

LEGISLATIVE BILL 161

Approved by the Governor May 22, 1979

Introduced by Newell, 13; Wesely, 26; Labeledz, 5

AN ACT relating to older Nebraskans; to adopt the Older Nebraskans Act; to create the Administrative Advisory Committee for Older Nebraskans; to provide for membership; to provide duties; to amend sections 48-1003 and 84-1317, Reissue Revised Statutes of Nebraska, 1943; to change the retirement age; and to repeal the original sections.

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

Section 1. The Legislature hereby finds and declares that, in keeping with the traditional Nebraska concept of the inherent dignity of the individual in our democratic society, the older people of our state are entitled to:

(1) An adequate income in retirement in accordance with the standard of living in the state;

(2) The best possible physical and mental health which science can make available and without regard to economic status;

(3) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford;

(4) Opportunity for employment with no discriminatory personnel practices because of age;

(5) Retirement in health, honor, and dignity after years of contribution to the economy;

(6) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities;

(7) Efficient community services, including access to low-cost transportation; and

(8) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

Sec. 2. That section 48-1003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1003. (1) The prohibitions of sections 48-1001 to 48-1009 shall be limited to the employment of individuals who are at least forty years of age but less than ~~sixty-five~~ seventy years of age.

(2) Nothing contained in sections 48-1001 to 48-1009 shall be construed as making it unlawful for an employer, employment agency, or labor organization (a) to take action otherwise prohibited under the provisions of sections 48-1001 to 48-1009 when the differentiation is based on reasonable factors other than age, such as physical conditions; ~~(b) to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of sections 48-1001 to 48-1009, except that no employee benefit plan shall excuse the unlawful employment practices enumerated in sections 48-1001 to 48-1009; or (c) or (b) to discharge or otherwise discipline an employee for good cause.~~

Sec. 3. That section 84-1317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on the attainment of age sixty after thirty years of service. With the approval of the department concerned and the employee, an employee may retire on the attainment of age sixty regardless of the number of years of service. An employee may retire as a result of disability at any age.

No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire before age seventy without due process, nor shall any faculty member have tenure status revoked due to age.

Any employee shall be required to retire at the end of the month in which his ~~sixty-fifth~~ seventieth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his employment until the attainment of age seventy-two; Provided, the Clerk and Reporter of the Supreme Court serving on July 12, 1974 may continue employment with approval of the Supreme Court and any employee of the Legislative Council serving on July 12, 1974 may continue employment with the approval of the Legislature.

The first of the month immediately following the last day of work shall be the retirement date, except

that disability retirement benefits shall be paid from the date of disability as determined by the board. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of sections 84-1301 to 84-1331 shall be made at such time as the retirement board may determine.

Sec. 4. The Administrative Advisory Committee for Older Nebraskans is hereby created. Membership of the committee shall consist of:

(1) The Director-State Engineer;

(2) The Director of Public Welfare;

(3) The Director of Health;

(4) The Commissioner of Labor;

(5) The Executive Director of the Nebraska Commission on Aging; and

(6) The Director of Public Institutions.

Sec. 5. The committee shall prepare an annual comprehensive plan for aging services on a statewide basis. The plan shall recognize and comply, to the maximum extent possible, with the objectives stated in section 1 of this act. The plan shall be presented to the Governor and the Legislature no later than January 1 of each year.

Sec. 6. The members of the committee shall elect a chairperson, vice-chairperson, and secretary from the membership.

Sec. 7. The members of the committee shall receive no compensation for their services as such other than the salary allowed them by law but shall be reimbursed for their expenses as provided in section 84-306.01, Revised Statutes Supplement, 1978, for state employees.

Sec. 8. Sections 1 and 4 to 8 of this act shall be known and may be cited as the Older Nebraskans Act.

Sec. 9. That original sections 48-1003 and 84-1317, Reissue Revised Statutes of Nebraska, 1943, are repealed.