

AMENDMENTS TO LB191

Introduced by Business and Labor.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Critical Infrastructure Utility Worker Protection Act.

5 Sec. 2. For purposes of the Critical Infrastructure Utility Worker
6 Protection Act, unless the context otherwise requires:

7 (1) Civil defense emergency has the same meaning as in section
8 81-829.39;

9 (2) Critical infrastructure utility worker means an essential
10 critical infrastructure worker identified in the Guidance on the
11 Essential Critical Infrastructure Workforce, Version 4.1, as released on
12 August 5, 2021, by the United States Department of Homeland Security
13 Cybersecurity and Infrastructure Security Agency;

14 (3) Disaster has the same meaning as in section 81-829.39;

15 (4) Emergency has the same meaning as in section 81-829.39;

16 (5) Priority access means access at least equal to that provided to
17 hospital and medical personnel, law enforcement personnel, or other
18 emergency responders;

19 (6) Utility means any legal entity, including a political
20 subdivision, that owns or operates a utility system, or any part thereof,
21 in this state; and

22 (7) Utility system means the physical and cyber assets and
23 infrastructure used in providing utility services to wholesale or retail
24 customers. Utility system includes electrical, gas, water, steam, sewage,
25 and telecommunications services.

26 Sec. 3. The purposes of the Critical Infrastructure Utility Worker
27 Protection Act are to:

1 (1) Provide for protection of critical infrastructure utility
2 workers during any civil defense emergency, disaster, or emergency;

3 (2) Provide priority access to personal protective equipment;
4 medical screening, testing, and preventative health services; medical
5 treatment; and the administration of vaccines for critical infrastructure
6 utility workers in the event of an emergency involving a severe threat to
7 human health; and

8 (3) Authorize federal and state financial aid for critical
9 infrastructure utility workers during any civil defense emergency,
10 disaster, or emergency involving a severe threat to human health.

11 Sec. 4. Utilities shall maintain a list of critical infrastructure
12 utility workers by position description without listing individual names.
13 The list shall not be deemed a public record subject to disclosure
14 pursuant to sections 84-712 to 84-712.09, but shall be made available to
15 the Nebraska Emergency Management Agency upon request. The list shall be
16 kept confidential by the agency.

17 Sec. 5. In the event of any civil defense emergency, disaster, or
18 emergency involving a severe threat to human health, the Governor shall:

19 (1) Ensure that critical infrastructure utility workers are provided
20 priority access to personal protective equipment, medical screening,
21 testing, preventive health services, medical treatment, and the
22 administration of vaccines approved by the federal Food and Drug
23 Administration; and

24 (2) Take all necessary measures to provide available federal funding
25 for the adequate protection and care of critical infrastructure utility
26 workers in accordance with federal law and regulations regarding
27 eligibility for such funding.

28 Sec. 6. Section 48-101.01, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 48-101.01 (1) The Legislature finds and declares:

31 (a) The occupations of first responders are recognized as stressful

1 occupations. Only our nation's combat soldiers endure more stress.
2 Similar to military personnel, first responders face unique and uniquely
3 dangerous risks in their sworn mission to keep the public safe. They rely
4 on each other for survival to protect the communities they serve;

5 (b) On any given day, first responders can be called on to make life
6 and death decisions, witness a young child dying with the child's grief-
7 stricken family, make a decision that will affect a community member for
8 the rest of such person's life, or be exposed to a myriad of communicable
9 diseases and known carcinogens;

10 (c) On any given day, first responders protect high-risk individuals
11 from themselves and protect the community from such individuals;

12 (d) First responders are constantly at significant risk of bodily
13 harm or physical assault while they perform their duties;

14 (e) Constant, cumulative exposure to horrific events make first
15 responders uniquely susceptible to the emotional and behavioral impacts
16 of job-related stressors;

17 (f) Trauma-related injuries can become overwhelming and manifest in
18 post-traumatic stress, which may result in substance use disorders and
19 even, tragically, suicide; and

20 (g) It is imperative for society to recognize occupational injuries
21 related to post-traumatic stress and to promptly seek diagnosis and
22 treatment without stigma. This includes recognizing that mental injury
23 and mental illness as a result of trauma is not disordered, but is a
24 normal and natural human response to trauma, the negative effects of
25 which can be ameliorated through diagnosis and effective treatment.

26 (2) Personal injury includes mental injuries and mental illness
27 unaccompanied by physical injury for an employee who is a first
28 responder, frontline state employee, or county correctional officer if
29 such employee:

30 (a) Establishes that the employee's employment conditions causing
31 the mental injury or mental illness were extraordinary and unusual in

1 comparison to the normal conditions of the particular employment; and

2 (b) Establishes, through a mental health professional, the medical
3 causation between the mental injury or mental illness and the employment
4 conditions by medical evidence.

5 (3) The employee bears the burden of establishing the matters
6 described in subsection (2) of this section by a preponderance of the
7 evidence.

8 (4) Until January 1, 2028, a first responder may establish prima
9 facie evidence of a personal injury that is a mental injury or mental
10 illness if the first responder:

11 (a) Presents evidence that the first responder underwent a mental
12 health examination by a mental health professional upon entry into such
13 service or subsequent to such entry and before the onset of the mental
14 injury or mental illness and such examination did not reveal the mental
15 injury or mental illness for which the first responder seeks
16 compensation;

17 (b) Presents testimony or an affidavit from a mental health
18 professional stating the first responder suffers from a mental injury or
19 mental illness caused by one or more events or series of events which
20 cumulatively produced the mental injury or mental illness which brought
21 about the need for medical attention and the interruption of employment;

22 (c) Presents evidence that such events or series of events arose out
23 of and in the course of the first responder's employment; and

24 (d) Presents evidence that, prior to the employment conditions which
25 caused the mental injury or mental illness, the first responder had
26 participated in resilience training and updated the training at least
27 annually thereafter.

