

ENGROSSED LEGISLATIVE BILL 921

Introduced by Ibach, 44.

A BILL FOR AN ACT relating to law; to amend sections 48-628, 48-2209, 81-401, 81-406, 81-8,236, 81-8,300, 81-8,316, and 81-8,318, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Supplement, 2025; to adopt the Nebraska Worker Adjustment and Retraining Notification Act and the Health Care Staffing Agency Registration Act; to change provisions relating to employment and to disqualify certain individuals from receiving benefits under the Employment Security Law; to change certain employer duties under the Non-English-Speaking Workers Protection Act; to grant authority to the Governor; to change provisions relating to a cash fund; to allow counties to file multiple claims relating to correctional institution incidents; to redefine terms and change provisions relating to the investigation and appeal of claims under the In the Line of Duty Compensation Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Nebraska Worker Adjustment and Retraining Notification Act.

Sec. 2. For purposes of the Nebraska Worker Adjustment and Retraining Notification Act:

(1) Business closing means the permanent or temporary shutdown of a single site of employment of one or more facilities or operating units that will result in an employment loss for one hundred or more employees, other than part-time employees;

(2) Department means the Department of Labor;

(3) Employee means a worker who may reasonably expect to experience an employment loss as a consequence of a proposed business closing or mass layoff by an employer;

(4) Employer means a person who employs one hundred or more employees, excluding part-time employees;

(5) Employment loss means an employment termination, other than a discharge for cause, voluntary separation, or retirement; a layoff exceeding six months; or a reduction in hours of more than fifty percent of work of individual employees during each month of a six-month period. Employment loss does not include instances when a business closing or mass layoff is the result of the relocation or consolidation of part or all of the employer's business and, before the business closing or mass layoff, the employer offers to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a six-month break in employment;

(6) Mass layoff means a reduction in employment force that is not the result of a business closing and results in an employment loss at a single site of employment during any thirty-day period of one hundred or more employees, other than part-time employees;

(7) Part-time employee means an employee who is employed for an average of fewer than twenty hours per week or an employee, including a full-time employee, who has been employed for fewer than six of the twelve months preceding the date on which notice is required. However, if an applicable collective bargaining agreement defines a part-time employee, such definition shall supersede the definition in this subdivision;

(8) Representative means an exclusive representative of employees within the meaning of section 9(a) of the federal National Labor Relations Act, 29 U.S.C. 151 et seq., and the federal Railway Labor Act, 45 U.S.C. 151 et seq.; and

(9) Single site of employment means a single location or a group of contiguous locations, such as a group of structures that form a campus or business park or separate facilities across the street from each other.

Sec. 3. (1)(a) An employer who plans a business closing or a mass layoff shall not order such action until the end of a ninety-day period which begins after the employer serves written notice of such action to the affected

employees or their representatives and to the department. However, if an applicable collective bargaining agreement designates a different notice period, the notice period in the collective bargaining agreement shall govern. The employer shall provide notice to the department if the worker is covered by a collective bargaining agreement.

(b) An employer who has previously announced and carried out a short-term mass layoff of six months or less which is extended beyond six months due to business circumstances not reasonably foreseeable at the time of the initial mass layoff is required to give notice when it becomes reasonably foreseeable that the extension is required. A mass layoff extending beyond six months from the date the mass layoff commenced for any other reason shall be treated as an employment loss from the date of commencement of the mass layoff.

(c) In the case of the sale of part or all of a business, the seller is responsible for providing notice of any business closing or mass layoff which will take place up to and on the effective date of the sale. The buyer is responsible for providing notice of any business closing or mass layoff that will take place thereafter.

(2)(a) Notice from the employer to the affected employees or their representatives and to the department shall be in written form and shall contain the following:

(i) The name and address of the employment site where the business closing or mass layoff will occur, and the name and telephone number of a company official to contact for further information;

(ii) A statement as to whether the planned action is expected to be permanent or temporary and, if the entire business is to be closed, a statement to that effect;

(iii) The expected date of the first employment loss and the anticipated schedule for employment losses;

(iv) The job titles of positions to be affected and the names of the employees currently holding the affected jobs. The notice to the department shall also include the addresses of the affected employees. The department

shall maintain the confidentiality of the names and addresses of employees received by the department; and

(v) Copies of all employee handbooks, personnel policies, and employment-related policies applicable to the affected employees, or a written statement identifying the specific online location or locations where such handbooks or policies may be accessed without restriction up until the expected date of the first employment loss.

(b) The notice may include additional information useful to the employees, such as information about available dislocated worker assistance and, if the planned action is expected to be temporary, the estimated duration, if known.

(3) Any reasonable method of delivery to the affected employees or their representatives and the department which is designed to ensure receipt of notice of at least ninety days before the planned action is acceptable. In the case of notification directly to affected employees, insertion of notice into pay envelopes is a viable option. The employer must also post the notice in a conspicuous location in the languages spoken by at least five percent of the employer's workforce.

Sec. 4. (1) If a business closing or mass layoff constitutes a strike or constitutes a lockout not intended to evade the requirements of the Nebraska Worker Adjustment and Retraining Notification Act, notice is not required to be given by the employer. The Nebraska Worker Adjustment and Retraining Notification Act does not require an employer to serve written notice when permanently replacing an employee who is deemed to be an economic striker under the federal National Labor Relations Act. The Nebraska Worker Adjustment and Retraining Notification Act shall not be deemed to validate or invalidate any judicial or administrative ruling relating to the hiring of permanent replacements for economic strikers under the federal National Labor Relations Act. If an employer hires temporary workers to replace employees during the course of a strike or lockout and later terminates these temporary workers at the conclusion of the strike or lockout, the Nebraska Worker Adjustment and Retraining Notification Act does not require an employer to serve written

notice on the terminated temporary workers.

(2)(a) When affected employees will not be terminated on the same date, the date of the first individual employment loss within the ninety-day notice period triggers the notice requirement. An employee's last day of employment is considered the date of that employee's layoff. The first and subsequent groups of terminated employees are entitled to a full ninety days' notice.

