

AMENDMENTS TO LB415

Introduced by Business and Labor.

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

3 **Section 1.** Section 2, Initiative Law 2024, No. 436, is amended to
4 read:

5 Sec. 2. For purposes of the Nebraska Healthy Families and Workplaces
6 Act:

7 (1) Department means the Department of Labor;

8 (2) Employ means to permit to work by an employer pursuant to an
9 employment relationship;

10 (3) ~~(3)(a)~~ Employee means any individual employed by an employer,
11 but does not include:

12 (a) An individual owner-operator;

13 (b) An independent contractor;

14 (c) An ~~an~~ individual who works in Nebraska for fewer than eighty
15 hours in a calendar year; ~~;~~

16 (d) An individual who is employed in agricultural employment of a
17 seasonal or other temporary nature;

18 (e) An ~~(b) Employee does not include an~~ "employee" as defined by 45
19 U.S.C. 351(d) who is subject to the federal Railroad Unemployment
20 Insurance Act, 45 U.S.C. 351 et seq.; or

21 (f) An individual under sixteen years of age;

22 (4)(a) Employer means any individual, partnership, limited liability
23 company, association, corporation, business trust, legal representative,
24 or organized group of persons who employs eleven ~~one~~ or more employees.

25 (b) Employer does not include the United States or the State of
26 Nebraska or its agencies, departments, or political subdivisions;

27 (5) Family member means:

1 (a) Any of the following, regardless of age: A biological, adopted,
2 or foster child, a stepchild, a legal ward, or a child to whom the
3 employee stands in loco parentis;

4 (b) A biological, foster, step, or adoptive parent or a legal
5 guardian of an employee or an employee's spouse;

6 (c) A person who stood in loco parentis to the employee or the
7 employee's spouse when the employee or employee's spouse was a minor
8 child;

9 (d) A person to whom the employee is legally married under the laws
10 of any state;

11 (e) A grandparent, grandchild, or sibling, whether of a biological,
12 foster, adoptive, or step relationship, of the employee or the employee's
13 spouse; or

14 (f) Any other individual related by blood to the employee or whose
15 close association with the employee is the equivalent of a family
16 relationship;

17 (6) Health care professional means any person licensed under any
18 federal or state law to provide medical or emergency services;

19 (7) Paid sick time means time that is compensated at the same hourly
20 rate and with the same benefits, including health care benefits, as the
21 employee typically earns during hours worked and that is provided by an
22 employer to an employee for the purposes described in section 4 of this
23 act, and in no case shall the amount of this hourly rate be less than
24 that provided under section 48-1203. Notwithstanding the foregoing, for
25 employees paid on a commission, piece-rate, mileage, or fee-for-service
26 basis, paid sick time means time that is compensated at an hourly rate
27 determined by the employer using the average weekly rate calculation
28 under section 48-126, which shall then be reduced to an hourly rate based
29 on a forty-hour workweek, and that is provided by an employer to an
30 employee for the purposes described in section 3 of this act. Paid sick
31 time includes time made available to employees for purposes including,

1 but not limited to, the purposes described in section 3 of this act under
2 a paid leave policy described in subsection (7) of section 2 of this act;

3 (8) Public health emergency means a declaration or proclamation
4 related to a public health threat, risk, disaster, or emergency that is
5 made or issued by a federal, state, or local official with the authority
6 to make or issue such a declaration or proclamation;

7 (9) Retaliatory personnel action means a denial of any right
8 guaranteed under the Nebraska Healthy Families and Workplaces Act and any
9 threat, discharge, suspension, demotion, reduction of hours or pay, or
10 other adverse action against an employee for exercising or attempting to
11 exercise any right guaranteed in the Nebraska Healthy Families and
12 Workplaces Act;

13 (10)(a) Small business means an employer with at least eleven but
14 fewer than twenty employees during a given week, including full-time,
15 part-time, or temporary employees.

16 (b) Small business does not include an employer that maintained
17 twenty or more employees on its payroll in each of twenty or more
18 calendar weeks in the current or preceding calendar year; and

19 (11) Year means a regular and consecutive twelve-month period as
20 determined by the employer.

21 **Sec. 2.** Section 3, Initiative Law 2024, No. 436, is amended to
22 read:

23 Sec. 3. (1) All employees shall begin accruing paid sick time after
24 eighty hours of consecutive employment, at which point employees shall
25 then accrue a minimum of one hour of paid sick time for every thirty
26 hours worked. Unless the employer selects a higher limit, this section
27 does not entitle an employee to earn or use more than:

28 (a) Forty hours of paid sick time in a year for an employee of a
29 small business; or

30 (b) Fifty-six hours of paid sick time in a year for an employee of
31 an employer that is not a small business.

1 (2) Employees who are exempt from overtime requirements under 29
2 U.S.C. 213(a)(1) or 29 U.S.C. 213(b)(1) of the federal Fair Labor
3 Standards Act, 29 U.S.C. 201 et seq., shall be assumed to work forty
4 hours in each workweek for purposes of paid sick time accrual unless
5 their typical workweek is less than forty hours, in which case paid sick
6 time accrues based upon that typical workweek.

7 (3) Paid sick time requirements provided under the Nebraska Healthy
8 Families and Workplaces Act as provided in this section shall begin to
9 accrue at the commencement of employment or October 1, 2025 , whichever
10 is later. An employee shall be entitled to use paid sick time as it is
11 accrued. An employer may provide all paid sick time that an employee is
12 expected to accrue in a year at the beginning of the year.

13 (4) Paid sick time provided to an employee on or after January 1,
14 2025, and before October 1, 2025, shall be counted toward an employer's
15 obligations under the Nebraska Healthy Families and Workplaces Act for
16 calendar year 2025.