28 (5) For purposes of this section, mental injuries and mental illness
29 arising out of and in the course of employment unaccompanied by physical
30 injury are not considered compensable if they result from any event or
31 series of events which are incidental to normal employer and employee

1 relations, including, but not limited to, personnel actions by the
2 employer such as disciplinary actions, work evaluations, transfers,
3 promotions, demotions, salary reviews, or terminations.

4 (6)(a) The Department of Health and Human Services shall provide
5 reimbursement ~~reimburse a first responder~~ for the cost of any of the
6 following to the extent not reimbursed by the first responder's employer:
7 a mental health examination by a mental health professional upon entry
8 into such service or subsequent to such entry and before the onset of a
9 mental injury or mental illness for which compensation is sought; initial
10 resilience training; and annual resilience training not reimbursed by the
11 first responder's employer. The department shall pay reimbursement at a
12 rate determined by the Critical Incident Stress Management Program under
13 section 71-7104. Reimbursement for resilience training shall be subject
14 to the annual limit set by such program under section 71-7104.

15 (b) To obtain reimbursement under this subsection, a first responder
16 shall submit an application to the Department of Health and Human
17 Services on a form and in a manner prescribed by the department.

18 (7) The Department of Health and Human Services shall maintain and
19 annually update records of first responders who have completed annual
20 resilience training.

21 (8) For purposes of this section:

22 (a) County correctional officer means a correctional officer
23 employed by a high-population county whose:

24 (i) Position obligates such employee to maintain order and custody
25 of inmates in a county jail; and

26 (ii) Duties involve regular and direct interaction with high-risk
27 individuals;

28 (b) Custody means:

29 (i) Under the charge or control of a state institution or state
30 agency and includes time spent outside of the state institution or state
31 agency; or

1 (ii) In the custody of a county jail in a high-population county or
2 in the process of being placed in the custody of a county jail in a high-
3 population county;

4 (c) First responder means a sheriff, a deputy sheriff, a police
5 officer, an officer of the Nebraska State Patrol, a volunteer or paid
6 firefighter, or a volunteer or paid individual licensed under a licensure
7 classification in subdivision (1) of section 38-1217 who provides medical
8 care in order to prevent loss of life or aggravation of physiological or
9 psychological illness or injury;

10 (d) Frontline state employee means an employee of the Department of
11 Correctional Services or the Department of Health and Human Services
12 whose duties involve regular and direct interaction with high-risk
13 individuals;

14 (e) High-population county means a county with more than three
15 hundred thousand inhabitants as determined by the most recent federal
16 decennial census or the most recent revised certified count by the United
17 States Bureau of the Census;

18 (f) High-risk individual means an individual in custody for whom
19 violent or physically intimidating behavior is common, including, but not
20 limited to, a committed offender as defined in section 83-170, a patient
21 at a regional center as defined in section 71-911, a juvenile committed
22 to a youth rehabilitation and treatment center, and a person in the
23 custody of a county jail in a high-population county or in the process of
24 being placed in the custody of a county jail in a high-population county;

25 (g) Mental health professional means:

26 (i) A practicing physician licensed to practice medicine in this
27 state under the Medicine and Surgery Practice Act;

28 (ii) A practicing psychologist licensed to engage in the practice of
29 psychology in this state as provided in section 38-3111 or as provided in
30 similar provisions of the Psychology Interjurisdictional Compact;

31 (iii) A person licensed as an independent mental health practitioner

1 under the Mental Health Practice Act; or

2 (iv) A professional counselor who holds a privilege to practice in
3 Nebraska as a professional counselor under the Licensed Professional
4 Counselors Interstate Compact; and

5 (h) Resilience training means training that meets the guidelines
6 established by the Critical Incident Stress Management Program under
7 section 71-7104 and that teaches how to adapt to, manage, and recover
8 from adversity, trauma, tragedy, threats, or significant sources of
9 stress.

10 (9) All other provisions of the Nebraska Workers' Compensation Act
11 apply to this section.

12 Sec. 7. Section 48-163, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-163 (1) The Nebraska Workers' Compensation Court, by a majority
15 vote of the judges thereof, may adopt and promulgate all reasonable rules
16 and regulations necessary for carrying out the intent and purpose of the
17 Nebraska Workers' Compensation Act, except that rules and regulations
18 relating to the compensation court's adjudicatory function shall become
19 effective only upon approval of the Supreme Court.

20 (2) No rule or regulation to carry out the act shall be adopted and
21 promulgated except after public hearing conducted by a quorum of the
22 compensation court on the question of adopting and promulgating such rule
23 or regulation. Notice of such hearing shall be given at least fourteen
24 ~~thirty~~ days prior thereto by publication in a newspaper having general
25 circulation in the state. Draft copies of all such rules and regulations
26 shall be available to the public at the compensation court at the time of
27 giving notice.

28 (3) The administrator of the compensation court shall establish and
29 maintain a list of subscribers who wish to receive notice of public
30 hearing on the question of adopting and promulgating any rule or
31 regulation and shall provide notice to such subscribers. The

1 administrator shall distribute a current copy of existing rules and
2 regulations and any updates to those rules and regulations once adopted
3 to the State Library and to each county law library or the largest public
4 library in each county.