(b) An employer shall give notice if the number of employment losses of two or more actions in any ninety-day period triggers the notice requirements in section 3 of this act for a business closing or a mass layoff. An employer is not required to give notice if the number of employment losses from one action in a thirty-day period does not meet the requirements of section 3 of this act. All employment losses in any ninety-day period shall be aggregated to trigger the notice requirement unless the employer demonstrates to the department that the employment losses during the ninety-day period are the result of separate and distinct actions and causes.

(3)(a) Additional notice is required if the date or schedule of dates of a planned business closing or mass layoff is extended beyond the date or the ending date of any period announced in the original notice.

(b) If the postponement is for less than thirty days, the additional notice shall be given as soon as possible to the affected employees or their representatives and the department and shall include reference to the earlier notice, the date to which the planned action is postponed, and the reasons for the postponement. The notice shall be given in a manner which will provide the information to all affected employees.

(c) If the postponement is for more than thirty days, the additional notice shall be treated as new notice subject to the provisions of section 3 of this act.

(4)(a) An exception to the ninety-day notice applies to business closings, but not to mass layoffs, if the following requirements are met:

(i) An employer must have been actively seeking capital or business at the time that the ninety-day notice would have been required by seeking financing

or refinancing through the arrangement of loans or the issuance of stocks, bonds, or other methods of internally generated financing, or by seeking additional money, credit, or business through any other commercially reasonable method. The employer must identify specific actions taken to obtain capital or business;

(ii) The employer must, at the time notice is actually given, provide a statement of explanation for reducing the notice period in addition to the other notice requirements in section 3 of this act;

(iii) There must have been a realistic opportunity to obtain the financing or business sought;

(iv) The financing or business sought must have been sufficient, if obtained, to have enabled the employer to avoid or postpone the shutdown. The employer must be able to objectively demonstrate that the amount of capital or the volume of new business sought would have enabled the company to keep the facility, operating unit, or site open for a reasonable period of time; and

(v) The employer reasonably and in good faith must have believed that giving the required notice would have precluded the employer from obtaining the needed capital or business. The employer must be able to objectively demonstrate that the employer reasonably thought that a potential customer or source of financing would have been unwilling to provide the new business or capital if notice had been given. This condition may be satisfied if the employer can show that the financing or business source would not choose to do business with a troubled company or with a company whose workforce would be looking for other jobs.

(b) The exception provided in subdivision (4)(a) of this section shall be narrowly construed.

(5) An exception to the ninety-day notice applies to business closings and to mass layoffs if the following requirements are met:

(a) Business circumstances occurred that were not reasonably foreseeable at the time that the ninety-day notice would have been required. An important indicator of a reasonably unforeseeable business circumstance is that the

circumstance is caused by some sudden, dramatic, and unexpected action or condition outside the employer's control;

(b) The employer must, at the time notice is actually given, provide a statement of explanation for reducing the notice period in addition to the other notice requirements in section 3 of this act; and

(c) The employer must exercise commercially reasonable business judgment as would a similarly situated employer in predicting the demands of the employer's particular market. The employer is not required to accurately predict general economic conditions that also may affect demand for products or services.

(6)(a) An exception to the ninety-day notice applies to business closings and to mass layoffs if the following requirements are met:

(i) A natural disaster occurred at the time that the ninety-day notice would have been required. Floods, earthquakes, droughts, storms, tornadoes, and similar effects of nature shall be considered natural disasters for purposes of this subsection;

(ii) The employer must, at the time notice is actually given, provide a statement of explanation for reducing the notice period in addition to the other notice requirements in section 3 of this act; and

(iii) An employer must be able to demonstrate that the business closing or mass layoff is a direct result of the natural disaster.

(b) If a business closing or mass layoff occurs as an indirect result of a natural disaster, the exception provided in this subsection does not apply but the unforeseeable business circumstance exception provided in subsection (5) of this section may be applicable.

(7) The ninety-day notice requirement in section 3 of this act may be reduced by the number of days for which severance payments or wages in lieu of notice are paid by the employer to the employee for work days occurring during the notice period. A severance payment or wages in lieu of notice shall be at least an amount equivalent to the regular pay the employee would earn for the work days occurring during the notice period.

Sec. 5. (1) The department shall enforce the Nebraska Worker Adjustment and Retraining Notification Act.

(2) An employer who violates section 3 of this act shall be subject to a civil penalty of not more than one hundred dollars for each day of the violation.

(3) The civil penalty provided for in this section shall be the exclusive remedy for any violation of the Nebraska Worker Adjustment and Retraining Notification Act. Under the act, a court shall not have authority to enjoin a business closing or mass layoff.

Sec. 6. The department may adopt and promulgate rules and regulations to carry out the Nebraska Worker Adjustment and Retraining Notification Act.

Sec. 7. Sections 7 to 15 of this act shall be known and may be cited as the Health Care Staffing Agency Registration Act.

Sec. 8. For purposes of the Health Care Staffing Agency Registration Act:

(1) Commissioner means the Commissioner of Labor;

(2) Department means the Department of Labor;

(3)(a) Direct services means nursing services or other services provided to consumers through person-to-person contact; and

(b) Direct services does not mean:

(i) Services performed by an individual in a health care entity that do not involve the provision of any direct service to a consumer of a health care entity;

(ii) The practice of medicine and surgery or osteopathic medicine and surgery by an individual licensed under the Medicine and Surgery Practice Act; or

(iii) The practice of nursing by a nurse practitioner licensed under the Nurse Practitioner Practice Act;

(4) Health care entity means a health care facility or a health care service;

(5) Health care facility has the same meaning as in section 71-413;

(6) Health care service has the same meaning as in section 71-415;

(7) Health care staffing agency means an individual, a trust, a partnership, a corporation, a limited liability partnership, a limited liability company, or any other business entity that provides one or more temporary workers to provide direct services in a separate, third-party health care entity. Health care staffing agency includes a health care technology platform;

(8) Health care technology platform means an individual, a trust, a partnership, a corporation, a limited liability partnership, a limited liability company, or any other business entity that developed and operates, offers, or maintains a system or technology that provides a marketplace, by means of the Internet or a software application, which allows (a) a worker, in the sole discretion of such worker, to choose when and how often to utilize the platform to bid on or select an open shift posted by a health care entity and (b) a health care entity to set rates with the platform that can only be changed by a contractual amendment between the parties;

(9)(a) Nursing services means services that may be provided only by or under the supervision of a nurse; and

(b) Nursing services does not mean the practice of nursing by a nurse practitioner licensed under the Nurse Practitioner Practice Act; and

(10) Worker means an individual who contracts with or is employed by a health care staffing agency to provide direct services for a health care entity.

