

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; or -

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

19 (4)(a) Employer means any individual, partnership, limited liability
20 company, association, corporation, business trust, legal representative,
21 or organized group of persons who employs one or more employees.

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

24 (5) Family member means:

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

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

3 (c) A person who stood in loco parentis to the employee or the
4 employee's spouse when the employee or employee's spouse was a minor
5 child;

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

8 (e) A grandparent, grandchild, or sibling, whether of a biological,
9 foster, adoptive, or step relationship, of the employee or the employee's
10 spouse; or

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

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

16 (7) Paid sick time means time that is compensated at the same hourly
17 rate and with the same benefits, including health care benefits, as the
18 employee typically earns during hours worked and that is provided by an
19 employer to an employee for the purposes described in section 4 of this
20 act, and in no case shall the amount of this hourly rate be less than
21 that provided under section 48-1203. Notwithstanding the foregoing, for
22 employees paid on a commission, piece-rate, mileage, or fee-for-service
23 basis, paid sick time means time that is compensated at an hourly rate
24 determined by the employer using the average weekly rate calculation
25 under section 48-126, which shall then be reduced to an hourly rate based
26 on a forty-hour workweek, and that is provided by an employer to an
27 employee for the purposes described in section 3 of this act. Paid sick
28 time includes time made available to employees for purposes including,
29 but not limited to, the purposes described in section 3 of this act under
30 a paid leave policy described in subsection (7) of section 2 of this act;

31 (8) Public health emergency means a declaration or proclamation

1 related to a public health threat, risk, disaster, or emergency that is
2 made or issued by a federal, state, or local official with the authority
3 to make or issue such a declaration or proclamation;

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

10 (10)(a) Small business means an employer with fewer than twenty
11 employees during a given week, including full-time, part-time, or
12 temporary employees.

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

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

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

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

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

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

29 (2) Employees who are exempt from overtime requirements under 29
30 U.S.C. 213(a)(1) or 29 U.S.C. 213(b)(1) of the federal Fair Labor
31 Standards Act, 29 U.S.C. 201 et seq., shall be assumed to work forty

1 hours in each workweek for purposes of paid sick time accrual unless
2 their typical workweek is less than forty hours, in which case paid sick
3 time accrues based upon that typical workweek.

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

10 (4) Paid sick time provided to an employee on or after January 1,
11 2025, and before October 1, 2025, shall be counted toward an employer's
12 obligations under the Nebraska Healthy Families and Workplaces Act for
13 calendar year 2025.

14 (5) (4) Accrued paid sick time shall be carried over to the
15 following year. A small business is not required to permit an employee to
16 use more than forty hours of paid sick time per year, and other employers
17 are not required to permit an employee to use more than fifty-six hours
18 of paid sick time per year.

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

26 (7) (5) Any employer with a paid leave policy, such as a paid time
27 off policy, who makes available an amount of paid leave that equals or
28 exceeds sufficient to meet the requirements of the Nebraska Healthy
29 Families and Workplaces Act and that may be used ~~for the same purposes~~
30 ~~and under the same conditions~~ as paid sick time in accordance with
31 section 3 of this act ~~under the act~~ is not required to provide additional

1 paid sick time under the act and is not obligated to allow an employee to
2 accrue or carryover benefits beyond the employer's existing paid leave
3 policy.

4 (8) ~~(6)~~ At its discretion, an employer may loan paid sick time to an
5 employee in advance of accrual by such employee.

6 (9) ~~(7)~~ If an employee is transferred to a separate division,
7 entity, or location, but remains employed by the same employer, the
8 employee is entitled to all paid sick time accrued at the prior division,
9 entity, or location and is entitled to use all paid sick time as provided
10 in the Nebraska Healthy Families and Workplaces Act. When there is a
11 separation from employment and the employee is rehired within twelve
12 months of separation by the same employer, previously accrued paid sick
13 time that had not been used or paid out to the employee shall be
14 reinstated. The employee shall be entitled to use accrued paid sick time
15 and accrue additional paid sick time at the recommencement of employment.