5 Sec. 8. Section 48-164, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 48-164 The Nebraska Workers' Compensation Court shall regulate and
8 provide the kind and character of notices and the services thereof and,
9 in case of an injury by accident to an employee, the nature and extent of
10 the proofs and evidence and the method of taking and furnishing the same
11 for the establishment of the right to compensation. It shall determine
12 the nature and form or forms of the application of those claiming to be
13 entitled to benefits or compensation and shall regulate the method of
14 making investigations, physical examinations, and inspections and
15 prescribe the time within which adjudications and awards shall be made,
16 ~~except that when a petition for compensation is filed, a hearing shall be~~
17 ~~held within sixty days from the date of the filing thereof and an order~~
18 ~~or award made and entered thereon within thirty days after such hearing.~~
19 Such rules and regulations shall conform to the provisions of the
20 Nebraska Workers' Compensation Act.

21 Sec. 9. Section 48-174, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 48-174 Upon the filing of such petition a summons shall issue and be
24 served upon the adverse party, as in civil causes, together with a copy
25 of the petition. Return of service shall be made within fourteen seven
26 days after the date of issue. An acknowledgment on the summons or the
27 voluntary appearance of a defendant is equivalent to service.

28 Sec. 10. Section 48-622.02, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 48-622.02 (1) The Nebraska Training and Support Cash Fund is
31 created. Any money in the fund available for investment shall be invested

1 by the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act. No
3 expenditures shall be made from the Nebraska Training and Support Cash
4 Fund without the written authorization of the Governor upon the
5 recommendation of the commissioner. Any interest earned on money in the
6 State Unemployment Insurance Trust Fund shall be credited to the Nebraska
7 Training and Support Cash Fund.

8 (2) Money in the Nebraska Training and Support Cash Fund shall be
9 used for (a) administrative costs of establishing, assessing, collecting,
10 and maintaining state unemployment insurance tax liability and payments,
11 (b) administrative costs of creating, operating, maintaining, and
12 dissolving the State Unemployment Insurance Trust Fund and the Nebraska
13 Training and Support Cash Fund, (c) support of public and private job
14 training programs designed to train, retrain, or upgrade work skills of
15 existing Nebraska workers of for-profit and not-for-profit businesses,
16 (d) recruitment of workers to Nebraska, (e) training new employees of
17 expanding Nebraska businesses, (f) retention of existing employees of
18 Nebraska businesses, (g) ~~(f)~~ the costs of creating a common web portal
19 for the attraction of businesses and workers to Nebraska, (h) ~~(g)~~
20 developing and conducting labor availability and skills gap studies
21 pursuant to the Sector Partnership Program Act, for which money may be
22 transferred to the Sector Partnership Program Fund as directed by the
23 Legislature, and (i) ~~(h)~~ payment of unemployment insurance benefits if
24 solvency of the state's account in the Unemployment Trust Fund and of the
25 State Unemployment Insurance Trust Fund so require.

26 (3) The Administrative Costs Reserve Account is created within the
27 Nebraska Training and Support Cash Fund. Money shall be allocated from
28 the Nebraska Training and Support Cash Fund to the Administrative Costs
29 Reserve Account in amounts sufficient to pay the anticipated
30 administrative costs identified in subsection (2) of this section.

31 (4) The State Treasurer shall transfer two hundred fifty thousand

1 dollars from the Nebraska Training and Support Cash Fund to the Sector
2 Partnership Program Fund no later than July 15, 2016.

3 Sec. 11. Section 48-649.03, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 48-649.03 (1) Once benefits have been payable from and chargeable to
6 an employer's experience account throughout the preceding four calendar
7 quarters and wages for employment have been paid by the employer in each
8 of the two preceding four-calendar-quarter periods, the employer's
9 combined tax rate shall be calculated according to this section. The
10 combined tax rate shall be based upon the employer's experience rating
11 record and determined from the employer's reserve ratio.

12 (2) The employer's reserve ratio is the percent obtained by dividing
13 (a) the amount by which the employer's contributions credited from the
14 time the employer first or most recently became an employer, whichever
15 date is later, and up to and including September 30 of the year the rate
16 computation is made, plus any part of the employer's contributions due
17 for that year paid on or before October 31 of such year, exceed the
18 employer's benefits charged during the same period, by (b) the employer's
19 average annual taxable payroll for the sixteen-consecutive-calendar-
20 quarter period ending September 30 of the year in which the rate
21 computation is made. For an employer with less than sixteen consecutive
22 calendar quarters of contribution experience, the employer's average
23 taxable payroll shall be determined based upon the four-calendar-quarter
24 periods for which contributions were payable.

25 (3) Each eligible experience rated employer shall be assigned to one
26 of twenty rate categories with a corresponding experience factor as
27 follows:

28	Category	Experience Factor
29	1	0.00
30	2	0.25

1	3	0.40
2	4	0.45
3	5	0.50
4	6	0.60
5	7	0.65
6	8	0.70
7	9	0.80
8	10	0.90
9	11	0.95
10	12	1.00
11	13	1.05
12	14	1.10
13	15	1.20
14	16	1.35
15	17	1.55
16	18	1.80
17	19	2.15
18	20	2.60

19 Eligible experience rated employers shall be assigned to rate
20 categories from highest to lowest according to their experience reserve
21 ratio, with category one assigned to accounts with the highest reserve
22 ratios and category twenty assigned to accounts with the lowest reserve
23 ratios. Each category shall be limited to no more than five percent of
24 the state's total taxable payroll, except that:

25 (a) Any employer with a portion of its taxable wages falling into
26 two consecutive categories shall be assigned to the lower category;

27 (b) No employer with a reserve ratio calculated to five decimal
28 places equal to the similarly calculated reserve ratio of another
29 employer shall be assigned to a higher rate than the employer to which it
30 has the equal reserve ratio; and

1 (c) No employer with a positive experience account balance shall be
2 assigned to category twenty.

