

## LEGISLATIVE BILL 827

Approved by the Governor April 17, 2018

Introduced by Lowe, 37; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2;  
McDonnell, 5.

A BILL FOR AN ACT relating to the Department of Veterans' Affairs; to amend sections 83-153, 83-154, 83-155, and 83-156, Reissue Revised Statutes of Nebraska, and sections 80-301.01 and 81-1316, Revised Statutes Supplement, 2017; to provide for disposition of property of members of veterans homes as prescribed; to exempt certain personnel of the department from the State Personnel System; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 80-301.01, Revised Statutes Supplement, 2017, is amended to read:

80-301.01 Sections 80-301.01 to 80-336 and section 2 of this act shall be known and may be cited as the Nebraska Veterans Services Act.

Sec. 2. Any claim to money or personal property in the hands of the department to the credit of a member of a veterans home shall be disposed of as provided in sections 83-153 to 83-156.

Sec. 3. Section 81-1316, Revised Statutes Supplement, 2017, is amended to read:

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

- (a) All personnel of the office of the Governor;
- (b) All personnel of the office of the Lieutenant Governor;
- (c) All personnel of the office of the Secretary of State;
- (d) All personnel of the office of the State Treasurer;
- (e) All personnel of the office of the Attorney General;
- (f) All personnel of the office of the Auditor of Public Accounts;
- (g) All personnel of the Legislature;
- (h) All personnel of the court systems;
- (i) All personnel of the Board of Educational Lands and Funds;
- (j) All personnel of the Public Service Commission;
- (k) All personnel of the Nebraska Brand Committee;
- (l) All personnel of the Commission of Industrial Relations;
- (m) All personnel of the State Department of Education;
- (n) All personnel of the Nebraska state colleges and the Board of Trustees of the Nebraska State Colleges;
- (o) All personnel of the University of Nebraska;
- (p) All personnel of the Coordinating Commission for Postsecondary Education;
- (q) All personnel of the Governor's Policy Research Office, but not to include personnel within the State Energy Office;
- (r) All personnel of the Commission on Public Advocacy;
- (s) All agency heads;
- (t)(i) The Director of Behavioral Health of the Division of Behavioral Health; (ii) the Director of Children and Family Services of the Division of Children and Family Services; (iii) the Director of Developmental Disabilities of the Division of Developmental Disabilities; (iv) the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care; and (v) the Director of Public Health of the Division of Public Health;
- (u) The chief medical officer established under section 81-3115, the Administrator of the Office of Juvenile Services, and the chief executive officers of the Beatrice State Developmental Center, Lincoln Regional Center, Norfolk Regional Center, Hastings Regional Center, Grand Island Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home, Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;
- (v) The chief executive officers of all facilities operated by the Department of Correctional Services and the medical director for the department appointed pursuant to section 83-4,156;
- (w) All personnel employed as pharmacists, physicians, psychiatrists, or psychologists by the Department of Correctional Services;
- (x) All personnel employed as pharmacists, physicians, psychiatrists, psychologists, service area administrators, or facility operating officers of the Department of Health and Human Services or the Department of Veterans' Affairs;
- (y) Deputies and examiners of the Department of Banking and Finance and the Department of Insurance as set forth in sections 8-105 and 44-119, except for those deputies and examiners who remain in the State Personnel System; and
- (z) All personnel of the Tax Equalization and Review Commission.

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

Number of Agency Employees	Number of Noncovered Positions
less than 25	0
25 to 100	1
101 to 250	2
251 to 500	3
501 to 1000	4
1001 to 2000	5
2001 to 3000	8
3001 to 4000	11
4001 to 5000	40
over 5000	50

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

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

Sec. 4. Section 83-153, Reissue Revised Statutes of Nebraska, is amended to read:

83-153 Any claim to money or personal property in the hands of the Department of Health and Human Services, ~~or the Department of Correctional Services,~~ or the Department of Veterans' Affairs to the credit of an inmate or patient of any institution subject to the jurisdiction of such departments shall be required to be asserted within two years from and after either (1) the date of the death of the inmate or patient, while confined in such institution, or (2) the date of the discharge of the inmate or patient from such institution. If such claim is not presented within the time limited by this section, it shall be forever barred.

Sec. 5. Section 83-154, Reissue Revised Statutes of Nebraska, is amended to read:

83-154 Upon the failure to assert a claim for money within two years as prescribed by section 83-153, the Department of Health and Human Services, ~~or the Department of Correctional Services,~~ or the Department of Veterans' Affairs shall transfer such money to a special fund to be set up for the use and benefit of all the inmates or patients of the institution in which the deceased or discharged inmate or patient was confined.

Sec. 6. Section 83-155, Reissue Revised Statutes of Nebraska, is amended to read:

83-155 Upon the failure to assert a claim for personal property within two years as prescribed by section 83-153, the Department of Health and Human Services, ~~or the Department of Correctional Services,~~ or the Department of Veterans' Affairs shall sell the property, either with or without notice at either public or private sale, and shall place the proceeds of such sale in the special fund provided for by section 83-154.

Sec. 7. Section 83-156, Reissue Revised Statutes of Nebraska, is amended to read:

83-156 Nothing contained in sections 83-153 to 83-156 shall be construed in such a manner as to prohibit the Department of Health and Human Services, ~~or the Department of Correctional Services,~~ or the Department of Veterans' Affairs from voluntarily remitting or delivering to any present or former inmate or patient of any state institution, subject to the jurisdiction of such department, or to his or her heirs, legatees, or other persons lawfully entitled to the same, any money or other personal property in the hands of the department to the credit of such inmate or patient, either during the confinement of such inmate or patient, or at any time thereafter.

Sec. 8. Original sections 83-153, 83-154, 83-155, and 83-156, Reissue Revised Statutes of Nebraska, and sections 80-301.01 and 81-1316, Revised Statutes Supplement, 2017, are repealed.