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

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

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

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

27 (b) Care of a family member with a mental or physical illness,
28 injury, or health condition; care of a family member who needs medical
29 diagnosis, care, or treatment of a mental or physical illness, injury, or
30 health condition; care of a family member who needs preventive medical
31 care; or in the case of a child, to attend a meeting necessitated by the

1 child's mental or physical illness, injury, or health condition, at a
2 school or place where the child is receiving care; or

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

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

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

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

27 (5) Paid sick time under this section may be used in the smaller of
28 hourly increments or the smallest increment that the employer's payroll
29 system uses to account for absences or use of other time.

30 (6) For use of paid sick time for more than three consecutive work
31 days, an employer may require reasonable documentation that the paid sick

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

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

24 **Sec. 5.** Section 9-1302, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 9-1302 The purposes of the Gambling Winnings Setoff for Outstanding
27 Debt Act are to:

28 (1) Establish and maintain a procedure to set off against an
29 obligor's casino winnings, parimutuel winnings, sports wagering winnings,
30 or cash device winnings any debt (a) that is assigned to the Department
31 of Health and Human Services or that any individual not eligible as a

1 public assistance recipient is attempting to collect through the Title
2 IV-D child support enforcement program, (b) that has accrued through
3 written contract, subrogation, or court judgment, and (c) that is in the
4 form of a liquidated amount due and owing for the care, support, or
5 maintenance of a child or for medical or spousal support; and

6 (2) Establish and maintain a procedure to set off against a
7 taxpayer's casino winnings, parimutuel winnings, sports wagering
8 winnings, or cash device winnings the amount of such taxpayer's
9 outstanding state tax liability as determined by the Department of
10 Revenue; and -

11 (3) Establish and maintain a procedure to set off against an
12 obligor's casino winnings, parimutuel winnings, sports wagering winnings,
13 or cash device winnings any debt that is assigned to the Department of
14 Labor for receipt of any sum as benefits under section 48-663.01 to which
15 the obligor was not entitled under the Employment Security Law.

16 **Sec. 6.** Section 9-1303, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 9-1303 For purposes of the Gambling Winnings Setoff for Outstanding
19 Debt Act, unless the context otherwise requires:

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

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

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

30 (4) Claimant means:

31 (a) The Department of Health and Human Services with respect to

1 collection of a debt owed by a parent in a case involving a recipient of
2 aid to dependent children in which rights to child, spousal, or medical
3 support payments have been assigned to this state;

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

7 (c) Any person or entity entitled to receive child support, spousal
8 support, or medical support as defined in section 43-1712.01 pursuant to
9 an order issued by a court or agency of another state or jurisdiction,
10 including an agency of another state or jurisdiction to which a person
11 has assigned his or her right to receive such support. Such a claimant
12 shall submit certification and documentation to the Department of Health
13 and Human Services sufficient to satisfy the requirements of section
14 43-1730; or

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

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

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

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

29 (8) Obligor means any individual (a) owing money to or having a
30 delinquent account with any claimant that has not been satisfied by court
31 order, set aside by court order, or discharged in bankruptcy or (b) owing

1 money on an outstanding state tax liability;

2 (9) Operator means an authorized gaming operator as defined in
3 section 9-1103, any corporation or association licensed under sections
4 2-1201 to 2-1218 and authorized to conduct parimutuel wagering at a
5 licensed racetrack, and any operator, distributor, or manufacturer of a
6 cash device licensed under the Mechanical Amusement Device Tax Act;

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

11 (11) Parimutuel winnings means any winnings that are required to be
12 reported on Internal Revenue Service Form W-2G and have tax withheld by
13 the operator and that are won by a player from a parimutuel wager at a
14 licensed racetrack under the jurisdiction of the State Racing and Gaming
15 Commission;

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

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

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

25 **Sec. 7.** Section 9-1304, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 9-1304 (1)(a) The Department of Revenue, in consultation with the
28 Department of Health and Human Services and the Department of Labor,
29 shall develop and implement a secure, electronic collection system to
30 carry out the purposes of the Gambling Winnings Setoff for Outstanding
31 Debt Act.

