one year from the date of execution of the

1 contract and shall, at the time of the filing of the cash,
2 certified check, or bond, file a sworn statement giving the names
3 and addresses of the owners of the carnival company, booking
4 agency, or show. Further cash, certified check, or bond shall not
5 be required on signing any subsequent contract during the year such
6 bond is in force.

7 Sec. 12. Section 2-220.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 2-220.02. The State ~~Board of Agriculture Fair~~
10 Commission, county agricultural society, or county fair board may
11 bring suit upon the deposit or bond required by section 2-220.01 in
12 the county where such contract was to have been performed to
13 recover any damages sustained by reason of breach of contract or
14 failure to carry out the terms thereof.

15 Sec. 13. Section 2-220.04, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 2-220.04. If cash or certified check is deposited with
18 the ~~secretary~~ director of the State ~~Board of Agriculture Fair~~
19 Commission, a county agricultural society, or a county fair board
20 under section 2-220.01, such deposit shall be returned to the
21 person or company making the deposit within sixty days after the
22 completion of the last performance of the contract unless a
23 written, signed, and verified complaint has been filed within such
24 time.

25 Sec. 14. Section 2-1204, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 2-1204. ~~The State Board of Agriculture,~~ a A county fair
28 board, a county agricultural society for the improvement of

1 agriculture organized under the County Agricultural Society Act, or
2 a corporation or association of persons organized and carried on
3 for civic purposes or which conducts a livestock exposition for the
4 promotion of the livestock or horse-breeding industries of the
5 state and which does not permit its members to derive personal
6 profit from its activities by way of dividends or otherwise may
7 apply to the State Racing Commission for a license to conduct
8 horseracing at a designated place within the state. Such
9 application shall be filed with the secretary of the commission at
10 least sixty days before the first day of the horserace meeting
11 which such corporation or association proposes to hold or conduct,
12 shall specify the day or days when and the exact location where it
13 is proposed to conduct such racing, and shall be in such form and
14 contain such information as the commission shall prescribe.

15 Sec. 15. Section 51-601, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 51-601. There is hereby created an Antique Farm
18 Machinery and Equipment Commission which shall consist of nine
19 members, eight to be appointed by the Governor as follows:

20 (1) One member shall be an agricultural engineer from an
21 educational institution in this state;

22 (2) One member shall be actively involved in economic
23 development or tourism;

24 (3) One member shall be knowledgeable in Nebraska history
25 and historic preservation;

26 (4) One member shall be between the ages of eighteen and
27 thirty years, be actively involved in agriculture, and have an
28 interest in the future of agriculture; and

1 (5) Four members shall be persons who have an interest in
2 preserving antique farm machinery and equipment. The appointments
3 shall be made to provide to the extent possible equal
4 representation to all congressional districts in the state.

5 ~~The Manager of the State Board of Agriculture~~ director of
6 the State Fair Commission shall serve as the ninth member of the
7 commission.

8 In making the initial appointments to the commission, the
9 Governor shall appoint two members for terms of three years, two
10 members for terms of four years, and two members for terms of five
11 years. The members appointed to fill the two positions created by
12 the changes made to this section by Laws 1993, LB 57, shall serve
13 for terms of five years. As each term expires, the Governor shall
14 appoint or reappoint a member of the commission for a term of five
15 years to succeed the member whose term has expired. The Governor
16 shall fill any vacancy by appointment for the unexpired term from
17 the same category from which the vacancy occurred.

18 All members shall serve without compensation for any
19 services rendered to the commission but shall be reimbursed for
20 actual and necessary expenses incurred in the discharge of duties
21 of the commission as provided in sections 81-1174 to 81-1177.

22 Sec. 16. Section 51-603, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 51-603. The members of the Antique Farm Machinery and
25 Equipment Commission shall, immediately after their appointment,
26 meet and organize. ~~The Manager of the State Board of Agriculture~~
27 director of the State Fair Commission shall serve as the
28 chairperson of the commission. The commission shall elect one of

1 its members secretary, one as treasurer, and any other officers as
2 may be necessary. The treasurer shall give bond in such amount as
3 the commission may fix.