Sec. 9. (1) A health care staffing agency operating in the state shall register annually with the department. As a condition of eligibility for registration, the applicant shall certify that the health care staffing agency is in compliance with section 11 of this act.

(2) An applicant for registration and renewal of registration shall, for each separate physical location at which the applicant intends to operate as a health care staffing agency in Nebraska, file an application in a form prescribed by the department and pay an annual registration fee of one thousand five hundred dollars to the department, except that if the applicant is a

health care staffing agency operating in Nebraska that does not maintain a physical location in Nebraska, the application shall be for the state generally and the annual registration fee shall be one thousand five hundred dollars for such application. An application for the renewal of a registration shall be made at least sixty days prior to the expiration of the then-current registration period. The department shall issue the applicant a separate certification of registration for each physical location at which the applicant intends to operate as a health care staffing agency in Nebraska upon approval of registration and payment of the fee, except that if the applicant is a health care staffing agency operating in Nebraska that does not maintain a physical location in Nebraska, the department shall issue one certificate of registration to the applicant for the state generally. The application shall include appropriate evidence of ability to comply with the requirements of section 10 of this act. The department shall remit the fees to the State Treasurer for credit to the Contractor and Professional Employer Organization Registration Cash Fund.

(3) If the commissioner denies an application for registration or renewal of registration of a health care staffing agency, the commissioner shall issue a notice of denial. The health care staffing agency may file an appeal with the commissioner within twenty days after the date of mailing of the notice of denial. Except as otherwise provided in the Health Care Staffing Agency Registration Act, an appeal under this section shall be governed by the Administrative Procedure Act.

Sec. 10. (1) A health care staffing agency shall:

(a) Ensure that each worker complies with all applicable requirements relating to the federal and state licensing, certification, registration, and health care requirements and qualifications for personnel providing direct services in a health care entity. Unless the contract between the health care entity and the health care staffing agency provides otherwise, the health care staffing agency shall not be responsible for each worker's compliance with the health care entity's organization-specific requirements;

(b) Document that each worker meets the minimum federal and state licensing, certification, registration, and health care requirements as applicable for the worker's position in the health care entity;

(c) Maintain a record for each worker and report, file, or otherwise provide any required documentation to any external party or regulator if such duties would otherwise be the responsibility of the health care entity if the worker was an employee of the health care entity. A health care technology platform shall make available records stored on the platform for all workers, including documents required pursuant to subdivisions (1)(b) and (d) and subsection (2) of this section; and

(d) Maintain or require each worker to maintain professional and general liability insurance coverage with minimum per occurrence coverage of one million dollars and aggregate coverage of three million dollars to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any individual as the result of negligence or malpractice in the provision of services by the health care staffing agency or a worker of the agency.

(2) A health care staffing agency shall provide the department with (a) proof of a certificate or policy of insurance written by an insurance carrier duly authorized to do business in this state which gives the effective dates of workers' compensation insurance coverage indicating that it is in force, (b) proof of a certificate evidencing approval of self-insurance privileges as provided by the Nebraska Workers' Compensation Court pursuant to section 48-145, (c) a signed statement indicating that the health care staffing agency is not required to carry workers' compensation insurance pursuant to the Nebraska Workers' Compensation Act, or (d) proof of a certificate evidencing occupational accident coverage for all workers employed by the health care staffing agency in the state.

(3) A health care staffing agency that ceases to engage in the business of or act as a health care staffing agency shall notify the department of such fact and maintain all files and other records relating to its business as a

health care staffing agency in Nebraska for a period of two years. Such files and records shall be made available to the department within fourteen calendar days after such files and records are requested by the department.

Sec. 11. (1) A health care staffing agency shall not:

(a) Include in any contract with a worker or a health care entity a noncompete clause restricting in any manner the employment opportunities of a worker; or

(b) In any contract with a worker or a health care entity, require payment of liquidated damages, employment fees, or other compensation if the worker is subsequently hired as a permanent employee of the health care entity, except that this subdivision (b) shall not apply to (i) payments made solely by a health care entity pursuant to a contract with a health care staffing agency which provides that the payment amount will be reduced pro rata for each hour of service the worker performs for the entity while on the payroll of such agency and that such amount will be reduced to zero upon completion of no more than seven hundred twenty hours of service for the entity or (ii) payments made by a foreign worker whom the staffing agency assisted in obtaining authorization to work in the United States and the worker was assigned to a single health care entity for an initial term of not less than twenty-four months.

(2) Any clause of a contract that violates this section is void.

Sec. 12. (1) If the commissioner determines that a health care staffing agency (a) failed to register as required by the Health Care Staffing Agency Registration Act, (b) violated section 10 or 11 of this act, (c) failed to provide documentation pursuant to section 13 of this act, or (d) knowingly provided to a health care entity a worker who has an illegally or fraudulently obtained or issued diploma, registration, license, certification, or background check, the commissioner may take one or more of the following actions:

(i) Assess a civil penalty of not more than five hundred dollars for a first offense and five thousand dollars for each offense thereafter; or

(ii) Revoke the registration for a period of no more than one calendar

year. This revocation shall apply to all locations of the health care staffing agency.