1 (b) The collection system shall include access to the name of an
2 obligor, the social security number of an obligor, and any other
3 information that assists the operator in identifying an obligor. The
4 collection system shall inform the operator of the total amount owed
5 without detailing the source of any of the amounts owed.

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

12 (3) The Department of Revenue may submit to the collection system
13 any amount of outstanding state tax liability owed by a taxpayer except
14 when the validity of the outstanding state tax liability is legitimately
15 in dispute. The inclusion of outstanding state tax liability in the
16 amount owed shall be a continuous process that allows the amount owed to
17 fluctuate up or down depending on the actual amount of outstanding state
18 tax liability owed.

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

25 (5) ~~(4)~~ If the name of the obligor is retrieved from the collection
26 system by the operator, the retrieval of such name shall be evidence of a
27 valid lien upon and claim of lien against any applicable winnings of the
28 obligor whose name is electronically retrieved from the collection
29 system. If an obligor's applicable winnings are required to be set off
30 pursuant to the Gambling Winnings Setoff for Outstanding Debt Act, the
31 full amount of the debt and outstanding state tax liability shall be

1 collected from any applicable winnings due the obligor.

2 (6) (5) The information obtained by an operator from the collection
3 system in accordance with this section shall retain its confidentiality
4 and shall only be used by the operator for the purposes of complying with
5 the Gambling Winnings Setoff for Outstanding Debt Act. An employee or
6 prior employee of an operator who unlawfully discloses any such
7 information for any other purpose, except as otherwise specifically
8 authorized by law, shall be subject to the same penalties specified by
9 law for unauthorized disclosure of confidential information by an agent
10 or employee of the operator.

11 (7) (6) The information obtained by the Department of Health and
12 Human Services, the Department of Labor, or the Department of Revenue
13 from the operator in accordance with this section shall retain its
14 confidentiality and shall only be used by any one of such departments
15 ~~either department~~ in the pursuit of such department's debt or outstanding
16 state tax liability collection duties and practices. An employee or prior
17 employee of the Department of Health and Human Services, the Department
18 of Labor, or the Department of Revenue who unlawfully discloses any such
19 information for any other purpose, except as specifically authorized by
20 law, shall be subject to the penalties specified by law for unauthorized
21 disclosure of confidential information by an agent or employee of either
22 such department.

23 (8) (7) The amount of debt and outstanding state tax liability owed
24 shall be prima facie evidence of the validity of the liability.

25 **Sec. 8.** Section 9-1306, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 9-1306 (1) Beginning on the applicable implementation date
28 designated by the Tax Commissioner pursuant to subsection (1) or (2) of
29 section 9-1312, prior to making a winnings payment and after the operator
30 has checked the collection system as provided in section 9-1305, the
31 operator shall deduct the amount of debt and outstanding state tax

1 liability identified in the collection system from the winnings payment
2 and shall remit the net winnings payment, if any, to the winner and the
3 amount deducted to the Department of Revenue in a manner prescribed by
4 the department.

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

10 (3) The Department of Revenue shall on a pro rata basis (a) first
11 credit any such winnings payment against any debt of such winner
12 certified by the Department of Health and Human Services until such debt
13 is satisfied, (b) next credit any such winnings payment against any debt
14 of such winner certified by the Department of Labor until such debt is
15 satisfied, and (c) lastly credit any such winnings payment ~~then~~ against
16 any outstanding state tax liability owed by such winner until such
17 liability is satisfied ~~on a pro rata basis~~.

18 **Sec. 9.** Section 9-1307, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 9-1307 (1) Within twenty days after a remittance pursuant to section
21 9-1306 due to an outstanding state tax liability, the Department of
22 Revenue shall notify the winner of the remittance. The notice shall state
23 (a) the basis for the claim to the outstanding state tax liability by the
24 Department of Revenue, (b) the application of the winnings payment
25 against the outstanding state tax liability of the obligor, (c) the
26 obligor's opportunity to give written notice of intent to contest the
27 validity of the claim before the Department of Revenue within thirty days
28 after the date of the mailing of the notice, (d) the mailing address to
29 which the request must be sent, and (e) that a failure to contest the
30 claim in writing within the thirty-day period will be deemed a waiver of
31 the opportunity to contest the claim resulting in a setoff by default.

