

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 994

Introduced by Wayne, 13.

Read first time January 05, 2024

Committee:

1 A BILL FOR AN ACT relating to treatment and corrections; to amend
2 sections 81-101 and 81-102, Revised Statutes Cumulative Supplement,
3 2022; to provide that the Legislature shall have general management,
4 control, and government of the Department of Correctional Services;
5 to provide for appointment of the Director of Correctional Services
6 by the Legislature; to provide a duty for the Judiciary Committee of
7 the Legislature; to provide operative dates; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Legislature has the sole authority under Article
2 IV, section 19 of the Constitution of Nebraska to determine how the
3 general management, control, and government of all state charitable,
4 mental, reformatory, and penal institutions shall be vested. Pursuant to
5 this authority, beginning on July 1, 2025, the general management,
6 control, and government of state penal institutions shall be vested in
7 the Legislature.

8 (2) For the purpose of aiding the Legislature in the execution of
9 the general management, control, and government of state penal
10 institutions, administration of the Department of Correctional Services
11 is transferred to the Legislature.

12 (3) The Legislature shall appoint the Director of Correctional
13 Services for the Department of Correctional Services and confirm such
14 appointment by a majority vote of the members elected to the Legislature.

15 Sec. 2. Section 81-101, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 81-101 The civil administration of the laws of the state is vested
18 in the Governor. For the purpose of aiding the Governor in the execution
19 and administration of the laws, the executive and administrative work
20 shall be divided into the following agencies: (1) Department of
21 Agriculture; (2) Department of Labor; (3) Department of Transportation;
22 (4) Department of Natural Resources; (5) Department of Banking and
23 Finance; (6) Department of Insurance; (7) Department of Motor Vehicles;
24 (8) Department of Administrative Services; (9) Department of Economic
25 Development; (10) ~~Department of Correctional Services;~~ (11) Nebraska
26 State Patrol; and (11) ~~(12)~~ Department of Health and Human Services.

27 Sec. 3. Section 81-102, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 81-102 The Governor shall appoint heads for the various agencies
30 listed in section 81-101, subject to confirmation by a majority vote of
31 the members elected to the Legislature. Such appointments shall be

1 submitted to the Legislature within sixty calendar days following the
2 first Thursday after the first Tuesday in each odd-numbered year. The
3 officers shall be designated as follows: (1) The Director of Agriculture
4 for the Department of Agriculture; (2) the Commissioner of Labor for the
5 Department of Labor; (3) the Director-State Engineer for the Department
6 of Transportation; (4) the Director of Natural Resources for the
7 Department of Natural Resources; (5) the Director of Banking and Finance
8 for the Department of Banking and Finance; (6) the Director of Insurance
9 for the Department of Insurance; (7) the Director of Motor Vehicles for
10 the Department of Motor Vehicles; (8) the Director of Administrative
11 Services for the Department of Administrative Services; (9) ~~the Director~~
12 ~~of Correctional Services for the Department of Correctional Services;~~
13 ~~(10)~~ the Director of Economic Development for the Department of Economic
14 Development; (10) ~~(11)~~ the Superintendent of Law Enforcement and Public
15 Safety for the Nebraska State Patrol; (11) ~~(12)~~ the Property Tax
16 Administrator as the chief administrative officer of the property
17 assessment division of the Department of Revenue; and (12) ~~(13)~~ the chief
18 executive officer for the Department of Health and Human Services.
19 Whoever shall be so nominated by the Governor and shall fail to receive
20 the number of votes requisite for confirmation, shall not be subject to
21 nomination or appointment for this or any other appointive state office
22 requiring confirmation by the Legislature during the period for which his
23 or her appointment was sought. In case of a vacancy in any of such
24 offices during the recess of the Legislature, the Governor shall make a
25 temporary appointment until the next meeting of the Legislature, when he
26 or she shall nominate some person to fill such office. Any person so
27 nominated who is confirmed by the Legislature, shall hold his or her
28 office during the remainder of the term if a specific term has been
29 provided by law, otherwise during the pleasure of the Governor subject to
30 the provisions of this section; except any such officers may be removed
31 by the Governor pursuant to Article IV of the Constitution of Nebraska.

1 Sec. 4. The Judiciary Committee of the Legislature shall prepare an
2 amendment to harmonize provisions of state law consistent with this act.

3 Sec. 5. Sections 2, 3, and 6 of this act become operative on July
4 1, 2025. The other sections of this act become operative on their
5 effective date.

6 Sec. 6. Original sections 81-101 and 81-102, Revised Statutes
7 Cumulative Supplement, 2022, are repealed.