4 Sec. 17. Section 51-604, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 51-604. The antique farm machinery and equipment museum
7 shall initially be located at the state fairgrounds in Lincoln,
8 Lancaster County, Nebraska. The Antique Farm Machinery and
9 Equipment Commission may recommend a site to the ~~executive board of~~
10 ~~the State Board of Agriculture~~ State Fair Commission, but the final
11 determination of the location of such site ~~within the state~~
12 ~~fairgrounds~~ shall be by a majority vote of the ~~executive board of~~
13 ~~the State Board of Agriculture~~ State Fair Commission. The
14 ~~commission~~ Antique Farm Machinery and Equipment Commission may
15 establish additional sites throughout the state for temporary or
16 permanent exhibition of antique farm machinery and equipment based
17 upon available funds, the expression of interest and support in the
18 area, and such other factors which indicate the feasibility of an
19 additional site for such exhibition.

20 Sec. 18. Section 53-124.14, Revised Statutes Supplement,
21 2001, is amended to read:

22 53-124.14. (1) The commission may license the sale of
23 alcoholic liquor at retail in the original package to applicants
24 who reside in any county in which there is no incorporated city or
25 village or in which the county seat is not located in an
26 incorporated city or village if the licensed premises are situated
27 in an unincorporated village having a population of twenty-five
28 inhabitants or more.

1 (2) The commission may license the sale of beer at retail
2 in any county outside the corporate limits of any city or village
3 therein and license the sale of alcoholic liquor at retail for
4 consumption on the premises and off the premises, sales in the
5 original package only.

6 (3) The commission may license the sale of alcoholic
7 liquor for consumption on the premises as provided in subdivision
8 (5) (c) of section 53-124 on lands controlled by airport authorities
9 when such land is located on and under county jurisdiction or by
10 the State ~~Board of Agriculture~~ Fair Commission.

11 (4) The ~~commission~~ Nebraska Liquor Control Commission may
12 license the sale at retail of alcoholic liquor, including beer, in
13 the original package only, except as provided in subsection (2) of
14 section 53-123.04, to applicants who are located outside the
15 corporate limits but within the extraterritorial zoning
16 jurisdiction of cities or incorporated villages.

17 (5) This section shall not be construed to limit the
18 commission in the issuance of licenses described in subdivision
19 (5) (h) or (9) of section 53-124.

20 Sec. 19. Section 77-2704.16, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 77-2704.16. Sales and use taxes shall not be imposed on
23 the gross receipts from the sale, lease, or rental of and the
24 storage, use, or other consumption in this state of purchases made
25 by the State ~~Board of Agriculture~~ Fair Commission.

26 Sec. 20. Section 81-1108.30, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 81-1108.30. The Board of Regents of the University of

1 Nebraska is authorized to furnish and to enter into agreements with
2 the ~~Nebraska State Board of Agriculture~~ State Fair Commission to
3 furnish a supply of electric current to the State Fairgrounds and
4 buildings, which shall be furnished by the heating plant located
5 upon the city campus of the University of Nebraska at Lincoln,
6 except ~~, PROVIDED,~~ that such electric service ~~to the Nebraska State~~
7 ~~Board of Agriculture for use at the State Fairgrounds~~ shall be
8 furnished only if the same may be generated and furnished without
9 impairment or reduction of the power necessary to proper and
10 efficient operation of the University of Nebraska and the State
11 Capitol, including the executive mansion.

12 Sec. 21. Section 84-1301, Revised Statutes Supplement,
13 2000, is amended to read:

14 84-1301. For purposes of the State Employees Retirement
15 Act, unless the context otherwise requires:

16 (1) (a) Compensation means gross wages or salaries payable
17 to the member for personal services performed during the plan year.
18 Compensation does not include insurance premiums converted into
19 cash payments, reimbursement for expenses incurred, fringe
20 benefits, or bonuses for services not actually rendered, including,
21 but not limited to, early retirement inducements, cash awards, and
22 severance pay, except for retroactive salary payments paid pursuant
23 to court order, arbitration, or litigation and grievance
24 settlements. Compensation includes overtime pay, member retirement
25 contributions, and amounts contributed by the member to plans under
26 sections 125, 403(b), and 457 of the Internal Revenue Code or any
27 other section of the code which defers or excludes such amounts
28 from income.