(2) If the commissioner determines that a civil penalty or revocation is warranted under this section, the commissioner shall issue a notice of citation that notifies the health care staffing agency of the proposed civil penalty or revocation. The notice of citation shall be sent by certified mail or any other manner of delivery by which the United States Postal Service can verify delivery.

(3) A health care staffing agency may appeal any notice of citation by filing an appeal with the commissioner within twenty days after the date of mailing of the notice of citation. Except as otherwise provided in the Health Care Staffing Agency Registration Act, an appeal under this subsection shall be governed by the Administrative Procedure Act.

(4) No penalty or revocation shall become effective until the later of the day following expiration of the appeal period or thirty days after a decision on appeal has become final. Once a revocation becomes effective, it is effective for one calendar year and applies to revoke any then-current registration for all locations of the health care staffing agency and to preclude the health care staffing agency from applying for a new registration for any location during the revocation period. A health care staffing agency that has substantially common ownership or management as a health care staffing agency whose registration has been revoked under this section shall not be eligible for registration during the revocation period.

(5) In any civil action to enforce the Health Care Staffing Agency Registration Act, the commissioner and the state may be represented by any qualified attorney who is employed by the commissioner and is designated by the commissioner for this purpose or, at the commissioner's request, by the Attorney General.

Sec. 13. (1) The commissioner shall establish a system for the public to report complaints against a health care staffing agency or worker regarding compliance with the Health Care Staffing Agency Registration Act. The

commissioner shall investigate any complaint received.

(2) The commissioner may investigate to determine if a health care staffing agency is in compliance with the Health Care Staffing Agency Registration Act and shall conduct random audits of health care staffing agencies with workers in Nebraska. Any investigation or audit shall take place at such times and places as the commissioner directs, with no fewer than three business days' prior notice.

(3) For purposes of any investigation or audit under this section, the commissioner or any officer designated by the commissioner may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner deems relevant or material to the investigation.

(4) In case of contumacy by or refusal to obey a subpoena issued to any person, any court of competent jurisdiction, upon application by the commissioner and determination that such refusal was not based on a reasonable interpretation of applicable law, may issue to such person an order requiring such person to appear before the commissioner or the officer designated by the commissioner and produce documentary evidence, if so ordered, or give evidence affecting the matter under investigation or in question. Such person shall be afforded an opportunity to provide the commissioner and, if an application is made to a court of competent jurisdiction by the commissioner to enforce the subpoena, the court with an analysis or argument as to why such contumacy or refusal is based on a reasonable interpretation of applicable law. Any failure to obey the order of the court may be punished by the court as contempt.

Sec. 14. (1) The department shall create a database of health care staffing agencies registered under the Health Care Staffing Agency Registration Act. The department shall make the database accessible to the public on its website.

(2) The database shall include, but not be limited to, the following information:

(a) The date of registration approval for the health care staffing agency;
and

(b) The date of expiration or revocation of the registration of the health care staffing agency.

Sec. 15. The department may adopt and promulgate rules and regulations to carry out the Health Care Staffing Agency Registration Act.

Sec. 16. Section 48-604, Revised Statutes Supplement, 2025, is amended to read:

48-604 As used in the Employment Security Law, unless the context otherwise requires, employment shall mean:

(1) Any service performed, including service in interstate commerce, for wages under a contract of hire, written or oral, express or implied;

(2) The term employment shall include an individual's entire service, performed within or both within and without this state if (a) the service is localized in this state, (b) the service is not localized in any state but some of the service is performed in this state and the base of operations or, if there is no base of operations, then the place from which such service is directed or controlled is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state, (c) the service shall be deemed to be localized within a state if (i) the service is performed entirely within such state or (ii) the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions;

(3) Services performed outside the state and services performed outside the United States as follows:

(a) Services not covered under subdivision (2) of this section and performed entirely without this state, with respect to no part of which contributions are required under an unemployment compensation law of any other

state or of the federal government, shall be deemed to be employment subject to the Employment Security Law if the commissioner approves the election of the employer, for whom such services are performed, that the entire service of such individual shall be deemed to be employment subject to such law;

(b) Services of an individual wherever performed within the United States or Canada if (i) such service is not covered under the employment compensation law of any other state or Canada and (ii) the place from which the service is directed or controlled is in this state; and

(c)(i) Services of an individual who is a citizen of the United States, performed outside the United States except in Canada in the employ of an American employer, other than service which is deemed employment under subdivisions (2) and (3)(a) and (b) of this section or the parallel provisions of another state's law, if:

(A) The employer's principal place of business in the United States is located in this state;

(B) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; the employer is a corporation or limited liability company which is organized under the laws of this state; or the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(C) None of the criteria of subdivisions (A) and (B) of this subdivision are met, but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits based on such service under the laws of this state.

(ii) American employer, for the purposes of this subdivision, shall mean: (A) An individual who is a resident of the United States; (B) a partnership if two-thirds or more of the partners are residents of the United States; (C) a trust if all the trustees are residents of the United States; or (D) a corporation or limited liability company organized under the laws of the United States or of any state.

(iii) The term United States for the purpose of this section includes the states, the District of Columbia, the Virgin Islands, and the Commonwealth of Puerto Rico;

(4)(a) Service performed in the employ of this state or any political subdivision thereof or any instrumentality of any one or more of the foregoing or any instrumentality which is wholly owned by this state and one or more other states or political subdivisions, or any service performed in the employ of any instrumentality of this state or of any political subdivision thereof and one or more other states or political subdivisions if such service is excluded from employment as defined in the Federal Unemployment Tax Act, as amended, solely by reason of 26 U.S.C. 3306(c)(7), and is not otherwise excluded under this section;

(b) Service performed by an individual in the employ of a religious, charitable, educational, or other organization, but only if the following conditions are met: (i) The service is excluded from employment as defined in the Federal Unemployment Tax Act, as amended, solely by reason of 26 U.S.C. 3306(c)(8), and is not otherwise excluded under this section; and (ii) the organization had four or more individuals in employment for some portion of a day in each of twenty different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time;

(c)(i) Service performed by an individual in agricultural labor if such service is performed for a person who during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor, or for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor ten or more individuals, regardless of whether they were employed at the same moment of time.