17 (5) (4) Accrued paid sick time shall be carried over to the
18 following year. A small business is not required to permit an employee to
19 use more than forty hours of paid sick time per year, and other employers
20 are not required to permit an employee to use more than fifty-six hours
21 of paid sick time per year.

22 (6) In Alternatively, in lieu of carryover of unused paid sick time
23 provided pursuant to this section from one year to the next, an employer
24 may pay an employee for unused paid sick time provided pursuant to this
25 section at the end of a year and provide the employee with an amount of
26 paid sick time that meets or exceeds the requirements of subsections (1)
27 and (3) of this section that is available for the employee's immediate
28 use at the beginning of the subsequent year.

29 (7) (5) Any employer with a paid leave policy, such as a paid time
30 off policy, who makes available an amount of paid leave that equals or
31 exceeds sufficient to meet the requirements of the Nebraska Healthy

1 Families and Workplaces Act and that may be used for ~~the same purposes~~
2 ~~and under the same conditions~~ as paid sick time in accordance with
3 section 3 of this act ~~under the act~~ is not required to provide additional
4 paid sick time under the act and is not obligated to allow an employee to
5 accrue or carryover benefits beyond the employer's existing paid leave
6 policy.

7 (8) ~~(6)~~ At its discretion, an employer may loan paid sick time to an
8 employee in advance of accrual by such employee.

9 (9) ~~(7)~~ If an employee is transferred to a separate division,
10 entity, or location, but remains employed by the same employer, the
11 employee is entitled to all paid sick time accrued at the prior division,
12 entity, or location and is entitled to use all paid sick time as provided
13 in the Nebraska Healthy Families and Workplaces Act. When there is a
14 separation from employment and the employee is rehired within twelve
15 months of separation by the same employer, previously accrued paid sick
16 time that had not been used or paid out to the employee shall be
17 reinstated. The employee shall be entitled to use accrued paid sick time
18 and accrue additional paid sick time at the recommencement of employment.

19 (10) Nothing in this section shall be construed to require employers
20 to pay an employee for unused paid sick time upon the employee's
21 separation from employment.

22 **Sec. 3.** Section 4, Initiative Law 2024, No. 436, is amended to
23 read:

24 Sec. 4. (1) Paid sick time shall be provided to an employee by an
25 employer for:

26 (a) An employee's mental or physical illness, injury, or health
27 condition; an employee's need for medical diagnosis, care, or treatment
28 of a mental or physical illness, injury, or health condition; or an
29 employee's need for preventive medical care;

30 (b) Care of a family member with a mental or physical illness,
31 injury, or health condition; care of a family member who needs medical

1 diagnosis, care, or treatment of a mental or physical illness, injury, or
2 health condition; care of a family member who needs preventive medical
3 care; or in the case of a child, to attend a meeting necessitated by the
4 child's mental or physical illness, injury, or health condition, at a
5 school or place where the child is receiving care; or

6 (c) Closure of the employee's place of business by order of a public
7 official due to a public health emergency; an employee's need to care for
8 a child whose school or place of care has been closed by order of a
9 public official due to a public health emergency; or an employee's need
10 to self-isolate or care for the employee or a family member when it has
11 been determined by the health authorities having jurisdiction or by a
12 health care professional that the employee's or family member's presence
13 in the community may jeopardize the health of others because of exposure
14 to a communicable disease, whether or not the employee or family member
15 has actually contracted the communicable disease.

16 (2) Paid sick time under this section shall be provided upon the
17 ~~oral~~ request of an employee in compliance with the Nebraska Healthy
18 Families and Workplaces Act. When possible, the request shall include the
19 expected duration of the absence.

20 (3) An employer that requires notice of the need to use paid sick
21 time in accordance with this section shall provide a written policy that
22 contains reasonable procedures for employees to provide notice. An
23 employer that has not provided to the employee a copy of such written
24 policy shall not deny paid sick time to the employee based on
25 noncompliance with such a policy.

26 (4) An employer shall not require, as a condition of an employee's
27 taking paid sick time under this section, that the employee search for or
28 find a replacement worker to cover the hours during which the employee is
29 using paid sick time.

30 (5) Paid sick time under this section may be used in the smaller of
31 hourly increments or the smallest increment that the employer's payroll

1 system uses to account for absences or use of other time.

2 (6) For use of paid sick time for more than three consecutive work
3 days, an employer may require reasonable documentation that the paid sick
4 time has been used for a purpose covered by subsection (1) of this
5 section. Reasonable documentation shall include (a) documentation signed
6 by a health care professional indicating that paid sick time is or was
7 necessary or (b) if the employee or a family member did not receive
8 services from a health care professional, or if documentation cannot be
9 obtained from a health care professional in reasonable time or without
10 added expense, a written statement from the employee indicating that the
11 employee is taking or took paid sick time for a qualifying purpose
12 covered by subsection (1) of this section.

13 (7) An employer signatory to a multi-employer collective-bargaining
14 agreement may fulfill its obligations under the Nebraska Healthy Families
15 and Workplaces Act by making contributions to a multi-employer paid sick
16 time fund, plan, or program based on the hours each employee accrues
17 pursuant to the act while working under the multi-employer collective-
18 bargaining agreement, if the fund, plan, or program enables employees to
19 collect paid sick time from the fund, plan, or program based on hours
20 they have worked under the multi-employer collective-bargaining agreement
21 and for the purposes specified under the act. Employees who work under a
22 multi-employer collective-bargaining agreement into which their employers
23 make contributions as provided in this subsection may collect from the
24 paid sick time fund, plan, or program based on hours they have worked
25 under the multi-employer collective-bargaining agreement and for the
26 purposes specified under the act.