3 (4) The state's reserve ratio shall be calculated annually by
4 dividing the amount available to pay benefits in the Unemployment Trust
5 Fund and the State Unemployment Insurance Trust Fund as of September 30,
6 plus any amount of combined tax owed by employers eligible for and
7 electing annual payment status for the four most recent quarters ending
8 on September 30 in accordance with rules and regulations adopted by the
9 commissioner, by the state's total wages from the four calendar quarters
10 ending on September 30. For purposes of this section, total wages means
11 all remuneration paid by an employer in employment. The state's reserve
12 ratio shall be applied to the table in this subsection to determine the
13 yield factor for the upcoming rate year.

14 State's Reserve Ratio	Yield Factor
15 1.45 percent and above	= 0.70
16 1.30 percent up to but not including 1.45	= 0.75
17 1.15 percent up to but not including 1.30	= 0.80
18 1.00 percent up to but not including 1.15	= 0.90
19 0.85 percent up to but not including 1.00	= 1.00
20 0.70 percent up to but not including 0.85	= 1.10
21 0.60 percent up to but not including 0.70	= 1.20
22 0.50 percent up to but not including 0.60	= 1.25
23 0.45 percent up to but not including 0.50	= 1.30
24 0.40 percent up to but not including 0.45	= 1.35
25 0.35 percent up to but not including 0.40	= 1.40
26 0.30 percent up to but not including 0.35	= 1.45
27 Below 0.30 percent	= 1.50

28 The commissioner may adjust the yield factor determined pursuant to
29 the preceding table to a lower scheduled yield factor if the state's
30 reserve ratio is 1.00 percent or greater. Once the yield factor for the

1 upcoming rate year has been determined, it is multiplied by the amount of
2 unemployment benefits paid from combined tax during the four calendar
3 quarters ending September 30 of the preceding year. The resulting figure
4 is the planned yield for the rate year. The planned yield is divided by
5 the total taxable wages for the four calendar quarters ending September
6 30 of the previous year and carried to four decimal places to create the
7 average combined tax rate for the rate year.

8 (5) The average combined tax rate is assigned to rate category
9 twelve as established in subsection (3) of this section. Rates for each
10 of the remaining nineteen categories are determined by multiplying the
11 average combined tax rate by the experience factor associated with each
12 category and carried to four decimal places. Employers who are delinquent
13 in filing their combined tax reports as of October 31 of any year shall
14 be assigned to category twenty for the following calendar year unless the
15 delinquency is corrected prior to December 31 of the year of rate
16 calculation.

17 (6) In addition to required contributions, an employer may make
18 voluntary contributions to the fund to be credited to his or her account.
19 Voluntary contributions by employers may be made up to the amount
20 necessary to qualify for one rate category reduction. Voluntary
21 contributions received after February 28 ~~January 10~~ shall not be used in
22 rate calculations for the same calendar year.

23 (7) As used in sections 48-648 to 48-654, the term payroll means the
24 total amount of wages during a calendar year, except as otherwise
25 provided in section 48-654, by which the combined tax was measured.

26 Sec. 12. Section 48-650, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 48-650 (1) The commissioner shall determine the rate of combined
29 tax applicable to each employer pursuant to sections 48-649 to 48-649.04
30 and may determine, at any time during the year, whether services
31 performed by an individual were employment or for an employer.

1 (2) Notice of a determination of liability or combined tax rate
2 shall be promptly given to the employer by electronic notice or by
3 mailing such notice to the employer's last-known address or the address
4 of a representative designated in writing by the employer. The address of
5 record of an employer on the effective date of this act shall continue to
6 be the address of record of such employer unless changed by the employer.
7 An employer that becomes subject to the Employment Security Law on or
8 after the effective date of this act shall designate its preferred method
9 of contact and designated representative, if any, at the time of its
10 initial registration. An employer may change its election at any time.

11 (3) Any such determination under subsection (1) of this section
12 shall become conclusive and binding upon the employer unless, within
13 thirty days after ~~receiving the prompt mailing of notice thereof to his~~
14 ~~or her last-known address or in the absence of mailing within thirty days~~
15 ~~after the delivery of such notice~~, the employer files an appeal with the
16 department in accordance with rules and regulations adopted and
17 promulgated by the commissioner. No employer shall have standing, in any
18 proceeding involving his or her combined tax rate or combined tax
19 liability, to contest the chargeability to his or her account of any
20 benefits paid in accordance with a determination, redetermination, or
21 decision pursuant to sections 48-629 to 48-644 except upon the ground
22 that the services on the basis of which such benefits were found to be
23 chargeable did not constitute services performed in employment for him or
24 her and only in the event that he or she was not a party to such
25 determination, redetermination, or decision or to any other proceedings
26 under the Employment Security Law in which the character of such services
27 was determined. A full and complete record shall be kept of all
28 proceedings in connection with such hearing. All testimony at any such
29 hearing shall be recorded but need not be transcribed unless there is a
30 further appeal. The employer shall be promptly notified of a hearing
31 officer's decision which shall become final unless the employer or the

1 commissioner appeals within thirty days after the date of service of the
2 decision of the hearing officer. The appeal shall otherwise be governed
3 by the Administrative Procedure Act.