(ii) For purposes of this subdivision:

(A) Any individual who is a member of a crew furnished by a crew leader to

perform services in agricultural labor for any other person shall be treated as an employee of such crew leader if such crew leader holds a valid certificate of registration under the Migrant and Seasonal Agricultural Worker Protection Act, as amended, 29 U.S.C. 1801 et seq.; substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and such individual is not an employee of such other person within the meaning of any other provisions of this section; and

(B) In case any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subdivision (A) of this subdivision, such other person and not the crew leader shall be treated as the employer of such individual and such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on his or her own behalf or on behalf of such other person, for the service in agricultural labor performed for such other person; and

(d) Service performed by an individual in domestic service in a private home, local college club, or local chapter of a college fraternity or sorority if performed for a person who paid cash remuneration of one thousand dollars or more in the current calendar year or the preceding calendar year to individuals employed in such domestic service in any calendar quarter;

(5) Services performed by an individual for wages, including wages received under a contract of hire, shall be deemed to be employment unless it is shown to the satisfaction of the commissioner that (a) such individual has been and will continue to be free from control or direction over the performance of such services, both under his or her contract of service and in fact, (b) such service is either outside the usual course of the business for which such service is performed or such service is performed outside of all the places of business of the enterprise for which such service is performed, and (c) such individual is customarily engaged in an independently established

trade, occupation, profession, or business. The provisions of this subdivision are not intended to be a codification of the common law and shall be considered complete as written;

(6) The term employment shall not include:

(a) Agricultural labor, except as provided in subdivision (4)(c) of this section;

(b) Domestic service, except as provided in subdivision (4)(d) of this section, in a private home, local college club, or local chapter of a college fraternity or sorority;

(c) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service and, for the purposes of this subdivision, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (i) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (ii) such individual was regularly employed, as determined under subdivision (c)(i) of this subdivision, by such employer in the performance of such service during the preceding calendar quarter;

(d) Service performed by an individual in the employ of his or her son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his or her father or mother;

(e) Service performed in the employ of the United States Government or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by sections 48-648 and 48-649 to 48-649.04, except that, to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, all of the Employment Security Law shall be applicable to such

instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, except that if this state is not certified for any year by the Secretary of Labor of the United States under section 3304 of the Internal Revenue Code as defined in section 49-801.01, the payments required of such instrumentalities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 48-660, with respect to contributions erroneously collected;

(f) Service performed in the employ of this state or any political subdivision thereof or any instrumentality of any one or more of the foregoing if such services are performed by an individual in the exercise of his or her duties: (i) As an elected official; (ii) as a member of the legislative body or a member of the judiciary of a state or political subdivision thereof; (iii) as a member of the Army National Guard or Air National Guard; (iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or (v) as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;

(g) For the purposes of subdivisions (4)(a) and (4)(b) of this section, service performed:

(i) In the employ of (A) a church or convention or association of churches or (B) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of the duties required by such order;

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for an individual whose earning capacity is impaired by age or

physical or mental deficiency or injury, or providing remunerative work for the individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

(iv) As part of an unemployment work relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(v) By an inmate of a custodial or penal institution;

(h) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress;

(i) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the Internal Revenue Code as defined in section 49-801.01, other than an organization described in section 401(a) of the Internal Revenue Code as defined in section 49-801.01, or under section 521 thereof, if the remuneration for such service is less than fifty dollars;

(j) Service performed in the employ of a school, college, or university, if such service is performed (i) by a student who is enrolled, regularly attending classes at, and working for such school, college, or university pursuant to a financial assistance arrangement with such school, college, or university or (ii) by the spouse of such student, if such spouse is advised, at the time such spouse commences to perform such service, that (A) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university and (B) such employment will not be covered by any program of unemployment insurance;

(k) Service performed as a student nurse in the employ of a hospital or nurses training school by an individual who is enrolled and is regularly attending classes in a nurses training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an

individual who has completed a four-year course in a medical school chartered or approved pursuant to state law;

(l) Service performed by an individual as a real estate salesperson, as an insurance agent, or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission;

(m) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(n) Service performed by an individual in the sale, delivery, or distribution of newspapers or magazines under a written contract in which (i) the individual acknowledges that the individual performing the service and the service are not covered and (ii) the newspapers and magazines are sold by him or her at a fixed price with his or her compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him or her, whether or not he or she is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;

(o) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or a group of employers;

(p) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital;

(q) Service performed for a motor carrier, as defined in 49 U.S.C. 13102 or section 75-302, as amended, by a lessor leasing one or more motor vehicles driven by the lessor or one or more drivers provided by the lessor under a

lease, with the motor carrier as lessee, executed pursuant to 49 C.F.R. part 376, Title 291, Chapter 3, as amended, of the rules and regulations of the Public Service Commission, or the rules and regulations of the Division of Motor Carrier Services. This shall not preclude the determination of an employment relationship between the lessor and any personnel provided by the lessor in the conduct of the service performed for the lessee;

(r) Service performed by an individual for a business engaged in compilation of marketing databases if such service consists only of the processing of data and is performed in the residence of the individual;

(s) Service performed by an individual as a volunteer research subject who is paid on a per study basis for scientific, medical, or drug-related testing for any organization other than one described in section 501(c)(3) of the Internal Revenue Code as defined in section 49-801.01 or any governmental entity;

(t) Service performed by a direct seller if:

(i) Such person is engaged in sales primarily in person and is:

(A) Engaged in the trade or business of selling or soliciting the sale of consumer products or services to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment;

(B) Engaged in the trade or business of selling or soliciting the sale of consumer products or services in the home or otherwise than in a permanent retail establishment; or

(C) Engaged in the trade or business of the delivering or distribution of newspapers or shopping news, including any services directly related to such trade or business;

(ii) Substantially all the remuneration, whether or not paid in cash, for the performance of the services described in subdivision (t)(i) of this subdivision is directly related to sales or other output, including the performance of services, rather than to the number of hours worked; and