27 **Sec. 4.** Section 8, Initiative Law 2024, No. 436, is amended to
28 read:

29 Sec. 8. (1) The Commissioner of Labor shall issue a citation to an
30 employer when an investigation reveals that the employer may have
31 violated the Nebraska Healthy Families and Workplaces Act.

1 (2) When a citation is issued, the commissioner shall notify the
2 employer of the proposed administrative penalty, if any, by certified
3 mail, by any other manner of delivery by which the United States Postal
4 Service can verify delivery, or by any method of service recognized under
5 Chapter 25, article 5. The administrative penalty shall not be more than
6 five hundred dollars in the case of a first violation and not more than
7 five thousand dollars in the case of a second or subsequent violation.

8 (3) The employer has fifteen working days after the date of the
9 citation or penalty to contest such citation or penalty. Notice of
10 contest shall be sent to the commissioner who shall provide a hearing in
11 accordance with the Administrative Procedure Act.

12 (4) Any employer who has an unpaid citation for a violation of the
13 Nebraska Healthy Families and Workplaces Act shall be barred from
14 contracting with the state or any political subdivision until such
15 citation is paid. If a citation has been contested as described in
16 subsection (3) of this section, it shall not be considered an unpaid
17 citation under this subsection until after such contest has been
18 resolved.

19 (5) Citations issued under this section and the names of employers
20 who have been issued a citation shall be made available to the public
21 upon request, except that this subsection shall not apply to any
22 citations that are being contested as described in subsection (3) of this
23 section.

24 ~~(6) An employee having a claim for a violation of the Nebraska~~
25 ~~Healthy Families and Workplaces Act may institute suit for legal and~~
26 ~~equitable relief in the proper court. In any action brought to enforce~~
27 ~~the Nebraska Healthy Families and Workplaces Act, the court shall have~~
28 ~~jurisdiction to grant such legal or equitable relief as the court deems~~
29 ~~appropriate to effectuate the purposes of the act. If an employee~~
30 ~~establishes a claim and secures judgment on the claim, such employee~~
31 ~~shall also be entitled to recover the full amount of the judgment and all~~

1 ~~costs of such suit, including reasonable attorney's fees.~~

2 ~~(7) If an employee institutes suit against an employer under~~
3 ~~subsection (6) of this section, any citation that is issued against an~~
4 ~~employer under subsection (1) of this section and that relates directly~~
5 ~~to the facts in dispute shall be admitted into evidence unless~~
6 ~~specifically excluded by the court. If a citation has been contested as~~
7 ~~described in subsection (3) of this section, it shall not be admitted~~
8 ~~into evidence under this subsection until such contest has been resolved.~~

9 ~~(8) A civil action brought under this section shall be commenced no~~
10 ~~later than four calendar years after the cause of action accrues.~~

11 **Sec. 5.** Section 9-1302, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 9-1302 The purposes of the Gambling Winnings Setoff for Outstanding
14 Debt Act are to:

15 (1) Establish and maintain a procedure to set off against an
16 obligor's casino winnings, parimutuel winnings, sports wagering winnings,
17 or cash device winnings any debt (a) that is assigned to the Department
18 of Health and Human Services or that any individual not eligible as a
19 public assistance recipient is attempting to collect through the Title
20 IV-D child support enforcement program, (b) that has accrued through
21 written contract, subrogation, or court judgment, and (c) that is in the
22 form of a liquidated amount due and owing for the care, support, or
23 maintenance of a child or for medical or spousal support; ~~and~~

24 (2) Establish and maintain a procedure to set off against a
25 taxpayer's casino winnings, parimutuel winnings, sports wagering
26 winnings, or cash device winnings the amount of such taxpayer's
27 outstanding state tax liability as determined by the Department of
28 Revenue; ~~and -~~

29 (3) Establish and maintain a procedure to set off against an
30 obligor's casino winnings, parimutuel winnings, sports wagering winnings,
31 or cash device winnings any debt that is assigned to the Department of

1 Labor for receipt of any sum as benefits under section 48-663.01 to which
2 the obligor was not entitled under the Employment Security Law.

3 **Sec. 6.** Section 9-1303, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 9-1303 For purposes of the Gambling Winnings Setoff for Outstanding
6 Debt Act, unless the context otherwise requires:

7 (1) Applicable winnings means any casino winnings, parimutuel
8 winnings, sports wagering winnings, or cash device winnings;

9 (2) Cash device winnings means any cash prize won by a player of a
10 cash device as defined in section 77-3001 that requires the operator,
11 distributor, or manufacturer of such cash device to provide the player
12 with an Internal Revenue Service Form 1099;

13 (3) Casino winnings means any winnings that are required to be
14 reported on Internal Revenue Service Form W-2G won by a player from a
15 game of chance at a licensed racetrack enclosure under the jurisdiction
16 of the State Racing and Gaming Commission;

17 (4) Claimant means:

18 (a) The Department of Health and Human Services with respect to
19 collection of a debt owed by a parent in a case involving a recipient of
20 aid to dependent children in which rights to child, spousal, or medical
21 support payments have been assigned to this state;

22 (b) An individual who is not eligible as a public assistance
23 recipient and to whom a debt is owed that the individual is attempting to
24 collect through the Title IV-D child support enforcement program; ~~or~~

25 (c) Any person or entity entitled to receive child support, spousal
26 support, or medical support as defined in section 43-1712.01 pursuant to
27 an order issued by a court or agency of another state or jurisdiction,
28 including an agency of another state or jurisdiction to which a person
29 has assigned his or her right to receive such support. Such a claimant
30 shall submit certification and documentation to the Department of Health
31 and Human Services sufficient to satisfy the requirements of section

1 43-1730; or

2 (d) The Department of Labor with respect to collection of a debt
3 owed by an individual in a case involving the receipt of unemployment
4 insurance benefits under section 48-663.01 to which the individual was
5 not entitled under the Employment Security Law;

6 (5) Collection system means the collection system developed and
7 implemented pursuant to section 9-1304;

8 (6) Debt means any liquidated amount of arrears that has accrued
9 through assignment, contract, subrogation, court judgment, or operation
10 of law, regardless of whether there is an outstanding judgment for such
11 amount, and that is (a) for the care, support, or maintenance of a child
12 or for medical or spousal support or (b) owed as a result of an
13 overpayment of benefits under section 48-663.01;

14 (7) Net winnings payment means the winnings payment amount minus the
15 debt and outstanding state tax liability balance;

16 (8) Obligor means any individual (a) owing money to or having a
17 delinquent account with any claimant that has not been satisfied by court
18 order, set aside by court order, or discharged in bankruptcy or (b) owing
19 money on an outstanding state tax liability;

20 (9) Operator means an authorized gaming operator as defined in
21 section 9-1103, any corporation or association licensed under sections
22 2-1201 to 2-1218 and authorized to conduct parimutuel wagering at a
23 licensed racetrack, and any operator, distributor, or manufacturer of a
24 cash device licensed under the Mechanical Amusement Device Tax Act;

25 (10) Outstanding state tax liability means any liability arising
26 from any tax or fee, including penalties and interest, under any tax
27 program administered by the Tax Commissioner, Department of Labor, or
28 Department of Motor Vehicles;

29 (11) Parimutuel winnings means any winnings that are required to be
30 reported on Internal Revenue Service Form W-2G and have tax withheld by
31 the operator and that are won by a player from a parimutuel wager at a

1 licensed racetrack under the jurisdiction of the State Racing and Gaming
2 Commission;

3 (12) Sports wagering winnings means any winnings that are required
4 to be reported on Internal Revenue Service Form W-2G and have tax
5 withheld by the operator and that are won by a player from sports
6 wagering as defined in section 9-1103 on a sports wager authorized by the
7 State Racing and Gaming Commission;

8 (13) Spousal support has the same meaning as in section 43-1715; and

9 (14) Winnings payment means a payout of casino winnings, parimutuel
10 winnings, sports wagering winnings, or cash device winnings to which an
11 individual is entitled as a result of playing or wagering.

12 **Sec. 7.** Section 9-1304, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 9-1304 (1)(a) The Department of Revenue, in consultation with the
15 Department of Health and Human Services and the Department of Labor,
16 shall develop and implement a secure, electronic collection system to
17 carry out the purposes of the Gambling Winnings Setoff for Outstanding
18 Debt Act.

19 (b) The collection system shall include access to the name of an
20 obligor, the social security number of an obligor, and any other
21 information that assists the operator in identifying an obligor. The
22 collection system shall inform the operator of the total amount owed
23 without detailing the source of any of the amounts owed.

24 (2) The Department of Health and Human Services may submit any
25 certified debt of twenty-five dollars or more to the collection system
26 except when the validity of the debt is legitimately in dispute. The
27 submission of debts of past-due support shall be a continuous process
28 that allows the amount of debt to fluctuate up or down depending on the
29 actual amount owed.

30 (3) The Department of Revenue may submit to the collection system
31 any amount of outstanding state tax liability owed by a taxpayer except

1 when the validity of the outstanding state tax liability is legitimately
2 in dispute. The inclusion of outstanding state tax liability in the
3 amount owed shall be a continuous process that allows the amount owed to
4 fluctuate up or down depending on the actual amount of outstanding state
5 tax liability owed.

6 (4) The Department of Labor may submit any certified debt of twenty-
7 five dollars or more to the collection system except when the validity of
8 the debt is legitimately in dispute. The submission of debts owed as a
9 result of overpayments received under section 48-663.01 shall be a
10 continuous process that allows the amount of debt to fluctuate up or down
11 depending on the actual amount owed.

12 (5) (4) If the name of the obligor is retrieved from the collection
13 system by the operator, the retrieval of such name shall be evidence of a
14 valid lien upon and claim of lien against any applicable winnings of the
15 obligor whose name is electronically retrieved from the collection
16 system. If an obligor's applicable winnings are required to be set off
17 pursuant to the Gambling Winnings Setoff for Outstanding Debt Act, the
18 full amount of the debt and outstanding state tax liability shall be
19 collected from any applicable winnings due the obligor.

20 (6) (5) The information obtained by an operator from the collection
21 system in accordance with this section shall retain its confidentiality
22 and shall only be used by the operator for the purposes of complying with
23 the Gambling Winnings Setoff for Outstanding Debt Act. An employee or
24 prior employee of an operator who unlawfully discloses any such
25 information for any other purpose, except as otherwise specifically
26 authorized by law, shall be subject to the same penalties specified by
27 law for unauthorized disclosure of confidential information by an agent
28 or employee of the operator.

29 (7) (6) The information obtained by the Department of Health and
30 Human Services, the Department of Labor, or the Department of Revenue
31 from the operator in accordance with this section shall retain its

1 confidentiality and shall only be used by any one of such departments
2 ~~either department~~ in the pursuit of such department's debt or outstanding
3 state tax liability collection duties and practices. An employee or prior
4 employee of the Department of Health and Human Services, the Department
5 of Labor, or the Department of Revenue who unlawfully discloses any such
6 information for any other purpose, except as specifically authorized by
7 law, shall be subject to the penalties specified by law for unauthorized
8 disclosure of confidential information by an agent or employee of either
9 such department.

10 (8) ~~(7)~~ The amount of debt and outstanding state tax liability owed
11 shall be prima facie evidence of the validity of the liability.

12 **Sec. 8.** Section 9-1306, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 9-1306 (1) Beginning on the applicable implementation date
15 designated by the Tax Commissioner pursuant to subsection (1) or (2) of
16 section 9-1312, prior to making a winnings payment and after the operator
17 has checked the collection system as provided in section 9-1305, the
18 operator shall deduct the amount of debt and outstanding state tax
19 liability identified in the collection system from the winnings payment
20 and shall remit the net winnings payment, if any, to the winner and the
21 amount deducted to the Department of Revenue in a manner prescribed by
22 the department.

23 (2) If an operator determines that an obligor identified using the
24 collection system is entitled to a winnings payment, the operator shall
25 notify the Department of Revenue in a manner prescribed by the department
26 that a balance of debt or outstanding state tax liability owed by the
27 winner is being remitted to the department.

28 (3) The Department of Revenue shall on a pro rata basis (a) first
29 credit any such winnings payment against any debt of such winner
30 certified by the Department of Health and Human Services until such debt
31 is satisfied, (b) next credit any such winnings payment against any debt

1 of such winner certified by the Department of Labor until such debt is
2 satisfied, and (c) lastly credit any such winnings payment then against
3 any outstanding state tax liability owed by such winner until such
4 liability is satisfied ~~on a pro rata basis.~~

5 **Sec. 9.** Section 9-1307, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 9-1307 (1) Within twenty days after a remittance pursuant to section
8 9-1306 due to an outstanding state tax liability, the Department of
9 Revenue shall notify the winner of the remittance. The notice shall state
10 (a) the basis for the claim to the outstanding state tax liability by the
11 Department of Revenue, (b) the application of the winnings payment
12 against the outstanding state tax liability of the obligor, (c) the
13 obligor's opportunity to give written notice of intent to contest the
14 validity of the claim before the Department of Revenue within thirty days
15 after the date of the mailing of the notice, (d) the mailing address to
16 which the request must be sent, and (e) that a failure to contest the
17 claim in writing within the thirty-day period will be deemed a waiver of
18 the opportunity to contest the claim resulting in a setoff by default.

19 (2)(a) Within twenty days after notification from the Department of
20 Revenue of a remittance pursuant to section 9-1306 due to owing a debt
21 certified by the Department of Health and Human Services, the Department
22 of Health and Human Services shall send written notification to the
23 obligor of an assertion of its rights, or of the rights of an individual
24 not eligible as a public assistance recipient, to all or a portion of the
25 obligor's winnings payment.

26 (b) The written notification shall clearly set forth (i) the basis
27 for the claim to the winnings payment, (ii) the intention to apply the
28 winnings payment against the debt owed to a claimant, (iii) the obligor's
29 opportunity to give written notice of intent to contest the validity of
30 the claim before the Department of Health and Human Services within
31 thirty days after the date of the mailing of the notice, (iv) the mailing

1 address to which the request for a hearing must be sent, and (v) that
2 failure to apply for a hearing in writing within the thirty-day period
3 will be deemed a waiver of the opportunity to contest the claim resulting
4 in a setoff by default.

5 (3)(a) Within twenty days after notification from the Department of
6 Revenue of a remittance pursuant to section 9-1306 due to owing a debt
7 certified by the Department of Labor, the Department of Labor shall send
8 written notification to the obligor of an assertion of its rights to all
9 or a portion of the obligor's winnings payment.

10 (b) The written notification shall clearly set forth (i) the basis
11 for the claim to the winnings payment, (ii) the intention to apply the
12 winnings payment against the debt owed to a claimant, (iii) the obligor's
13 opportunity to give written notice of intent to contest the validity of
14 the claim before the Department of Labor within thirty days after the
15 date of the mailing of the notice, (iv) the mailing address to which the
16 request for a hearing must be sent, and (v) that failure to apply for a
17 hearing in writing within the thirty-day period will be deemed a waiver
18 of the opportunity to contest the claim resulting in a setoff by default.

19 **Sec. 10.** Section 9-1308, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 9-1308 (1)(a) A written request by a winner pursuant to subsection
22 (1) of section 9-1307 shall be effective upon mailing the request,
23 postage prepaid and properly addressed, to the Department of Revenue.

24 (b) Any appeal or action taken as a result of a decision pursuant to
25 subdivision (1)(a) of this section shall be in accordance with the
26 Administrative Procedure Act.

27 (2)(a) A written request for a hearing by a winner pursuant to
28 subsection (2) of section 9-1307 shall be effective upon mailing the
29 request, postage prepaid and properly addressed, to the Department of
30 Health and Human Services.

31 (b) If the Department of Health and Human Services receives a

1 written request for a hearing contesting a claim, the department shall
2 grant a hearing to the obligor to determine whether the claim is valid.
3 If the amount asserted as due and owing is not correct, an adjustment to
4 the claimed amount shall be made. No issues shall be reconsidered at the
5 hearing which have been previously litigated.

6 (c) Any appeal of an action taken at or as a result of a hearing
7 held pursuant to subdivision (2)(b) of this section shall be in
8 accordance with the Administrative Procedure Act.

9 (3)(a) A written request for a hearing by a winner pursuant to
10 subsection (3) of section 9-1307 shall be effective upon mailing the
11 request, postage prepaid and properly addressed, to the Department of
12 Labor.

13 (b) If the Department of Labor receives a written request for a
14 hearing contesting a claim, the department shall grant a hearing to the
15 obligor to determine whether the claim is valid. If the amount asserted
16 as due and owing is not correct, an adjustment to the claimed amount
17 shall be made. No issues shall be reconsidered at the hearing which have
18 been previously litigated.

19 (c) Any appeal of an action taken at or as a result of a hearing
20 held pursuant to subdivision (3)(b) of this section shall be in
21 accordance with the Administrative Procedure Act.

22 **Sec. 11.** Section 9-1313, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 9-1313 The Department of Health and Human Services, the Department
25 of Labor, the Department of Revenue, and the State Racing and Gaming
26 Commission may adopt and promulgate rules and regulations to carry out
27 the Gambling Winnings Setoff for Outstanding Debt Act.

28 **Sec. 12.** Section 48-665, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 48-665 (1) Any person who has received any sum as benefits under the
31 Employment Security Law to which he or she was not entitled shall be

1 liable to repay such sum to the commissioner for the fund. Any such
2 erroneous benefit payments shall be collectible (a) without interest by
3 civil action in the name of the commissioner, (b) by offset against any
4 future benefits payable to the claimant with respect to the benefit year
5 current at the time of such receipt or any benefit year which may
6 commence ~~within three years~~ after the end of such current benefit year,
7 except that no such recoupment by the withholding of future benefits
8 shall be had if such sum was received by such person without fault on his
9 or her part and such recoupment would defeat the purpose of the
10 Employment Security Law or would be against equity and good conscience,
11 (c) by setoff against any state income tax refund due the claimant
12 pursuant to sections 77-27,197 to 77-27,209, (d) by offset against any
13 winnings payment pursuant to the Gambling Winnings Setoff for Outstanding
14 Debt Act, or (e) ~~(d)~~ as provided in subsection (2) of this section.

15 (2) The commissioner may recover a covered unemployment compensation
16 debt, as defined in 26 U.S.C. 6402, by setoff against a liable party's
17 federal income tax refund. Such setoff shall be made in accordance with
18 such section and United States Treasury regulations and guidelines
19 adopted pursuant thereto. The commissioner shall notify the debtor that
20 the commissioner plans to recover the debt through setoff against any
21 federal income tax refund, and the debtor shall be given sixty days to
22 present evidence that all or part of the liability is either not legally
23 enforceable or is not a covered unemployment compensation debt. The
24 commissioner shall review any evidence presented and determine that the
25 debt is legally enforceable and is a covered unemployment compensation
26 debt before proceeding further with the offset. The amount recovered,
27 less any administrative fees charged by the United States Treasury, shall
28 be credited to the debt owed. Any determination rendered under this
29 subsection that the liable party's federal income tax refund is not
30 subject to setoff does not require the commissioner to amend the
31 commissioner's initial determination that formed the basis for the

1 proposed setoff.

2 **Sec. 13.** Section 81-5,213, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-5,213 The committee:

5 (1) May consult with engineering authorities and organizations
6 concerned with standard safety codes;

7 (2) Shall recommend to the State Fire Marshal rules and regulations
8 governing the operation, maintenance, servicing, construction,
9 alteration, installation, and inspection of conveyances;

10 (3) Shall recommend to the State Fire Marshal qualifications for
11 licensure as an elevator mechanic or elevator contractor and conditions
12 for disciplinary actions, including suspension or revocation of a
13 license;

14 (4) Shall recommend to the State Fire Marshal rules and regulations
15 for temporary and emergency elevator mechanic thirty-day licenses;

16 (5) Shall recommend to the State Fire Marshal an enforcement program
17 which will ensure compliance with the Conveyance Safety Act and the rules
18 and regulations adopted and promulgated pursuant to the act. The
19 enforcement program shall include the identification of property
20 locations which are subject to the act, issuing notifications to
21 violating property owners or operators, random onsite inspections and
22 tests on existing installations, and assisting in development of public
23 awareness programs; and

24 (6) Shall make recommendations to the State Fire Marshal regarding
25 equivalencies and variances under section 81-5,217, continuing education
26 providers under section 81-5,235, and license disciplinary actions under
27 section 81-5,237.

28 **Sec. 14.** Section 81-5,215, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 81-5,215 (1) The Conveyance Safety Act applies to the construction,
31 operation, inspection, testing, maintenance, alteration, and repair of

1 conveyances. Conveyances include the following equipment, associated
2 parts, and hoistways which are not exempted under section 81-5,216:

3 (a) Hoisting and lowering mechanisms equipped with a car which moves
4 between two or more landings. This equipment includes elevators;

5 (b) Power driven stairways and walkways for carrying persons between
6 landings. This equipment includes:

7 (i) Escalators; and

8 (ii) Moving sidewalks; and

9 (c) Hoisting and lowering mechanisms equipped with a car, which
10 serves two or more landings and is restricted to the carrying of material
11 by its limited size or limited access to the car. This equipment
12 includes:

13 (i) Dumbwaiters;

14 (ii) Material lifts and dumbwaiters with automatic transfer devices;
15 and

16 (iii) Conveyors and related equipment within the scope of American
17 Society of Mechanical Engineers B20.1, 2012 Edition.

18 (2) The act applies to the construction, operation, inspection,
19 maintenance, alteration, and repair of automatic guided transit vehicles
20 on guideways with an exclusive right-of-way. This equipment includes
21 automated people movers.

22 (3) The act applies to conveyances in private residences located in
23 counties that have a population of more than one hundred thousand
24 inhabitants at the time of installation. Such conveyances are subject to
25 inspection at installation but are not subject to periodic inspections.

26 **Sec. 15.** Section 81-5,216, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-5,216 The Conveyance Safety Act does not apply to:

29 (1) Conveyances under the jurisdiction and subject to inspection by
30 the United States Government;

31 (2) Conveyances used exclusively for agricultural purposes;

1 (3) Personnel hoists within the scope of American National Standards
2 Institute A10.4, 2016 Edition;

3 (4) Material hoists within the scope of American National Standards
4 Institute A10.5, 2013 Edition;

5 (5) Manlifts within the scope of American Society of Mechanical
6 Engineers A90.1, 2015 Edition;

7 (6) Mobile scaffolds, towers, and platforms within the scope of
8 American National Standards Institute A92.10, 2009 Edition A92;

9 (7) Powered platforms and equipment for exterior and interior
10 maintenance within the scope of American National Standards Institute
11 120.1;

12 (8) Cranes, derricks, hoists, hooks, jacks, and slings within the
13 scope of American Society of Mechanical Engineers B30.10, 2014 Edition
14 B30;

15 ~~(9) Industrial trucks within the scope of American Society of~~
16 ~~Mechanical Engineers B56;~~

17 (9) ~~(10)~~ Portable equipment, except for portable escalators which
18 are covered by American National Standards Institute A17.1, 2013 Edition;

19 (10) ~~(11)~~ Tiering or piling machines used to move materials to and
20 from storage located and operating entirely within one story;

21 (11) ~~(12)~~ Equipment for feeding or positioning materials at machine
22 tools, printing presses, and similar equipment;

23 (12) ~~(13)~~ Skip or furnace hoists;

24 (13) ~~(14)~~ Wharf ramps;

25 (14) ~~(15)~~ Railroad car lifts or dumpers;

26 (15) ~~(16)~~ Line jacks, false cars, shafters, moving platforms, and
27 similar equipment used for installing a conveyance by an elevator
28 contractor;

29 (16) ~~(17)~~ Manlifts, hoists, or conveyances used in grain elevators
30 or feed mills;

31 (17) ~~(18)~~ Dock levelators;

1 ~~(18) (19)~~ Stairway chair lifts and platform lifts; and
2 ~~(19) (20)~~ Conveyances in residences located in counties that have a
3 population of one hundred thousand or less inhabitants.

4 **Sec. 16.** Section 81-5,217, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 81-5,217 (1) The State Fire Marshal shall adopt and promulgate rules
7 and regulations which establish the regulations for conveyances under the
8 Conveyance Safety Act. The rules and regulations may include the Safety
9 Code for Elevators and Escalators, American Society of Mechanical
10 Engineers A17.1 except those parts exempted under section 81-5,216; the
11 standards for conveyors and related equipment, American Society of
12 Mechanical Engineers B20.1; and the Automated People Mover Standards,
13 American Society of Civil Engineers 21. The State Fire Marshal shall
14 annually review to determine if the most current form of such standards
15 should be adopted.

16 (2) The State Fire Marshal may grant an equivalency or variance
17 request to a variance from the rules and regulations adopted in
18 subsection (1) of this section in individual situations upon good cause
19 shown if the safety of those riding or using the conveyance is not
20 compromised by the equivalency or variance. ~~The State Fire Marshal shall~~
21 ~~adopt and promulgate rules and regulations for the procedure to obtain a~~
22 ~~variance. The committee shall make recommendations to the State Fire~~
23 ~~Marshal regarding each variance requested.~~ The decision of the State Fire
24 Marshal in granting or refusing to grant an equivalency or variance
25 request a variance may be appealed. The appeal shall be in accordance
26 with the Administrative Procedure Act.

27 **Sec. 17.** Section 81-5,218, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-5,218 Conveyances ~~upon which construction is started subsequent~~
30 ~~to January 1, 2008,~~ shall be registered at the time they are completed
31 and placed in service.

1 **Sec. 18.** Section 81-5,219, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-5,219 ~~On and after January 1, 2008:~~ Prior to any newly installed
4 conveyance being used for the first time, the property owner or lessee
5 shall obtain a certificate of inspection from the State Fire Marshal. A
6 fee established under section 81-5,214 shall be paid for the certificate
7 of inspection. A licensed elevator contractor shall complete and submit
8 first-time registrations for new installations to the state elevator
9 inspector for the inspector's approval. A certificate of inspection shall
10 be clearly displayed in an elevator car and on or in each other
11 conveyance.

12 **Sec. 19.** Section 81-5,221, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-5,221 (1) The State Fire Marshal shall employ a state elevator
15 inspector who shall work under the direct supervision of the State Fire
16 Marshal or the State Fire Marshal's designee.

17 (2) The person so employed shall be qualified by (a) not less than
18 five years' experience in the installation, maintenance, and repair of
19 elevators as determined by the State Fire Marshal, (b) certification as a
20 qualified elevator inspector by an association accredited by the American
21 Society of Mechanical Engineers, or (c) not less than five years'
22 journeyman experience in elevator installation, maintenance, and
23 inspection as determined by the State Fire Marshal and shall be familiar
24 with the inspection process and rules and regulations adopted and
25 promulgated under the Conveyance Safety Act.

26 (3) The State Fire Marshal may employ deputy inspectors possessing
27 the same qualifications as the state elevator inspector as necessary to
28 carry out the Conveyance Safety Act.

29 **Sec. 20.** Section 81-5,223, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-5,223 (1) No inspection shall be required under the Conveyance

1 Safety Act when an owner or user of a conveyance: ~~obtains an inspection~~
2 ~~by a representative of a reputable insurance company licensed to do~~
3 ~~business in Nebraska, obtains a policy of insurance from such company~~
4 ~~upon the conveyance and files with the State Fire Marshal a certificate~~
5 ~~of inspection by such insurance company, files a statement that such~~
6 ~~conveyance is insured, and pays an administrative fee established~~
7 ~~pursuant to section 81-5,214.~~

8 (a) Obtains and submits to the State Fire Marshal a certificate of
9 inspection from a third-party inspection company;

10 (b) Obtains a policy of insurance upon the conveyance from a
11 licensed insurance company;

12 (c) Files a statement that such conveyance is insured; and

13 (d) Pays an administrative fee established pursuant to section
14 81-5,214.

15 (2) No inspection shall be required under the act when there has
16 been an annual inspection under a city ordinance which meets the
17 standards of the act.

18 **Sec. 21.** Section 81-5,230, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-5,230 (1) Any person wishing to engage in the work of an elevator
21 mechanic shall apply for and obtain an elevator mechanic license from the
22 State Fire Marshal. The application shall be on a form provided by the
23 State Fire Marshal.

24 (2) Any person wishing to engage in the business of an elevator
25 contractor shall apply for and obtain an elevator contractor license from
26 the State Fire Marshal. The application shall be on a form provided by
27 the State Fire Marshal.

28 (3) Each application for an elevator mechanic license shall contain:

29 (a) The name and address of the applicant ~~If an individual, the~~
30 ~~name, residence and business address, and social security number of the~~
31 ~~applicant;~~

1 (b) ~~A contact email address~~ If a partnership, the name, residence
2 and business address, and social security number of each partner;

3 (c) ~~A contact telephone number~~ If a domestic corporation, the name
4 and business address of the corporation and the name, residence address,
5 and social security number of the principal officer of the corporation;
6 and if a corporation other than a domestic corporation, the name and
7 address of an agent located locally who is authorized to accept service
8 of process and official notices;

9 (d) The number of years the applicant has engaged in the business of
10 installing, inspecting, maintaining, or servicing conveyances;

11 ~~(e) The approximate number of individuals to be employed by the~~
12 ~~applicant and, if applicable, satisfactory evidence that the employees~~
13 ~~are or will be covered by workers' compensation insurance;~~

14 ~~(f) Satisfactory evidence that the applicant is or will be covered~~
15 ~~by general liability, personal injury, and property damage insurance;~~

16 ~~(e)~~ (g) Permission for the State Fire Marshal to access the criminal
17 history record information of individuals, partners, or officers
18 maintained by the Federal Bureau of Investigation through the Nebraska
19 State Patrol; and

20 ~~(h) A description of all accidents causing personal injury or~~
21 ~~property damage in excess of one thousand dollars involving conveyances~~
22 ~~installed, inspected, maintained, or serviced by the applicant; and~~

23 ~~(f)~~ (i) Such other information as the State Fire Marshal may by rule
24 and regulation require.

25 (4) Each application for an elevator contractor license shall
26 contain:

27 (a) All information required under subsection (3) of this section;

28 (b) The name and address of the business;

29 (c) The approximate number of employees to be employed by the
30 applicant and, if applicable, satisfactory evidence that the employees
31 are or will be covered by workers' compensation insurance;

1 (d) Satisfactory evidence that the applicant is or will be covered
2 by general liability, personal injury, and property damage insurance;

3 (e) A description of all accidents causing personal injury or
4 property damage in excess of one thousand dollars involving conveyances
5 installed, inspected, maintained, or serviced by the applicant; and

6 (f) The name, telephone number, and Nebraska elevator mechanic
7 license number of a licensed elevator mechanic employed by or contracted
8 with the business Social security numbers on applications shall not be
9 made public or be considered a part of a public record.

10 **Sec. 22.** Section 81-5,239, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-5,239 (1) Any person may make a request for an investigation into
13 an alleged violation of the Conveyance Safety Act by giving notice to the
14 State Fire Marshal or state elevator inspector of such violation or
15 danger.

16 (2) Upon receipt of a request for an investigation, the State Fire
17 Marshal or state elevator inspector shall perform a preliminary inquiry
18 into the charges contained in the request for investigation. A request
19 for an investigation may be made in person or in writing ~~by telephone~~
20 ~~call~~ and shall set forth with reasonable particularity the grounds for
21 the request for an investigation. During the preliminary inquiry, the
22 name, address, and telephone number of the person making the request for
23 an investigation shall be available only to the State Fire Marshal, state
24 elevator inspector, or other person carrying out the preliminary inquiry
25 on behalf of the State Fire Marshal or state elevator inspector. The
26 State Fire Marshal or state elevator inspector shall keep a record of
27 each request for an investigation received under this section for three
28 years after such request is made.

29 (3) If after the preliminary inquiry the State Fire Marshal or state
30 elevator inspector determines that there are reasonable grounds to
31 believe that such violation or danger exists and is likely to continue to

1 exist such that the operation of the conveyance endangers the public, the
2 State Fire Marshal or state elevator inspector shall cause a formal
3 investigation to be made. During the formal investigation, a statement
4 shall be taken from the person who made the request for an investigation
5 and the person's name, address, and telephone number shall be made
6 available to any opposing parties upon request.

7 (4) If the State Fire Marshal or state elevator inspector determines
8 that there are no reasonable grounds to believe that a violation or
9 danger exists under either subsection (2) or (3) of this section, the
10 State Fire Marshal shall notify the person requesting the investigation
11 in writing of such determination.

12 **Sec. 23.** Original sections 48-665, 81-5,213, 81-5,215, 81-5,216,
13 81-5,217, 81-5,218, 81-5,219, 81-5,221, 81-5,223, 81-5,230, and 81-5,239,
14 Reissue Revised Statutes of Nebraska, sections 9-1302, 9-1303, 9-1304,
15 9-1306, 9-1307, 9-1308, and 9-1313, Revised Statutes Cumulative
16 Supplement, 2024, and sections 2, 3, 4, and 8, Initiative Law 2024, No.
17 436, are repealed.