4 Sec. 13. Section 48-652, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 48-652 (1)(a) A separate experience account shall be established for
7 each employer who is liable for payment of combined tax. Whenever and
8 wherever in the Employment Security Law the terms reserve account or
9 experience account are used, unless the context clearly indicates
10 otherwise, such terms shall be deemed interchangeable and synonymous and
11 reference to either of such accounts shall refer to and also include the
12 other.

13 (b) A separate reimbursement account shall be established for each
14 employer who is liable for payments in lieu of contributions. All
15 benefits paid with respect to service in employment for such employer
16 shall be charged to his or her reimbursement account, and such employer
17 shall be billed for and shall be liable for the payment of the amount
18 charged when billed by the commissioner. Payments in lieu of
19 contributions received by the commissioner on behalf of each such
20 employer shall be credited to such employer's reimbursement account, and
21 two or more employers who are liable for payments in lieu of
22 contributions may jointly apply to the commissioner for establishment of
23 a group account for the purpose of sharing the cost of benefits paid that
24 are attributable to service in the employ of such employers. The
25 commissioner shall adopt and promulgate such rules and regulations as he
26 or she deems necessary with respect to applications for establishment,
27 maintenance, and termination of group accounts authorized by this
28 subdivision.

29 (2) All contributions paid by an employer shall be credited to the
30 experience account of such employer. State unemployment insurance tax
31 payments shall not be credited to the experience account of each

1 employer. Partial payments of combined tax shall be credited so that at
2 least eighty percent of the combined tax payment excluding interest and
3 penalty is credited first to contributions due. Contributions with
4 respect to prior years which are received on or before January 31 of any
5 year shall be considered as having been paid at the beginning of the
6 calendar year. All voluntary contributions which are received on or
7 before February 28 ~~January 10~~ of any year shall be considered as having
8 been paid at the beginning of the calendar year.

9 (3)(a) Each experience account shall be charged only for benefits
10 based upon wages paid by such employer. No benefits shall be charged to
11 the experience account of any employer if:

12 (i) Such benefits were paid on the basis of a period of employment
13 from which the claimant (A) left work voluntarily without good cause, (B)
14 left work voluntarily due to a nonwork-connected illness or injury, (C)
15 left work voluntarily with good cause to escape abuse as defined in
16 section 42-903 between household members as provided in subdivision (1)
17 of section 48-628.13, (D) left work from which he or she was discharged
18 for misconduct connected with his or her work, (E) left work voluntarily
19 and is entitled to unemployment benefits without disqualification in
20 accordance with subdivision (3), (5), or (11) of section 48-628.13, or
21 (F) was involuntarily separated from employment and such benefits were
22 paid pursuant to section 48-628.17; and

23 (ii) The employer has filed timely notice of the facts on which such
24 exemption is claimed in accordance with rules and regulations adopted and
25 promulgated by the commissioner.

26 (b) No benefits shall be charged to the experience account of any
27 employer if such benefits were paid during a week when the individual was
28 participating in training approved under section 236(a)(1) of the federal
29 Trade Act of 1974, 19 U.S.C. 2296(a)(1).

30 (c) Each reimbursement account shall be charged only for benefits
31 paid that were based upon wages paid by such employer in the base period

1 that were wages for insured work solely by reason of section 48-627.01.

2 (d) Benefits paid to an eligible individual shall be charged against
3 the account of his or her most recent employers within his or her base
4 period against whose accounts the maximum charges hereunder have not
5 previously been made in the inverse chronological order in which the
6 employment of such individual occurred. The maximum amount so charged
7 against the account of any employer, other than an employer for which
8 services in employment as provided in subdivision (4)(a) of section
9 48-604 are performed, shall not exceed the total benefit amount to which
10 such individual was entitled as set out in section 48-626 with respect to
11 base period wages of such individual paid by such employer plus one-half
12 the amount of extended benefits paid to such eligible individual with
13 respect to base period wages of such individual paid by such employer.
14 The commissioner shall adopt and promulgate rules and regulations
15 determining the manner in which benefits shall be charged against the
16 account of several employers for whom an individual performed employment
17 during the same quarter or during the same base period.

18 (4)(a) An employer's experience account shall be terminated one
19 calendar year after such employer has ceased to be subject to the
20 Employment Security Law, except that if the commissioner finds that an
21 employer's business is closed solely because one or more of the owners,
22 officers, partners, or limited liability company members or the majority
23 stockholder entered the armed forces of the United States, or of any of
24 its allies, such employer's account shall not be terminated and, if the
25 business is resumed within two years after the discharge or release from
26 active duty in the armed forces of such person or persons, the employer's
27 experience account shall be deemed to have been continuous throughout
28 such period.

29 (b) An experience account terminated pursuant to this subsection
30 shall be reinstated if:

31 (i) The employer becomes subject again to the Employment Security

1 Law within one calendar year after termination of such experience
2 account;

3 (ii) The employer makes a written application for reinstatement of
4 such experience account to the commissioner within two calendar years
5 after termination of such experience account; and

6 (iii) The commissioner finds that the employer is operating
7 substantially the same business as prior to the termination of such
8 experience account.

9 (5) All money in the Unemployment Compensation Fund shall be kept
10 mingled and undivided. In no case shall the payment of benefits to an
11 individual be denied or withheld because the experience account of any
12 employer does not have a total of contributions paid in excess of
13 benefits charged to such experience account.