(iii) The services performed by the person are performed pursuant to a

written contract between such person and the person for whom the services are performed and the contract provides that the person will not be treated as an employee for federal and state tax purposes. Sales by a person whose business is conducted primarily by telephone or any other form of electronic sales or solicitation is not service performed by a direct seller under this subdivision;

(u) Service performed by an individual who is a participant in the National and Community Service State Grant Program, also known as AmeriCorps, because a participant is not considered an employee of the organization receiving assistance under the national service laws through which the participant is engaging in service pursuant to 42 U.S.C. 12511(30)(B);

(v) Service performed at a penal or custodial institution by a person committed to a penal or custodial institution; and

(w)(i) Service by a marketplace network contractor if:

(A) The marketplace network contractor and marketplace network platform agree in writing that the marketplace network contractor is an independent contractor and not an employee of the marketplace network platform;

(B) The marketplace network platform does not unilaterally prescribe specific hours during which the marketplace network contractor must be available to accept service requests submitted through the marketplace network platform's digital network;

(C) The marketplace network platform does not prohibit the marketplace network contractor from engaging in outside employment or performing services through other marketplace network platforms except while the marketplace network contractor is performing services through the marketplace network platform's digital network; and

(D) The marketplace network platform is not allowed to terminate the contract of the marketplace network contractor for not accepting a specific service request.

(ii) For purposes of subdivision (6)(w) of this section:

(A) Marketplace network contractor means a person to which all of the

following apply: Such person enters a written agreement with a marketplace network platform to use the marketplace network platform's digital network to connect with individuals or entities seeking services offered by the marketplace network contractor; such person performs services for individuals or entities through a marketplace network platform's digital network in exchange for compensation or payment; and such person does not perform services at a physical business location operated by the marketplace network platform in this state, except when such physical business is located in a city of the metropolitan or primary class. Nothing in this section shall apply to an individual classified under subdivision (7) of this section; and

(B) Marketplace network platform means a person that maintains a digital network to facilitate services by marketplace network contractors to individuals or entities seeking those services, and accepts requests from the public only through the platform's digital network or mobile application, and not by telephone, facsimile, or in-person at a retail location.

(iii) Subdivision (6)(w) of this section shall not apply to services performed by a marketplace network contractor:

(A) For any employer described in subdivision (4)(a) or (4)(b) of this section or in section 48-603.01; or

(B) If with respect to such services a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, as amended, is required to be covered under the Employment Security Law;

(7) If the services performed during one-half or more of any pay period by an individual for the person employing him or her constitute employment, all the services of such individual for such period shall be deemed to be employment, but if the services performed during more than one-half of any such pay period by an individual for the person employing him or her do not constitute employment, then none of the services of such individual for such

period shall be deemed to be employment. As used in this subdivision, the term pay period means a period, of not more than thirty-one consecutive days, for which a payment of remuneration is ordinarily made to such individual by the person employing him or her. This subdivision shall not be applicable with respect to services performed in a pay period by an individual for the person employing him or her when any of such service is excepted by subdivision (6)(h) of this section; and

(8) Notwithstanding the foregoing exclusions from the definition of employment, services shall be deemed to be in employment if with respect to such services a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, as amended, is required to be covered under the Employment Security Law.

Sec. 17. Section 48-628, Reissue Revised Statutes of Nebraska, is amended to read:

48-628 (1) An individual shall be disqualified for benefits for any week of unemployment in which the commissioner finds he or she has failed, without good cause, to apply for available, suitable work when so directed by the employment office or the commissioner, to respond to an offer for a job interview for suitable work within one week, to respond to an offer for a job for suitable work within one week, to appear for a previously scheduled job interview for suitable work without notifying the prospective employer of the need to cancel or reschedule the interview, to accept suitable work offered him or her, or to return to his or her customary self-employment, if any, and for the twelve weeks immediately thereafter. The total benefit amount to which he or she is then entitled shall be reduced by an amount equal to the number of weeks for which he or she has been disqualified by the commissioner. The commissioner may consider the manner of communication established between the individual and the prospective employer about how the interview will be conducted or a job offer will be extended in determining if an individual

failed to appear for a previously scheduled job interview without notifying the prospective employer of the need to cancel or reschedule the interview or failed to respond to an offer for a job.

(2) In determining whether or not any work is suitable for an individual, the commissioner shall consider the following:

(a) The degree of risk involved to the individual's health, safety, and morals;

(b) His or her physical fitness and prior training;

(c) His or her experience and prior earnings;

(d) His or her length of unemployment and prospects for securing local work in his or her customary occupation; and

(e) The distance of the available work from his or her residence.

(3) Notwithstanding any other provisions of the Employment Security Law, no work shall be deemed suitable and benefits shall not be denied under such law to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(4) Notwithstanding any other provisions in this section relating to failure to apply for or a refusal to accept suitable work, no otherwise eligible individual shall be denied benefits with respect to any week in which he or she is in training with the approval of the commissioner.

(5) No individual shall be disqualified for refusing to apply for available, full-time work or accept full-time work under subsection (1) of this section solely because such individual is seeking part-time work if the

majority of the weeks of work in an individual's base period include part-time work. For purposes of this subsection, seeking only part-time work shall mean seeking less than full-time work having comparable hours to the individual's part-time work in the base period, except that the individual must be available for work at least twenty hours per week.

Sec. 18. Section 48-2209, Reissue Revised Statutes of Nebraska, is amended to read:

48-2209 If more than five percent of the employees of an employer are non-English-speaking employees who speak the same non-English language, the employer shall:

(1) Make an interpreter available at the worksite for each shift during which a non-English-speaking employee is employed. If a Spanish-speaking interpreter is needed, the employer shall select an interpreter from a list of interpreters developed by the commissioner. If an interpreter is needed for a language other than Spanish, the employer shall select an interpreter capable of explaining and responding to questions regarding the terms, conditions, and daily responsibilities of employment; and

(2) Employ an individual who shall serve as a referral agent to community services for the non-English-speaking employees. The name of the individual serving as the referral agent shall be provided at each worksite. Such information shall be provided in the language of the non-English-speaking employees. The primary responsibility of the referral agent shall be to develop and maintain a list of contact persons and agencies, telephone numbers, and addresses of the community services provided within the community where the relevant worksite is located. The referral agent shall assist non-English-speaking employees in working with and through those services.