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

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

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

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

1 **Sec. 10.** Section 9-1308, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 9-1308 (1)(a) A written request by a winner pursuant to subsection
4 (1) of section 9-1307 shall be effective upon mailing the request,
5 postage prepaid and properly addressed, to the Department of Revenue.

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

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

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

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

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

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

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

4 **Sec. 11.** Section 9-1313, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 9-1313 The Department of Health and Human Services, the Department
7 of Labor, the Department of Revenue, and the State Racing and Gaming
8 Commission may adopt and promulgate rules and regulations to carry out
9 the Gambling Winnings Setoff for Outstanding Debt Act.

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

12 48-665 (1) Any person who has received any sum as benefits under the
13 Employment Security Law to which he or she was not entitled shall be
14 liable to repay such sum to the commissioner for the fund. Any such
15 erroneous benefit payments shall be collectible (a) without interest by
16 civil action in the name of the commissioner, (b) by offset against any
17 future benefits payable to the claimant with respect to the benefit year
18 current at the time of such receipt or any benefit year which may
19 commence ~~within three years~~ after the end of such current benefit year,
20 except that no such recoupment by the withholding of future benefits
21 shall be had if such sum was received by such person without fault on his
22 or her part and such recoupment would defeat the purpose of the
23 Employment Security Law or would be against equity and good conscience,
24 (c) by setoff against any state income tax refund due the claimant
25 pursuant to sections 77-27,197 to 77-27,209, (d) by offset against any
26 winnings payment pursuant to the Gambling Winnings Setoff for Outstanding
27 Debt Act, or (e) ~~(d)~~ as provided in subsection (2) of this section.

28 (2) The commissioner may recover a covered unemployment compensation
29 debt, as defined in 26 U.S.C. 6402, by setoff against a liable party's
30 federal income tax refund. Such setoff shall be made in accordance with
31 such section and United States Treasury regulations and guidelines

1 adopted pursuant thereto. The commissioner shall notify the debtor that
2 the commissioner plans to recover the debt through setoff against any
3 federal income tax refund, and the debtor shall be given sixty days to
4 present evidence that all or part of the liability is either not legally
5 enforceable or is not a covered unemployment compensation debt. The
6 commissioner shall review any evidence presented and determine that the
7 debt is legally enforceable and is a covered unemployment compensation
8 debt before proceeding further with the offset. The amount recovered,
9 less any administrative fees charged by the United States Treasury, shall
10 be credited to the debt owed. Any determination rendered under this
11 subsection that the liable party's federal income tax refund is not
12 subject to setoff does not require the commissioner to amend the
13 commissioner's initial determination that formed the basis for the
14 proposed setoff.

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

17 81-5,213 The committee:

18 (1) May consult with engineering authorities and organizations
19 concerned with standard safety codes;

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

23 (3) Shall recommend to the State Fire Marshal qualifications for
24 licensure as an elevator mechanic or elevator contractor and conditions
25 for disciplinary actions, including suspension or revocation of a
26 license;

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

29 (5) Shall recommend to the State Fire Marshal an enforcement program
30 which will ensure compliance with the Conveyance Safety Act and the rules
31 and regulations adopted and promulgated pursuant to the act. The

1 enforcement program shall include the identification of property
2 locations which are subject to the act, issuing notifications to
3 violating property owners or operators, random onsite inspections and
4 tests on existing installations, and assisting in development of public
5 awareness programs; and

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

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

12 81-5,215 (1) The Conveyance Safety Act applies to the construction,
13 operation, inspection, testing, maintenance, alteration, and repair of
14 conveyances. Conveyances include the following equipment, associated
15 parts, and hoistways which are not exempted under section 81-5,216:

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

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

20 (i) Escalators; and

21 (ii) Moving sidewalks; and

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

26 (i) Dumbwaiters;

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

28 and

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

31 (2) The act applies to the construction, operation, inspection,

1 maintenance, alteration, and repair of automatic guided transit vehicles
2 on guideways with an exclusive right-of-way. This equipment includes
3 automated people movers.