1 (b) Compensation in excess of the limitations set forth
2 in section 401(a)(17) of the Internal Revenue Code shall be
3 disregarded. For an employee who was a member of the retirement
4 system before the first plan year beginning after December 31,
5 1995, the limitation on compensation shall not be less than the
6 amount which was allowed to be taken into account under the
7 retirement system as in effect on July 1, 1993;

8 (2) Date of disability means the date on which a member
9 is determined to be disabled by the board;

10 (3) Disability means an inability to engage in a
11 substantially gainful activity by reason of any medically
12 determinable physical or mental impairment which can be expected to
13 result in death or to be of long-continued and indefinite duration;

14 (4) Eligibility and vesting credit means credit for
15 years, or a fraction of a year, of participation in a Nebraska
16 governmental plan for purposes of determining membership in the
17 system and vesting the employer account;

18 (5) Employee means any employee of the State Board of
19 Agriculture or State Fair Commission who is a member of the state
20 retirement system on July 1, 1982, and any person or officer
21 employed by the State of Nebraska whose compensation is paid out of
22 state funds or funds controlled or administered by a state
23 department through any of its executive or administrative officers
24 when acting exclusively in their respective official, executive, or
25 administrative capacities. Employee does not include (a) judges as
26 defined in section 24-701, (b) members of the Nebraska State
27 Patrol, (c) employees of the University of Nebraska, (d) employees
28 of the state colleges, (e) employees of community colleges, (f)

1 employees of the Department of Labor employed prior to July 1,
2 1984, and paid from funds provided pursuant to Title III of the
3 federal Social Security Act or funds from other federal sources,
4 (g) the Commissioner of Labor employed prior to July 1, 1984, (h)
5 employees of the State Board of Agriculture who are not members of
6 the state retirement system on July 1, 1982, (i) the Nebraska
7 National Guard air and army technicians, (j) persons eligible for
8 membership under the School Retirement System of the State of
9 Nebraska who have not elected to become members of the retirement
10 system pursuant to section 79-920 or been made members of the
11 system pursuant to such section, except that those persons so
12 eligible and who as of September 2, 1973, are contributing to the
13 State Employees Retirement System of the State of Nebraska shall
14 continue as members of such system, or (k) employees of the
15 Coordinating Commission for Postsecondary Education who are
16 eligible for and have elected to become members of a qualified
17 retirement program approved by the commission which is commensurate
18 with retirement programs at the University of Nebraska. Any
19 individual appointed by the Governor may elect not to become a
20 member of the State Employees Retirement System of the State of
21 Nebraska;

22 (6) Five-year break in service means five consecutive
23 one-year breaks in service;

24 (7) Full-time employee means an employee who is employed
25 to work one-half or more of the regularly scheduled hours during
26 each pay period;

27 (8) Fund means the State Employees Retirement Fund
28 created by section 84-1309;

1 (9) Group annuity contract means the contract or
2 contracts issued by one or more life insurance companies to the
3 board in order to provide the benefits described in sections
4 84-1319, 84-1320, 84-1321, 84-1323, and 84-1323.01;

5 (10) Guaranteed investment contract means an investment
6 contract or account offering a return of principal invested plus
7 interest at a specified rate. For investments made after July 19,
8 1996, guaranteed investment contract does not include direct
9 obligations of the United States or its instrumentalities, bonds,
10 participation certificates or other obligations of the Federal
11 National Mortgage Association, the Federal Home Loan Mortgage
12 Corporation, or the Government National Mortgage Association, or
13 collateralized mortgage obligations and other derivative
14 securities. This subdivision shall not be construed to require the
15 liquidation of investment contracts or accounts entered into prior
16 to July 19, 1996;

17 (11) One-year break in service means a plan year during
18 which the member has not completed more than five hundred hours of
19 service;

20 (12) Part-time employee means an employee who is employed
21 to work less than one-half of the regularly scheduled hours during
22 each pay period;

23 (13) Plan year means the twelve-month period beginning on
24 January 1 and ending on December 31;

25 (14) Prior service means service before January 1, 1964;

26 (15) Regular interest means the rate of interest earned
27 each calendar year commencing January 1, 1975, as determined by the
28 retirement board in conformity with actual and expected earnings on

1 the investments;

2 (16) Required contribution means the deduction to be made
3 from the compensation of employees as provided in section 84-1308;

4 (17) Retirement means qualifying for and terminating
5 employment after becoming qualified to receive the retirement
6 allowance granted under the State Employees Retirement Act;

7 (18) Retirement board or board means the Public Employees
8 Retirement Board;

9 (19) Retirement system means the State Employees
10 Retirement System of the State of Nebraska;

11 (20) Service means the actual total length of employment
12 as an employee and shall not be deemed to be interrupted by (a)
13 temporary or seasonal suspension of service that does not terminate
14 the employee's employment, (b) leave of absence authorized by the
15 employer for a period not exceeding twelve months, (c) leave of
16 absence because of disability, or (d) military service, when
17 properly authorized by the retirement board. Service does not
18 include any period of disability for which disability retirement
19 benefits are received under section 84-1317;

20 (21) State department means any department, bureau,
21 commission, or other division of state government not otherwise
22 specifically defined or exempted in the act, the employees and
23 officers of which are not already covered by a retirement plan;

24 (22) Straight life annuity means an ordinary annuity
25 payable for the life of the primary annuitant only and terminating
26 at his or her death without refund or death benefit of any kind;

27 (23) Surviving spouse means (a) the spouse married to the
28 member on the date of the member's death or (b) the spouse or

1 former spouse of the member if survivorship rights are provided
2 under a qualified domestic relations order filed with the board
3 pursuant to the Spousal Pension Rights Act. The spouse or former
4 spouse shall supersede the spouse married to the member on the date
5 of the member's death as provided under a qualified domestic
6 relations order. If the benefits payable to the spouse or former
7 spouse under a qualified domestic relations order are less than the
8 value of benefits entitled to the surviving spouse, the spouse
9 married to the member on the date of the member's death shall be
10 the surviving spouse for the balance of the benefits; and

11 (24) Termination of employment occurs on the date on
12 which the agency which employs the member determines that the
13 member's employer-employee relationship with the State of Nebraska
14 is dissolved. The agency which employs the member shall notify the
15 board within two weeks after the date such a termination is deemed
16 to have occurred. Termination of employment does not occur if an
17 employee whose employer-employee relationship with the State of
18 Nebraska is dissolved enters into an employer-employee relationship
19 with the same or another agency of the State of Nebraska and there
20 are less than one hundred twenty days between the date when the
21 employee's employer-employee relationship ceased with the state and
22 the date when the employer-employee relationship commenced with the
23 same or another agency which qualifies the employee for
24 participation in the plan. It shall be the responsibility of the
25 current employer to notify the board of such change in employment
26 and provide the board with such information as the board deems
27 necessary. If the board determines that termination of employment
28 has not occurred and a termination benefit has been paid to a

1 member of the retirement system pursuant to section 84-1321, the
2 board shall require the member who has received such benefit to
3 repay the benefit to the retirement system.

4 Sec. 22. Section 90-240, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 90-240. The State Board of Agriculture or its successor
7 is authorized by the Legislature to convey to the city of Lincoln,
8 Nebraska, a permanent easement for the construction,
9 reconstruction, inspection, maintenance, operation, and replacement
10 of street improvements in, through, over, and under certain real
11 estate legally described as follows:

12 (1) A portion of lot 79, irregular tract, located in the
13 northeast quarter of section 13, township 10 north, range 6 east of
14 the sixth principal meridian, in the city of Lincoln, Lancaster
15 County, Nebraska, more particularly described as follows:

16 Beginning at the northeast corner of such lot 79; thence
17 proceeding southerly along a line parallel to and 33 feet west of
18 the east line of section 13, a distance of 61.04 feet; thence
19 southwesterly deflecting 55 degrees right, a distance of 56.02
20 feet; thence northwesterly deflecting 90 degrees right, a distance
21 of 50 feet; thence northeasterly deflecting 90 degrees right along
22 the north line of such lot 79, a distance of 91.03 feet to the
23 point of beginning; containing an area of 3,676.15 square feet,
24 more or less; and

25 (2) A portion of lot 80, irregular tract, located in the
26 northeast quarter of section 13, township 10 north, range 6 east of
27 the sixth principal meridian, in the city of Lincoln, Lancaster
28 County, Nebraska, more particularly described as follows:

1 Beginning at the northeast corner of such lot 80; thence
2 proceeding southerly along a line parallel to and 33 feet west of
3 the east line of section 13, a distance of 97.66 feet; thence
4 northwesterly deflecting 145 degrees right, a distance of 80 feet;
5 thence northeasterly deflecting 90 degrees right along the north
6 line of such lot 80, a distance of 56.02 feet to the point of
7 beginning; containing an area of 2,240.80 square feet, more or
8 less.

9 Sec. 23. This act becomes operative on January 1, 2003.

10 Sec. 24. Original sections 2-101, 2-220 to 2-220.02,
11 2-220.04, 2-1204, 51-601, 51-603, 51-604, 77-2704.16, 81-1108.30,
12 and 90-240, Reissue Revised Statutes of Nebraska, section 2-219 and
13 84-1301, Revised Statutes Supplement, 2000, and section 53-124.14,
14 Revised Statutes Supplement, 2001, are repealed.

15 Sec. 25. The following sections are outright repealed:
16 Sections 2-102, 2-115, 2-116, 2-118, and 2-125 to 2-128, Reissue
17 Revised Statutes of Nebraska, and section 2-117, Revised Statutes
18 Supplement, 2001.