Sec. 19. Section 81-401, Reissue Revised Statutes of Nebraska, is amended to read:

81-401 The Governor, through the agency of the Department of Labor created by section 81-101, shall have power:

(1) To foster, promote, and develop the welfare of wage earners;

- (2) To improve working conditions;
- (3) To advance opportunities for profitable employment;
- (4) To collect, collate, assort, systematize, and report statistical details relating to all departments of labor, especially in its relation to commercial, industrial, social, economic, and educational conditions and to the permanent prosperity of the manufacturing and productive industries;
- (5) To acquire and distribute useful information on subjects connected with labor in the most general and comprehensive sense of the word;
- (6) To acquire and distribute useful information concerning the means of promoting the material, social, intellectual, and moral prosperity of laboring men and women;
- (7) To acquire and distribute information as to the conditions of employment and such other facts as may be deemed of value to the industrial interests of the state;
- (8) To acquire and distribute information in relation to the prevention of accidents, occupational diseases, and other related subjects;
- (9) To acquire and distribute useful information regarding the role of the part-time labor force and the manner in which such labor force affects the economy and citizens of the state; and
- (10) To administer and enforce all of the provisions of the Employment Security Law, the Farm Labor Contractors Act, the Health Care Staffing Agency Registration Act, and the Wage and Hour Act and Chapter 48, articles 2, 3, 4, and 5, and for that purpose there is imposed upon the Commissioner of Labor the duty of executing all of the provisions of such acts, law, and articles.

Sec. 20. Section 81-406, Reissue Revised Statutes of Nebraska, is amended to read:

81-406 The Contractor and Professional Employer Organization Registration Cash Fund is created. The fund shall be administered by the Department of Labor and shall consist of fees collected by the department pursuant to the Farm Labor Contractors Act, the Contractor Registration Act, the Health Care Staffing Agency Registration Act, and the Professional Employer Organization

Registration Act and such sums as are appropriated to the fund by the Legislature. The fund shall be used for enforcing and administering the Farm Labor Contractors Act, the Contractor Registration Act, the Employee Classification Act, the Health Care Staffing Agency Registration Act, and the Professional Employer Organization Registration Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Money in the Contractor and Professional Employer Organization Registration Cash Fund may be transferred to the General Fund at the direction of the Legislature.

The State Treasurer shall transfer one million seven hundred thousand dollars from the Contractor and Professional Employer Organization Registration Cash Fund to the General Fund on or before June 15, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

Sec. 21. Section 81-8,236, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,236 (1) For purposes of this section:

(a) Correctional institution incident means an incident in which a crime or crimes are allegedly committed by one or more inmates confined in a state correctional institution;

(b) Costs of prosecution includes, but is not limited to, the costs of defense for indigent defendants, including attorney's fees and expert witness fees;

(c) Division means the risk management and state claims division of the Department of Administrative Services; and

(d) Threshold amount means the amount of property tax revenue raised by a county from a levy of two and one-half cents per one hundred dollars of taxable valuation of property subject to the levy. The threshold amount shall be determined using valuations for the year in which the correctional institution incident occurred.

(2) A county may file a claim with the division to recover the costs of prosecution relating to a correctional institution incident that occurs within the county. The county may recover only those costs that exceed the threshold amount for such county. A county may file additional claims for a single correctional institution incident if the initial claim exceeds the threshold amount. Such additional claims shall not be filed more than once per calendar year unless the prosecution has resolved. No claim shall include prosecution costs for which the Risk Manager has issued a decision pursuant to section 81-8,300. Claims filed under this section that arise from the same correctional institution incident need not be aggregated unless directed to do so by the State Claims Board.

(3) The Risk Manager shall have the power and authority to receive claims, investigate claims, and otherwise carry out the responsibilities of this section. The division shall develop a claim form, publish claim procedures, and determine the supporting information required to perfect a claim.

(4) The Risk Manager shall submit claims received under this section to the Legislature in the same manner as provided in the State Miscellaneous Claims Act. The Legislature shall review the claim and make an appropriation for the claim if appropriate.

(5) This section shall apply to any correctional institution incident occurring on or after May 1, 2015. Claims described in this section shall have no time bar to recovery.

Sec. 22. Section 81-8,300, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,300 (1) After investigation, the Risk Manager or State Claims Board shall either approve, approve with conditions or limitations, or disapprove of each claim or request and append to the claim or request a concise statement of the facts brought out in such investigation upon which its approval or disapproval is based. If any claim is approved in an amount of more than five thousand dollars, the approval of the board is required. Such claim or request, together with the original papers supporting it and the appended statement,

shall be filed with the Risk Manager in the manner prescribed by the State Claims Board. The Risk Manager shall promptly notify each claimant of the decision by the Risk Manager or State Claims Board on his or her claim by regular mail. The notification shall include (a) the decision of the Risk Manager or State Claims Board, (b) a statement that a claimant dissatisfied with the decision of the Risk Manager may have his or her claim reviewed by the board or a statement that a claimant dissatisfied with the decision of the board may have his or her claim reviewed by the Legislature upon application, (c) the procedure for making an application for review, and (d) the time limit for making such application.

(2) If the claimant is dissatisfied with the decision of the Risk Manager, he or she may file an application for review by the board. If the claimant is dissatisfied with the decision of the board, he or she may file an application for review by the Legislature. The application for review shall be filed with the Risk Manager in the manner prescribed by the board. The application for review shall be filed within sixty days after the date of the decision which is being reviewed.