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

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

10 81-5,216 The Conveyance Safety Act does not apply to:

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

13 (2) Conveyances used exclusively for agricultural purposes;

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

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

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

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

22 (7) Powered platforms and equipment for exterior and interior
23 maintenance within the scope of American National Standards Institute
24 120.1;

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

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

30 (9) ~~(10)~~ Portable equipment, except for portable escalators which
31 are covered by American National Standards Institute A17.1, 2013 Edition;

1 (10) ~~(11)~~ Tiering or piling machines used to move materials to and
2 from storage located and operating entirely within one story;

3 (11) ~~(12)~~ Equipment for feeding or positioning materials at machine
4 tools, printing presses, and similar equipment;

5 (12) ~~(13)~~ Skip or furnace hoists;

6 (13) ~~(14)~~ Wharf ramps;

7 (14) ~~(15)~~ Railroad car lifts or dumpers;

8 (15) ~~(16)~~ Line jacks, false cars, shafters, moving platforms, and
9 similar equipment used for installing a conveyance by an elevator
10 contractor;

11 (16) ~~(17)~~ Manlifts, hoists, or conveyances used in grain elevators
12 or feed mills;

13 (17) ~~(18)~~ Dock levelators;

14 (18) ~~(19)~~ Stairway chair lifts and platform lifts; and

15 (19) ~~(20)~~ Conveyances in residences located in counties that have a
16 population of one hundred thousand or less inhabitants.

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

19 81-5,217 (1) The State Fire Marshal shall adopt and promulgate rules
20 and regulations which establish the regulations for conveyances under the
21 Conveyance Safety Act. The rules and regulations may include the Safety
22 Code for Elevators and Escalators, American Society of Mechanical
23 Engineers A17.1 except those parts exempted under section 81-5,216; the
24 standards for conveyors and related equipment, American Society of
25 Mechanical Engineers B20.1; and the Automated People Mover Standards,
26 American Society of Civil Engineers 21. The State Fire Marshal shall
27 annually review to determine if the most current form of such standards
28 should be adopted.

29 (2) The State Fire Marshal may grant an equivalency or variance
30 request to a variance ~~from~~ the rules and regulations adopted in
31 subsection (1) of this section in individual situations upon good cause

1 shown if the safety of those riding or using the conveyance is not
2 compromised by the equivalency or variance. ~~The State Fire Marshal shall~~
3 ~~adopt and promulgate rules and regulations for the procedure to obtain a~~
4 ~~variance. The committee shall make recommendations to the State Fire~~
5 ~~Marshal regarding each variance requested.~~ The decision of the State Fire
6 Marshal in granting or refusing to grant an equivalency or variance
7 request a ~~variance~~ may be appealed. The appeal shall be in accordance
8 with the Administrative Procedure Act.

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

11 81-5,218 Conveyances ~~upon which construction is started subsequent~~
12 ~~to January 1, 2008,~~ shall be registered at the time they are completed
13 and placed in service.

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

16 81-5,219 ~~On and after January 1, 2008:~~ Prior to any newly installed
17 conveyance being used for the first time, the property owner or lessee
18 shall obtain a certificate of inspection from the State Fire Marshal. A
19 fee established under section 81-5,214 shall be paid for the certificate
20 of inspection. A licensed elevator contractor shall complete and submit
21 first-time registrations for new installations to the state elevator
22 inspector for the inspector's approval. A certificate of inspection shall
23 be clearly displayed in an elevator car and on or in each other
24 conveyance.

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

27 81-5,221 (1) The State Fire Marshal shall employ a state elevator
28 inspector who shall work under the direct supervision of the State Fire
29 Marshal or the State Fire Marshal's designee.

30 (2) The person so employed shall be qualified by (a) not less than
31 five years' experience in the installation, maintenance, and repair of

1 elevators as determined by the State Fire Marshal, (b) certification as a
2 qualified elevator inspector by an association accredited by the American
3 Society of Mechanical Engineers, or (c) not less than five years'
4 journeyman experience in elevator installation, maintenance, and
5 inspection as determined by the State Fire Marshal and shall be familiar
6 with the inspection process and rules and regulations adopted and
7 promulgated under the Conveyance Safety Act.

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

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

13 81-5,223 (1) No inspection shall be required under the Conveyance
14 Safety Act when an owner or user of a conveyance: ~~obtains an inspection~~
15 ~~by a representative of a reputable insurance company licensed to do~~
16 ~~business in Nebraska, obtains a policy of insurance from such company~~
17 ~~upon the conveyance and files with the State Fire Marshal a certificate~~
18 ~~of inspection by such insurance company, files a statement that such~~
19 ~~conveyance is insured, and pays an administrative fee established~~
20 ~~pursuant to section 81-5,214.~~

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

23 (b) Obtains a policy of insurance upon the conveyance from a
24 licensed insurance company;

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

26 (d) Pays an administrative fee established pursuant to section
27 81-5,214.

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

31 **Sec. 21.** Section 81-5,230, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-5,230 (1) Any person wishing to engage in the work of an elevator
3 mechanic shall apply for and obtain an elevator mechanic license from the
4 State Fire Marshal. The application shall be on a form provided by the
5 State Fire Marshal.

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

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

11 (a) The name and address of the applicant ~~If an individual, the~~
12 ~~name, residence and business address, and social security number of the~~
13 ~~applicant;~~

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

16 (c) A contact telephone number ~~If a domestic corporation, the name~~
17 ~~and business address of the corporation and the name, residence address,~~
18 ~~and social security number of the principal officer of the corporation;~~
19 ~~and if a corporation other than a domestic corporation, the name and~~
20 ~~address of an agent located locally who is authorized to accept service~~
21 ~~of process and official notices;~~

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

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

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

29 (e) (g) Permission for the State Fire Marshal to access the criminal
30 history record information of individuals, partners, or officers
31 maintained by the Federal Bureau of Investigation through the Nebraska

1 State Patrol; and

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

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

7 (4) Each application for an elevator contractor license shall
8 contain:

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

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

11 (c) The approximate number of employees 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 (d) Satisfactory evidence that the applicant is or will be covered
15 by general liability, personal injury, and property damage insurance;

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

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

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

25 81-5,239 (1) Any person may make a request for an investigation into
26 an alleged violation of the Conveyance Safety Act by giving notice to the
27 State Fire Marshal or state elevator inspector of such violation or
28 danger.

29 (2) Upon receipt of a request for an investigation, the State Fire
30 Marshal or state elevator inspector shall perform a preliminary inquiry
31 into the charges contained in the request for investigation. A request

1 for an investigation may be made in person or in writing ~~by telephone~~
2 ~~call~~ and shall set forth with reasonable particularity the grounds for
3 the request for an investigation. During the preliminary inquiry, the
4 name, address, and telephone number of the person making the request for
5 an investigation shall be available only to the State Fire Marshal, state
6 elevator inspector, or other person carrying out the preliminary inquiry
7 on behalf of the State Fire Marshal or state elevator inspector. The
8 State Fire Marshal or state elevator inspector shall keep a record of
9 each request for an investigation received under this section for three
10 years after such request is made.

11 (3) If after the preliminary inquiry the State Fire Marshal or state
12 elevator inspector determines that there are reasonable grounds to
13 believe that such violation or danger exists and is likely to continue to
14 exist such that the operation of the conveyance endangers the public, the
15 State Fire Marshal or state elevator inspector shall cause a formal
16 investigation to be made. During the formal investigation, a statement
17 shall be taken from the person who made the request for an investigation
18 and the person's name, address, and telephone number shall be made
19 available to any opposing parties upon request.

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

25 **Sec. 23.** Original sections 48-665, 81-5,213, 81-5,215, 81-5,216,
26 81-5,217, 81-5,218, 81-5,219, 81-5,221, 81-5,223, 81-5,230, and 81-5,239,
27 Reissue Revised Statutes of Nebraska, sections 9-1302, 9-1303, 9-1304,
28 9-1306, 9-1307, 9-1308, and 9-1313, Revised Statutes Cumulative
29 Supplement, 2024, and sections 2, 3, 4, and 8, Initiative Law 2024, No.
30 436, are repealed.