14 (6)(a) For benefit years beginning before September 3, 2017, if an
15 individual's base period wage credits represent part-time employment for
16 a contributory employer and the contributory employer continues to employ
17 the individual to the same extent as during the base period, then the
18 contributory employer's experience account shall not be charged if the
19 contributory employer has filed timely notice of the facts on which such
20 exemption is claimed in accordance with rules and regulations adopted and
21 promulgated by the commissioner.

22 (b) For benefit years beginning on or after September 3, 2017, if an
23 individual's base period wage credits represent part-time employment for
24 an employer and the employer continues to employ the individual to the
25 same extent as during the base period, then the employer's experience
26 account, in the case of a contributory employer, or the employer's
27 reimbursement account, in the case of a reimbursable employer, shall not
28 be charged if the employer has filed timely notice of the facts on which
29 such exemption is claimed in accordance with rules and regulations
30 prescribed by the commissioner.

31 (7) If a contributory employer responds to the department's request

1 for information within the time period set forth in subsection (1) of
2 section 48-632 and provides accurate information as known to the employer
3 at the time of the response, the employer's experience account shall not
4 be charged if the individual's separation from employment is voluntary
5 and without good cause as determined under section 48-628.12.

6 Sec. 14. Section 48-2103, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 48-2103 For purposes of the Contractor Registration Act:

9 (1) Commissioner means the Commissioner of Labor;

10 (2) Construction means work on real property and annexations,
11 including new work, additions, alterations, reconstruction,
12 installations, and repairs performed at one or more different sites which
13 may be dispersed geographically;

14 (3) Contractor means an individual, firm, partnership, limited
15 liability company, corporation, or other association of persons engaged
16 in the business of the construction, alteration, repairing, dismantling,
17 or demolition of buildings, roads, bridges, viaducts, sewers, water and
18 gas mains, streets, disposal plants, water filters, tanks and towers,
19 airports, dams, levees and canals, water wells, pipelines, transmission
20 and power lines, and every other type of structure, project, development,
21 or improvement within the definition of real property and personal
22 property, including such construction, repairing, or alteration of such
23 property to be held either for sale or rental. Contractor also includes
24 any subcontractor engaged in the business of such activities and any
25 person who is providing or arranging for labor for such activities,
26 either as an employee or as an independent contractor, for any contractor
27 or person;

28 (4) Department means the Department of Labor; and

29 ~~(5) Nonresident contractor means a contractor who neither is~~
30 ~~domiciled in nor maintains a permanent place of business in this state or~~
31 ~~who, being so domiciled or maintaining such permanent place of residence,~~

1 ~~spends in the aggregate less than six months of the year in this state;~~
2 ~~and~~

3 ~~(5) (6)~~ Working days means Mondays through Fridays but does not
4 include Saturdays, Sundays, or federal or state holidays. In computing
5 fifteen working days, the day of receipt of any notice is not included
6 and the last day of the fifteen working days is included.

7 Sec. 15. Section 48-2107, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 48-2107 (1) Each application or renewal under section 48-2105 shall
10 be signed by the applicant and accompanied by a fee not to exceed forty
11 dollars. The commissioner may adopt and promulgate rules and regulations
12 to establish the criteria for acceptability of filing documents and
13 making payments electronically. The criteria may include requirements for
14 electronic signatures. The commissioner may refuse to accept any
15 electronic filings or payments that do not meet the criteria established.
16 The fee shall not be required when an amendment to an application is
17 submitted. The commissioner shall remit the fees collected under this
18 subsection to the State Treasurer for credit to the Contractor and
19 Professional Employer Organization Registration Cash Fund.

20 (2) A contractor shall not be required to pay the fee under
21 subsection (1) of this section if (a) the contractor is self-employed and
22 does not pay more than three thousand dollars annually to employ other
23 persons in the business and the application contains a statement made
24 under oath or equivalent affirmation setting forth such information or
25 (b) the contractor only engages in the construction of water wells or
26 installation of septic systems. At any time that a contractor no longer
27 qualifies for exemption from the fee, the fee shall be paid to the
28 department. Any false statement made under subdivision (2)(a) of this
29 section shall be a violation of section 28-915.01.

30 ~~(3) The commissioner shall charge an additional fee of twenty-five~~
31 ~~dollars for the registration of each nonresident contractor and a fee of~~

1 ~~twenty-five dollars for the registration of each contract to which a~~
2 ~~nonresident contractor is a party if the total contract price or~~
3 ~~compensation to be received is more than ten thousand dollars. The~~
4 ~~commissioner shall remit the fees collected under this subsection to the~~
5 ~~State Treasurer for credit to the General Fund.~~

6 Sec. 16. Section 49-506, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 49-506 After the Secretary of State has made the distribution
9 provided by section 49-503, he or she shall deliver additional copies of
10 the session laws and the journal of the Legislature pursuant to this
11 section in print or electronic format as he or she determines, upon
12 recommendation by the Clerk of the Legislature and approval of the
13 Executive Board of the Legislative Council.

14 One copy of the session laws shall be delivered to the Lieutenant
15 Governor, the State Treasurer, the Auditor of Public Accounts, the
16 Reporter of the Supreme Court and Court of Appeals, the State Court
17 Administrator, the State Fire Marshal, the Department of Administrative
18 Services, the Department of Agriculture, the Department of Banking and
19 Finance, the State Department of Education, the Department of Environment
20 and Energy, the Department of Insurance, the Department of Labor, the
21 Department of Motor Vehicles, the Department of Revenue, the Department
22 of Transportation, the Department of Veterans' Affairs, the Department of
23 Natural Resources, the Military Department, the Nebraska State Patrol,
24 the Nebraska Commission on Law Enforcement and Criminal Justice, each of
25 the Nebraska state colleges, the Game and Parks Commission, the Nebraska
26 Library Commission, the Nebraska Liquor Control Commission, the Nebraska
27 Accountability and Disclosure Commission, the Public Service Commission,
28 the State Real Estate Commission, the Nebraska State Historical Society,
29 the Public Employees Retirement Board, the Risk Manager, the Legislative
30 Fiscal Analyst, the Public Counsel, the materiel division of the
31 Department of Administrative Services, the State Records Administrator,

1 the budget division of the Department of Administrative Services, the Tax
2 Equalization and Review Commission, the inmate library at all state penal
3 and correctional institutions, the Commission on Public Advocacy, and the
4 Library of Congress; two copies to the Governor, the Secretary of State,
5 ~~the Nebraska Workers' Compensation Court~~, the Commission of Industrial
6 Relations, and the Coordinating Commission for Postsecondary Education,
7 one of which shall be for use by the community colleges; three copies to
8 the Department of Health and Human Services; four copies to the Nebraska
9 Publications Clearinghouse; five copies to the Attorney General; nine
10 copies to the Revisor of Statutes; sixteen copies to the Supreme Court
11 and the Legislative Council; and thirty-five copies to the University of
12 Nebraska College of Law.

13 One copy of the journal of the Legislature shall be delivered to the
14 Governor, the Lieutenant Governor, the State Treasurer, the Auditor of
15 Public Accounts, the Reporter of the Supreme Court and Court of Appeals,
16 the State Court Administrator, the Nebraska State Historical Society, the
17 Legislative Fiscal Analyst, the Tax Equalization and Review Commission,
18 the Commission on Public Advocacy, and the Library of Congress; two
19 copies to the Secretary of State, and the Commission of Industrial
20 Relations; ~~and the Nebraska Workers' Compensation Court~~; four copies to
21 the Nebraska Publications Clearinghouse; five copies to the Attorney
22 General and the Revisor of Statutes; eight copies to the Clerk of the
23 Legislature; thirteen copies to the Supreme Court and the Legislative
24 Council; and thirty-five copies to the University of Nebraska College of
25 Law. The remaining copies shall be delivered to the State Librarian who
26 shall use the same, so far as required for exchange purposes, in building
27 up the State Library and in the manner specified in sections 49-507 to
28 49-509.

29 Sec. 17. Section 71-7104, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 71-7104 There is hereby created the Critical Incident Stress

1 Management Program. The focus of the program shall be to minimize the
2 harmful effects of critical incident stress for emergency service
3 personnel, with a high priority on confidentiality and respect for the
4 individuals involved. The program shall:

5 (1) Provide a stress management session to emergency service
6 personnel who appropriately request such assistance in an effort to
7 address critical incident stress;

8 (2) Assist in providing the emotional and educational support
9 necessary to ensure optimal functioning of emergency service personnel;

10 (3) Conduct preincident educational programs to acquaint emergency
11 service personnel with stress management techniques;

12 (4) Promote interagency cooperation;

13 (5) Provide an organized statewide response to the emotional needs
14 of emergency service personnel impacted by critical incidents;

15 (6) Develop guidelines for resilience training for first responders
16 under section 48-101.01;

17 (7) Set reimbursement rates for mental health examinations and
18 resilience training under section 48-101.01; and

19 (8) Set an annual limit on the hours or quantity of resilience
20 training for which reimbursement is required under section 48-101.01.

21 Sec. 18. Section 81-1228, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 81-1228 For purposes of the Rural Workforce Housing Investment Act:

24 (1) Department means the Department of Economic Development;

25 (2) Director means the Director of Economic Development;

26 (3) Eligible activities of a nonprofit development organization
27 means:

28 (a) New construction of owner-occupied or rental housing in a
29 community with demonstrated workforce housing needs;

30 (b) Substantial repair or rehabilitation of dilapidated housing
31 stock;—of

1 (c) Upper-story housing development; or
2 (d) Extension of sewer or water service in support of workforce
3 housing;

4 (4) HOME funds means funds awarded as formula grants under the HOME
5 Investment Partnerships Program administered by the United States
6 Department of Housing and Urban Development;

7 (5) Matching funds means dollars contributed by individuals,
8 businesses, foundations, local, regional, and statewide political
9 subdivisions, or other nonprofit organizations to a workforce housing
10 investment fund administered by a nonprofit development organization;

11 (6) Nonprofit development organization means a local, regional, or
12 statewide nonprofit development organization approved by the director;

13 (7) Qualified activities include, but are not limited to, purchase
14 and rental guarantees, loan guarantees, loan participations, and other
15 credit enhancements or any other form of assistance designed to reduce
16 the cost of workforce housing related to eligible activities of the
17 nonprofit development organization;

18 (8) Qualified investment means a cash investment in a workforce
19 housing investment fund administered by a nonprofit development
20 organization;

21 (9) Rural community means any municipality in a county with a
22 population of fewer than one hundred thousand inhabitants as determined
23 by the most recent federal decennial census;

24 (10) Workforce housing means:

25 (a) Housing that meets the needs of today's working families;

26 (b) Housing that is attractive to new residents considering
27 relocation to a rural community;

28 (c) Owner-occupied housing units that cost not more than three
29 hundred twenty-five thousand dollars to construct or rental housing units
30 that cost not more than two hundred fifty thousand dollars per unit to
31 construct. For purposes of this subdivision (c), housing unit costs shall

1 be updated annually by the department based upon the most recent increase
2 or decrease in the Producer Price Index for all commodities, published by
3 the United States Department of Labor, Bureau of Labor Statistics;

4 (d) Owner-occupied and rental housing units for which the cost to
5 substantially rehabilitate exceeds fifty percent of a unit's assessed
6 value;

7 (e) Upper-story housing; and

8 (f) Housing units that do ~~does~~ not receive federal or state low-
9 income housing tax credits, community development block grants, HOME
10 funds, or funds from the National Housing Trust Fund, which would impose
11 individual or household income limitations or restrictions on such
12 housing units, or funding ~~or funds~~ from the Affordable Housing Trust Fund
13 restricting the level of individual or household income to anything less
14 than one hundred percent of area median income as calculated by the
15 United States Department of Housing and Urban Development; and

16 (11) Workforce housing investment fund means a fund that has been
17 created by a nonprofit development organization and certified by the
18 director to encourage development of workforce housing in rural
19 communities.

20 Sec. 19. Section 81-1229, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 81-1229 (1) The director shall establish a workforce housing grant
23 program to foster and support the development of workforce housing in
24 rural communities.

25 (2) A nonprofit development organization may apply to the director
26 for approval of a workforce housing grant for a workforce housing
27 investment fund. The application shall be in a form and manner prescribed
28 by the director. Through fiscal year 2026-27, grants shall be awarded by
29 the director on a competitive basis until grant funds are no longer
30 available. A nonprofit development organization may apply for more than
31 one grant, subject to the following limits:

1 (a) The maximum amount of grant funds awarded to any one nonprofit
2 development organization over a two-year period shall not exceed five
3 million dollars; and

4 (b) The maximum amount of grant funds awarded to any one nonprofit
5 development organization for all program years shall not exceed an
6 aggregate limit determined by the department at the discretion of the
7 director. Grant maximums shall not exceed one million dollars to any one
8 nonprofit development organization over a two-year period, with the
9 cumulative amount for any single grantee to be determined by the
10 department at the discretion of the director.

11 (3) An applicant shall provide matching funds of at least one-half
12 of the amount of workforce housing grant funds awarded. Unallocated
13 workforce housing grant funds held by the department shall be rolled to
14 the next program year.

15 (4) (3) Grants shall be awarded based upon:

16 (a) A demonstrated and ongoing housing need as identified by a
17 recent housing study;

18 (b) A community or region that has a low unemployment rate and is
19 having difficulty attracting workers and filling employment positions;

20 (c) A community or region that exhibits a demonstrated commitment to
21 growing its housing stock;

22 (d) Projects that can reasonably be ready for occupancy in a period
23 of twenty-four months; and

24 (e) A demonstrated ability to grow and manage a workforce housing
25 investment fund.

26 (5) (4) A nonprofit development organization shall:

27 (a) Invest or intend to invest in workforce housing eligible
28 activities;

29 (b) Use any fees, interest, loan repayments, or other funds it
30 received as a result of the administration of the grant to support
31 qualified activities; and

1 (c) Have an active board of directors with expertise in development,
2 construction, and finance that meets at least quarterly to approve all
3 qualified investments made by the nonprofit development organization. A
4 nonprofit development organization shall have a formal plan and proven
5 expertise to invest unused workforce housing investment fund balances and
6 shall have an annual review of all financial records conducted by an
7 independent certified public accountant.

8 Sec. 20. Section 81-1231, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 81-1231 (1) Each nonprofit development organization shall submit an
11 annual report to the director to be included as a part of the
12 department's annual status report required under section 81-1201.11. The
13 report shall certify that the nonprofit development organization meets
14 the requirements of the Rural Workforce Housing Investment Act and shall
15 include a breakdown of program activities.

16 (2) The annual report shall include, but not necessarily be limited
17 to:

18 (a) The name and geographical location of the reporting nonprofit
19 development organization;

20 (b) The number, amount, and type of workforce housing investment
21 funds invested in qualified activities;

22 (c) The number, geographical location, type, and amount of
23 investments made;

24 (d) A summary of matching funds and where such matching funds were
25 generated; and

26 (e) The results of the annual review of all financial records
27 required under subsection (5) ~~(4)~~ of section 81-1229.

28 (3) If a nonprofit development organization ceases administration of
29 a workforce housing investment fund, it shall file a final report with
30 the director in a form and manner required by the director. Before July
31 1, 2027, any unallocated grant funds shall be returned to the department

1 for credit to the Rural Workforce Housing Investment Fund. On and after
2 July 1, 2027, any unallocated grant funds shall be returned to the
3 department for transfer to the General Fund.

4 (4) If a nonprofit development organization fails to file a complete
5 annual report by February 15, the director may, in his or her discretion,
6 impose a civil penalty of not more than five thousand dollars for such
7 violation. All money collected by the department pursuant to this
8 subsection shall be remitted to the State Treasurer for distribution in
9 accordance with Article VII, section 5, of the Constitution of Nebraska.

10 Sec. 21. Original sections 48-163, 48-164, 48-174, 48-622.02,
11 48-649.03, 48-650, 48-652, 48-2103, 48-2107, and 49-506, Reissue Revised
12 Statutes of Nebraska, and sections 48-101.01, 71-7104, 81-1228, 81-1229,
13 and 81-1231, Revised Statutes Cumulative Supplement, 2022, are repealed.