(3) Each claim which has been approved or for which an application for review with the Legislature has been filed and each request referred to in section 81-8,297 shall be delivered electronically by the Risk Manager to the chairperson of the Business and Labor Committee of the Legislature at the next regular session of the Legislature convening after the date of the decision of the board. The Risk Manager may direct the payment by the state agency involved of any claim not in excess of five thousand dollars if such payment is agreed to by the head of the agency involved. The State Claims Board may direct payment by the state agency involved of any claim not in excess of fifty thousand dollars if such payment is agreed to by the head of the agency involved and the agency has sufficient funds to pay the claim. If claims approved by the Risk Manager or State Claims Board arise out of the same facts and circumstances, they shall be aggregated except when more than one claim has been filed pursuant to subsection (2) of section 81-8,236. If the Risk Manager

or State Claims Board does not direct the payment of a claim as set forth in this section or the claim exceeds the dollar limitations set forth in this section, the claim shall be reviewed by the Legislature and an appropriation made therefor if appropriate. The Risk Manager shall report electronically all claims and judgments paid under the State Miscellaneous Claims Act to the Clerk of the Legislature and the chairperson of the Business and Labor Committee of the Legislature. The report shall include the name of the claimant, a statement of the amount claimed and paid, and a brief description of the claim including the agency and program or activity under which the claim arose. Any member of the Legislature may receive an electronic copy of the report by making a request to the Risk Manager.

Sec. 23. Section 81-8,316, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,316 For purposes of the In the Line of Duty Compensation Act:

(1) Firefighter means a member of a paid or volunteer fire department in Nebraska, including a member of a rescue squad associated with a paid or volunteer fire department in Nebraska;

(2)(a) Killed in the line of duty means losing one's life as a result of an injury or illness arising on or after January 1, 2022, in connection with the active performance of duties as a public safety officer if the death occurs within three years from the date the injury was received or illness was diagnosed and if that injury or illness arose from violence or other accidental cause.

(b) An injury or illness shall be presumed to have arisen in connection with the active performance of duties as a public safety officer if:

(i) The injury or illness is a heart attack, stroke, or vascular rupture that occurred or the symptoms of such injury or illness manifested while the public safety officer was engaged in, or within twenty-four hours after, nonroutine stressful or strenuous activity in the line of duty;

(ii) The public safety officer was exposed to any toxin or carcinogen while on duty and the public safety officer began service no fewer than five

years prior to the date of a diagnosis of an exposure-related cancer; or

(iii) The public safety officer was exposed to cumulative traumatic events while on duty, such exposure was a substantial contributing factor in the death of the public safety officer, and either:

(A) The public safety officer was diagnosed by a licensed medical or mental health professional with an injury or illness related to such exposure; or

(B) There is evidence that the public safety officer attempted to receive help, treatment, or diagnosis for an injury or illness related to such exposure.

(c)(i) The presumption in subdivision (2)(b)(i) of this section may be overcome by competent medical evidence that establishes the death was:

(A) Unrelated to the engagement or participation in activities in the line of duty; or

(B) Caused by something other than such engagement or participation or the mere presence of cardiovascular disease risk factors.

(ii) The presumption in subdivision (2)(b)(ii) of this section may be overcome by competent medical evidence that establishes the exposure to the toxin or carcinogen was not a substantial contributing factor in the death of the public safety officer.

(d) Killed in the line of duty excludes death resulting from the willful misconduct or intoxication of the public safety officer;

(3) Law enforcement officer has the same meaning as in section 81-1401;

(4) Public safety officer means:

(a) A firefighter;

(b) A law enforcement officer;

(c) A member of an emergency medical services ambulance squad operated by a political subdivision or by a private, nonprofit ambulance service, but excluding any employee of a private, for-profit ambulance service; or

(d) A correctional officer employed by a jail or by the Department of Correctional Services;

(5) Risk Manager means the Risk Manager appointed under section 81-8,239.01; and

(6) State Claims Board means the board created under section 81-8,220.

Sec. 24. Section 81-8,318, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,318 (1) To receive compensation under the In the Line of Duty Compensation Act, a claim for the compensation shall be filed with the Risk Manager within three years after the date of death of the public safety officer who was killed in the line of duty. Such claim shall be on a form prescribed by the Risk Manager and shall include:

(a) The name, address, and title or position of the public safety officer who was killed in the line of duty;

(b) A copy of the form filed in accordance with subsection (4) of section 81-8,317, if any. If no such form has been filed, the claim shall include the name and address of the person or persons to whom compensation is payable under subdivision (3)(b) of section 81-8,317;

(c) A sworn statement providing a full factual account of the circumstances resulting in or the course of events causing the death of the public safety officer; and

(d) Such other information as the Risk Manager reasonably requires.

(2) The Risk Manager shall send written notice to all claimants within two weeks after the initiation of a claim indicating whether or not the claim is complete. For purposes of this subsection, a claim is complete if a claimant has submitted to the Risk Manager all documents and information required under subsection (1) of this section. If a claim is incomplete, the Risk Manager shall include in the written notice a list of the documents or information which the claimant must submit in order for the claim to be complete. If a claim is complete, an investigation of the claim shall be made in the manner provided in the State Miscellaneous Claims Act. Upon completion of such investigation, and no later than one hundred eighty days after receipt of a complete claim, the State Claims Board shall approve or deny such claim and the

Risk Manager shall send written notice to the claimant stating whether the claim has been approved or denied. If a claim is denied, the notice shall include the reason or reasons for the denial. If a claimant is dissatisfied with a denial, he or she may file an application for review with the Risk Manager in accordance with subsection (2) of section 81-8,300. If a claim is approved, compensation shall be paid to the claimants entitled to such compensation in accordance with section 81-8,300.

(3) This section shall apply to any claim arising on or after January 1, 2022.

Sec. 25. Sections 7, 8, 9, 10, 11, 12, 13, 14, and 15 of this act become operative on July 1, 2027. The other sections of this act become operative on their effective date.

Sec. 26. Original sections 48-628, 48-2209, 81-401, 81-406, 81-8,236, 81-8,300, 81-8,316, and 81-8,318, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Supplement, 2025, are repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 921 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR