

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 921

FINAL READING

Introduced by Ibach, 44.

Read first time January 09, 2026

Committee: Business and Labor

1 A BILL FOR AN ACT relating to law; to amend sections 48-628, 48-2209,
2 81-401, 81-406, 81-8,236, 81-8,300, 81-8,316, and 81-8,318, Reissue
3 Revised Statutes of Nebraska, and section 48-604, Revised Statutes
4 Supplement, 2025; to adopt the Nebraska Worker Adjustment and
5 Retraining Notification Act and the Health Care Staffing Agency
6 Registration Act; to change provisions relating to employment and to
7 disqualify certain individuals from receiving benefits under the
8 Employment Security Law; to change certain employer duties under the
9 Non-English-Speaking Workers Protection Act; to grant authority to
10 the Governor; to change provisions relating to a cash fund; to allow
11 counties to file multiple claims relating to correctional
12 institution incidents; to redefine terms and change provisions
13 relating to the investigation and appeal of claims under the In the
14 Line of Duty Compensation Act; to harmonize provisions; to provide
15 operative dates; and to repeal the original sections.
16 Be it enacted by the people of the State of Nebraska,

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

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

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

9 (2) Department means the Department of Labor;

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

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

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

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

29 (7) Part-time employee means an employee who is employed for an
30 average of fewer than twenty hours per week or an employee, including a
31 full-time employee, who has been employed for fewer than six of the

1 twelve months preceding the date on which notice is required. However, if
2 an applicable collective bargaining agreement defines a part-time
3 employee, such definition shall supersede the definition in this
4 subdivision;

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

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

12 **Sec. 3.** (1)(a) An employer who plans a business closing or a mass
13 layoff shall not order such action until the end of a ninety-day period
14 which begins after the employer serves written notice of such action to
15 the affected employees or their representatives and to the department.
16 However, if an applicable collective bargaining agreement designates a
17 different notice period, the notice period in the collective bargaining
18 agreement shall govern. The employer shall provide notice to the
19 department if the worker is covered by a collective bargaining agreement.

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

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

1 mass layoff that will take place thereafter.

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

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

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

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

13 (iv) The job titles of positions to be affected and the names of the
14 employees currently holding the affected jobs. The notice to the
15 department shall also include the addresses of the affected employees.
16 The department shall maintain the confidentiality of the names and
17 addresses of employees received by the department; and

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

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

27 (3) Any reasonable method of delivery to the affected employees or
28 their representatives and the department which is designed to ensure
29 receipt of notice of at least ninety days before the planned action is
30 acceptable. In the case of notification directly to affected employees,
31 insertion of notice into pay envelopes is a viable option. The employer

1 must also post the notice in a conspicuous location in the languages
2 spoken by at least five percent of the employer's workforce.

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

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

25 (b) An employer shall give notice if the number of employment losses
26 of two or more actions in any ninety-day period triggers the notice
27 requirements in section 3 of this act for a business closing or a mass
28 layoff. An employer is not required to give notice if the number of
29 employment losses from one action in a thirty-day period does not meet
30 the requirements of section 3 of this act. All employment losses in any
31 ninety-day period shall be aggregated to trigger the notice requirement

1 unless the employer demonstrates to the department that the employment
2 losses during the ninety-day period are the result of separate and
3 distinct actions and causes.

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

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

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

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

18 (i) An employer must have been actively seeking capital or business
19 at the time that the ninety-day notice would have been required by
20 seeking financing or refinancing through the arrangement of loans or the
21 issuance of stocks, bonds, or other methods of internally generated
22 financing, or by seeking additional money, credit, or business through
23 any other commercially reasonable method. The employer must identify
24 specific actions taken to obtain capital or business;

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

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

30 (iv) The financing or business sought must have been sufficient, if
31 obtained, to have enabled the employer to avoid or postpone the shutdown.

1 The employer must be able to objectively demonstrate that the amount of
2 capital or the volume of new business sought would have enabled the
3 company to keep the facility, operating unit, or site open for a
4 reasonable period of time; and

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

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

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

18 (a) Business circumstances occurred that were not reasonably
19 foreseeable at the time that the ninety-day notice would have been
20 required. An important indicator of a reasonably unforeseeable business
21 circumstance is that the circumstance is caused by some sudden, dramatic,
22 and unexpected action or condition outside the employer's control;

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

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

31 (6)(a) An exception to the ninety-day notice applies to business

1 closings and to mass layoffs if the following requirements are met:

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

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

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

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

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

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

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

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

30 **Sec. 6.** The department may adopt and promulgate rules and
31 regulations to carry out the Nebraska Worker Adjustment and Retraining

1 Notification Act.

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

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

6 (1) Commissioner means the Commissioner of Labor;

7 (2) Department means the Department of Labor;

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

10 (b) Direct services does not mean:

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

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

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

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

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

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

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

29 (8) Health care technology platform means an individual, a trust, a
30 partnership, a corporation, a limited liability partnership, a limited
31 liability company, or any other business entity that developed and

1 operates, offers, or maintains a system or technology that provides a
2 marketplace, by means of the Internet or a software application, which
3 allows (a) a worker, in the sole discretion of such worker, to choose
4 when and how often to utilize the platform to bid on or select an open
5 shift posted by a health care entity and (b) a health care entity to set
6 rates with the platform that can only be changed by a contractual
7 amendment between the parties;

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

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

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

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

20 (2) An applicant for registration and renewal of registration shall,
21 for each separate physical location at which the applicant intends to
22 operate as a health care staffing agency in Nebraska, file an application
23 in a form prescribed by the department and pay an annual registration fee
24 of one thousand five hundred dollars to the department, except that if
25 the applicant is a health care staffing agency operating in Nebraska that
26 does not maintain a physical location in Nebraska, the application shall
27 be for the state generally and the annual registration fee shall be one
28 thousand five hundred dollars for such application. An application for
29 the renewal of a registration shall be made at least sixty days prior to
30 the expiration of the then-current registration period. The department
31 shall issue the applicant a separate certification of registration for

1 each physical location at which the applicant intends to operate as a
2 health care staffing agency in Nebraska upon approval of registration and
3 payment of the fee, except that if the applicant is a health care
4 staffing agency operating in Nebraska that does not maintain a physical
5 location in Nebraska, the department shall issue one certificate of
6 registration to the applicant for the state generally. The application
7 shall include appropriate evidence of ability to comply with the
8 requirements of section 10 of this act. The department shall remit the
9 fees to the State Treasurer for credit to the Contractor and Professional
10 Employer Organization Registration Cash Fund.

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

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

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

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

30 (c) Maintain a record for each worker and report, file, or otherwise
31 provide any required documentation to any external party or regulator if

1 such duties would otherwise be the responsibility of the health care
2 entity if the worker was an employee of the health care entity. A health
3 care technology platform shall make available records stored on the
4 platform for all workers, including documents required pursuant to
5 subdivisions (1)(b) and (d) and subsection (2) of this section; and

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

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

25 (3) A health care staffing agency that ceases to engage in the
26 business of or act as a health care staffing agency shall notify the
27 department of such fact and maintain all files and other records relating
28 to its business as a health care staffing agency in Nebraska for a period
29 of two years. Such files and records shall be made available to the
30 department within fourteen calendar days after such files and records are
31 requested by the department.

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

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

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

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

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

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

29 (ii) Revoke the registration for a period of no more than one
30 calendar year. This revocation shall apply to all locations of the health
31 care staffing agency.

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

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

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

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

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

1 received.

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

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

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

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

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

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

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

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

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

12 48-604 As used in the Employment Security Law, unless the context
13 otherwise requires, employment shall mean:

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

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

31 (3) Services performed outside the state and services performed

1 outside the United States as follows:

2 (a) Services not covered under subdivision (2) of this section and
3 performed entirely without this state, with respect to no part of which
4 contributions are required under an unemployment compensation law of any
5 other state or of the federal government, shall be deemed to be
6 employment subject to the Employment Security Law if the commissioner
7 approves the election of the employer, for whom such services are
8 performed, that the entire service of such individual shall be deemed to
9 be employment subject to such law;

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

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

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

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

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

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

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

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

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

30 (c)(i) Service performed by an individual in agricultural labor if
31 such service is performed for a person who during any calendar quarter in

1 either the current or preceding calendar year paid remuneration in cash
2 of twenty thousand dollars or more to individuals employed in
3 agricultural labor, or for some portion of a day in each of twenty
4 different calendar weeks, whether or not such weeks were consecutive, in
5 either the current or the preceding calendar year, employed in
6 agricultural labor ten or more individuals, regardless of whether they
7 were employed at the same moment of time.

8 (ii) For purposes of this subdivision:

9 (A) Any individual who is a member of a crew furnished by a crew
10 leader to perform services in agricultural labor for any other person
11 shall be treated as an employee of such crew leader if such crew leader
12 holds a valid certificate of registration under the Migrant and Seasonal
13 Agricultural Worker Protection Act, as amended, 29 U.S.C. 1801 et seq. ;
14 substantially all the members of such crew operate or maintain tractors,
15 mechanized harvesting or cropdusting equipment, or any other mechanized
16 equipment, which is provided by such crew leader; and such individual is
17 not an employee of such other person within the meaning of any other
18 provisions of this section; and

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

29 (d) Service performed by an individual in domestic service in a
30 private home, local college club, or local chapter of a college
31 fraternity or sorority if performed for a person who paid cash

1 remuneration of one thousand dollars or more in the current calendar year
2 or the preceding calendar year to individuals employed in such domestic
3 service in any calendar quarter;

4 (5) Services performed by an individual for wages, including wages
5 received under a contract of hire, shall be deemed to be employment
6 unless it is shown to the satisfaction of the commissioner that (a) such
7 individual has been and will continue to be free from control or
8 direction over the performance of such services, both under his or her
9 contract of service and in fact, (b) such service is either outside the
10 usual course of the business for which such service is performed or such
11 service is performed outside of all the places of business of the
12 enterprise for which such service is performed, and (c) such individual
13 is customarily engaged in an independently established trade, occupation,
14 profession, or business. The provisions of this subdivision are not
15 intended to be a codification of the common law and shall be considered
16 complete as written;

17 (6) The term employment shall not include:

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

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

23 (c) Service not in the course of the employer's trade or business
24 performed in any calendar quarter by an employee, unless the cash
25 remuneration paid for such service is fifty dollars or more and such
26 service is performed by an individual who is regularly employed by such
27 employer to perform such service and, for the purposes of this
28 subdivision, an individual shall be deemed to be regularly employed by an
29 employer during a calendar quarter only if (i) on each of some twenty-
30 four days during such quarter such individual performs for such employer
31 for some portion of the day service not in the course of the employer's

1 trade or business, or (ii) such individual was regularly employed, as
2 determined under subdivision (c)(i) of this subdivision, by such employer
3 in the performance of such service during the preceding calendar quarter;

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

7 (e) Service performed in the employ of the United States Government
8 or an instrumentality of the United States immune under the Constitution
9 of the United States from the contributions imposed by sections 48-648
10 and 48-649 to 48-649.04, except that, to the extent that the Congress of
11 the United States shall permit states to require any instrumentalities of
12 the United States to make payments into an unemployment fund under a
13 state unemployment compensation act, all of the Employment Security Law
14 shall be applicable to such instrumentalities and to services performed
15 for such instrumentalities in the same manner, to the same extent, and on
16 the same terms as to all other employers, individuals, and services,
17 except that if this state is not certified for any year by the Secretary
18 of Labor of the United States under section 3304 of the Internal Revenue
19 Code as defined in section 49-801.01, the payments required of such
20 instrumentalities with respect to such year shall be refunded by the
21 commissioner from the fund in the same manner and within the same period
22 as is provided in section 48-660, with respect to contributions
23 erroneously collected;

24 (f) Service performed in the employ of this state or any political
25 subdivision thereof or any instrumentality of any one or more of the
26 foregoing if such services are performed by an individual in the exercise
27 of his or her duties: (i) As an elected official; (ii) as a member of the
28 legislative body or a member of the judiciary of a state or political
29 subdivision thereof; (iii) as a member of the Army National Guard or Air
30 National Guard; (iv) as an employee serving on a temporary basis in case
31 of fire, storm, snow, earthquake, flood, or similar emergency; or (v) as

1 an election official or election worker if the amount of remuneration
2 received by the individual during the calendar year for services as an
3 election official or election worker is less than one thousand dollars;

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

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

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

13 (iii) In a facility conducted for the purpose of carrying out a
14 program of rehabilitation for an individual whose earning capacity is
15 impaired by age or physical or mental deficiency or injury, or providing
16 remunerative work for the individuals who because of their impaired
17 physical or mental capacity cannot be readily absorbed in the competitive
18 labor market, by an individual receiving such rehabilitation or
19 remunerative work;

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

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

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

28 (i) Service performed in any calendar quarter in the employ of any
29 organization exempt from income tax under section 501(a) of the Internal
30 Revenue Code as defined in section 49-801.01, other than an organization
31 described in section 401(a) of the Internal Revenue Code as defined in

1 section 49-801.01, or under section 521 thereof, if the remuneration for
2 such service is less than fifty dollars;

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

13 (k) Service performed as a student nurse in the employ of a hospital
14 or nurses training school by an individual who is enrolled and is
15 regularly attending classes in a nurses training school chartered or
16 approved pursuant to state law; and service performed as an intern in the
17 employ of a hospital by an individual who has completed a four-year
18 course in a medical school chartered or approved pursuant to state law;

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

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

27 (n) Service performed by an individual in the sale, delivery, or
28 distribution of newspapers or magazines under a written contract in which
29 (i) the individual acknowledges that the individual performing the
30 service and the service are not covered and (ii) the newspapers and
31 magazines are sold by him or her at a fixed price with his or her

1 compensation being based on the retention of the excess of such price
2 over the amount at which the newspapers or magazines are charged to him
3 or her, whether or not he or she is guaranteed a minimum amount of
4 compensation for such service, or is entitled to be credited with the
5 unsold newspapers or magazines turned back;

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

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

18 (q) Service performed for a motor carrier, as defined in 49 U.S.C.
19 13102 or section 75-302, as amended, by a lessor leasing one or more
20 motor vehicles driven by the lessor or one or more drivers provided by
21 the lessor under a lease, with the motor carrier as lessee, executed
22 pursuant to 49 C.F.R. part 376, Title 291, Chapter 3, as amended, of the
23 rules and regulations of the Public Service Commission, or the rules and
24 regulations of the Division of Motor Carrier Services. This shall not
25 preclude the determination of an employment relationship between the
26 lessor and any personnel provided by the lessor in the conduct of the
27 service performed for the lessee;

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

31 (s) Service performed by an individual as a volunteer research

1 subject who is paid on a per study basis for scientific, medical, or
2 drug-related testing for any organization other than one described in
3 section 501(c)(3) of the Internal Revenue Code as defined in section
4 49-801.01 or any governmental entity;

5 (t) Service performed by a direct seller if:

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

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

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

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

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

22 (iii) The services performed by the person are performed pursuant to
23 a written contract between such person and the person for whom the
24 services are performed and the contract provides that the person will not
25 be treated as an employee for federal and state tax purposes. Sales by a
26 person whose business is conducted primarily by telephone or any other
27 form of electronic sales or solicitation is not service performed by a
28 direct seller under this subdivision;

29 (u) Service performed by an individual who is a participant in the
30 National and Community Service State Grant Program, also known as
31 AmeriCorps, because a participant is not considered an employee of the

1 organization receiving assistance under the national service laws through
2 which the participant is engaging in service pursuant to 42 U.S.C.
3 12511(30)(B);

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

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

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

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

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

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

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

24 (A) Marketplace network contractor means a person to which all of
25 the following apply: Such person enters a written agreement with a
26 marketplace network platform to use the marketplace network platform's
27 digital network to connect with individuals or entities seeking services
28 offered by the marketplace network contractor; such person performs
29 services for individuals or entities through a marketplace network
30 platform's digital network in exchange for compensation or payment; and
31 such person does not perform services at a physical business location

1 operated by the marketplace network platform in this state, except when
2 such physical business is located in a city of the metropolitan or
3 primary class. Nothing in this section shall apply to an individual
4 classified under subdivision (7) of this section; and

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

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

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

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

21 (7) If the services performed during one-half or more of any pay
22 period by an individual for the person employing him or her constitute
23 employment, all the services of such individual for such period shall be
24 deemed to be employment, but if the services performed during more than
25 one-half of any such pay period by an individual for the person employing
26 him or her do not constitute employment, then none of the services of
27 such individual for such period shall be deemed to be employment. As used
28 in this subdivision, the term pay period means a period, of not more than
29 thirty-one consecutive days, for which a payment of remuneration is
30 ordinarily made to such individual by the person employing him or her.
31 This subdivision shall not be applicable with respect to services

1 performed in a pay period by an individual for the person employing him
2 or her when any of such service is excepted by subdivision (6)(h) of this
3 section; and

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

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

14 48-628 (1) An individual shall be disqualified for benefits for any
15 week of unemployment in which the commissioner finds he or she has
16 failed, without good cause, to apply for available, suitable work when so
17 directed by the employment office or the commissioner, to respond to an
18 offer for a job interview for suitable work within one week, to respond
19 to an offer for a job for suitable work within one week, to appear for a
20 previously scheduled job interview for suitable work without notifying
21 the prospective employer of the need to cancel or reschedule the
22 interview, to accept suitable work offered him or her, or to return to
23 his or her customary self-employment, if any, and for the twelve weeks
24 immediately thereafter. The total benefit amount to which he or she is
25 then entitled shall be reduced by an amount equal to the number of weeks
26 for which he or she has been disqualified by the commissioner. The
27 commissioner may consider the manner of communication established between
28 the individual and the prospective employer about how the interview will
29 be conducted or a job offer will be extended in determining if an
30 individual failed to appear for a previously scheduled job interview
31 without notifying the prospective employer of the need to cancel or

1 reschedule the interview or failed to respond to an offer for a job.

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

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

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

7 (c) His or her experience and prior earnings;

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

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

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

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

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

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

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

27 (5) No individual shall be disqualified for refusing to apply for
28 available, full-time work or accept full-time work under subsection (1)
29 of this section solely because such individual is seeking part-time work
30 if the majority of the weeks of work in an individual's base period
31 include part-time work. For purposes of this subsection, seeking only

1 part-time work shall mean seeking less than full-time work having
2 comparable hours to the individual's part-time work in the base period,
3 except that the individual must be available for work at least twenty
4 hours per week.

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

7 48-2209 ~~If an employer or a representative of an employer actively~~
8 ~~recruits any non-English-speaking persons for employment in this state~~
9 ~~and if more than five ten percent of the employees of an employer are~~
10 ~~non-English-speaking employees who and speak the same non-English~~
11 ~~language, the employer shall:~~

12 (1) Make an interpreter provide a bilingual employee who is
13 conversant in the identified non-English language and available at the
14 worksite for each shift during which a non-English-speaking employee is
15 employed. If a Spanish-speaking interpreter is needed, the employer shall
16 select an interpreter from a list of interpreters developed by the
17 commissioner. If an interpreter is needed for a language other than
18 Spanish, the employer shall select an interpreter capable of explaining
19 and responding to (1) explain and respond to questions regarding the
20 terms, conditions, and daily responsibilities of employment; and

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

31 **Sec. 19.** Section 81-401, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-401 The Governor, through the agency of the Department of Labor
3 created by section 81-101, shall have power:

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

5 (2) To improve working conditions;

6 (3) To advance opportunities for profitable employment;

7 (4) To collect, collate, assort, systematize, and report statistical
8 details relating to all departments of labor, especially in its relation
9 to commercial, industrial, social, economic, and educational conditions
10 and to the permanent prosperity of the manufacturing and productive
11 industries;

12 (5) To acquire and distribute useful information on subjects
13 connected with labor in the most general and comprehensive sense of the
14 word;

15 (6) To acquire and distribute useful information concerning the
16 means of promoting the material, social, intellectual, and moral
17 prosperity of laboring men and women;

18 (7) To acquire and distribute information as to the conditions of
19 employment and such other facts as may be deemed of value to the
20 industrial interests of the state;

21 (8) To acquire and distribute information in relation to the
22 prevention of accidents, occupational diseases, and other related
23 subjects;

24 (9) To acquire and distribute useful information regarding the role
25 of the part-time labor force and the manner in which such labor force
26 affects the economy and citizens of the state; and

27 (10) To administer and enforce all of the provisions of the
28 Employment Security Law, the Farm Labor Contractors Act, the Health Care
29 Staffing Agency Registration Act, and the Wage and Hour Act and Chapter
30 48, articles 2, 3, 4, and 5, and for that purpose there is imposed upon
31 the Commissioner of Labor the duty of executing all of the provisions of

1 such acts, law, and articles.

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

4 81-406 The Contractor and Professional Employer Organization
5 Registration Cash Fund is created. The fund shall be administered by the
6 Department of Labor and shall consist of fees collected by the department
7 pursuant to the Farm Labor Contractors Act, the Contractor Registration
8 Act, the Health Care Staffing Agency Registration Act, and the
9 Professional Employer Organization Registration Act and such sums as are
10 appropriated to the fund by the Legislature. The fund shall be used for
11 enforcing and administering the Farm Labor Contractors Act, the
12 Contractor Registration Act, the Employee Classification Act, the Health
13 Care Staffing Agency Registration Act, and the Professional Employer
14 Organization Registration Act. Any money in the fund available for
15 investment shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act. Money in the Contractor and Professional Employer
18 Organization Registration Cash Fund may be transferred to the General
19 Fund at the direction of the Legislature.

20 The State Treasurer shall transfer one million seven hundred
21 thousand dollars from the Contractor and Professional Employer
22 Organization Registration Cash Fund to the General Fund on or before June
23 15, 2018, on such dates and in such amounts as directed by the budget
24 administrator of the budget division of the Department of Administrative
25 Services.

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

28 81-8,236 (1) For purposes of this section:

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

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

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

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

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

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

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

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

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

6 81-8,300 (1) After investigation, the Risk Manager or State Claims
7 Board shall either approve, approve with conditions or limitations, or
8 disapprove of each claim or request and append to the claim or request a
9 concise statement of the facts brought out in such investigation upon
10 which its approval or disapproval is based. If any claim is approved in
11 an amount of more than five thousand dollars, the approval of the board
12 is required. Such claim or request, together with the original papers
13 supporting it and the appended statement, shall be filed with the Risk
14 Manager in the manner prescribed by the State Claims Board. The Risk
15 Manager shall promptly notify each claimant of the decision by the Risk
16 Manager or State Claims Board on his or her claim by regular mail. The
17 notification shall include (a) the decision of the Risk Manager or State
18 Claims Board, (b) a statement that a claimant dissatisfied with the
19 decision of the Risk Manager may have his or her claim reviewed by the
20 board or a statement that a claimant dissatisfied with the decision of
21 the board may have his or her claim reviewed by the Legislature upon
22 application, (c) the procedure for making an application for review, and
23 (d) the time limit for making such application.

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

31 (3) Each claim which has been approved or for which an application

1 for review with the Legislature has been filed and each request referred
2 to in section 81-8,297 shall be delivered electronically by the Risk
3 Manager to the chairperson of the Business and Labor Committee of the
4 Legislature at the next regular session of the Legislature convening
5 after the date of the decision of the board. The Risk Manager may direct
6 the payment by the state agency involved of any claim not in excess of
7 five thousand dollars if such payment is agreed to by the head of the
8 agency involved. The State Claims Board may direct payment by the state
9 agency involved of any claim not in excess of fifty thousand dollars if
10 such payment is agreed to by the head of the agency involved and the
11 agency has sufficient funds to pay the claim. If claims approved by the
12 Risk Manager or State Claims Board arise out of the same facts and
13 circumstances, they shall be aggregated except when more than one claim
14 has been filed pursuant to subsection (2) of section 81-8,236. If the
15 Risk Manager or State Claims Board does not direct the payment of a claim
16 as set forth in this section or the claim exceeds the dollar limitations
17 set forth in this section, the claim shall be reviewed by the Legislature
18 and an appropriation made therefor if appropriate. The Risk Manager shall
19 report electronically all claims and judgments paid under the State
20 Miscellaneous Claims Act to the Clerk of the Legislature and the
21 chairperson of the Business and Labor Committee of the Legislature. The
22 report shall include the name of the claimant, a statement of the amount
23 claimed and paid, and a brief description of the claim including the
24 agency and program or activity under which the claim arose. Any member of
25 the Legislature may receive an electronic copy of the report by making a
26 request to the Risk Manager.

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

29 81-8,316 For purposes of the In the Line of Duty Compensation Act:

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

1 with a paid or volunteer fire department in Nebraska;

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

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

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

16 (ii) The public safety officer was exposed to any toxin or
17 carcinogen while on duty and the public safety officer began service no
18 fewer than five years prior to the date of a diagnosis of an exposure-
19 related cancer; or

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

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

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

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

31 (A) Unrelated to the engagement or participation in activities in

1 the line of duty; or

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

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

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

10 (3) Law enforcement officer has the same meaning as in section
11 81-1401;

12 (4) Public safety officer means:

13 (a) A firefighter;

14 (b) A law enforcement officer;

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

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

21 (5) Risk Manager means the Risk Manager appointed under section
22 81-8,239.01; and

23 (6) State Claims Board means the board created under section
24 81-8,220.

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

27 81-8,318 (1) To receive compensation under the In the Line of Duty
28 Compensation Act, a claim for the compensation shall be filed with the
29 Risk Manager within three years after the date of death of the public
30 safety officer who was killed in the line of duty. Such claim shall be on
31 a form prescribed by the Risk Manager and shall include:

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

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

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

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

11 (2) The Risk Manager shall send written notice to all claimants
12 within two weeks after the initiation of a claim indicating whether or
13 not the claim is complete. For purposes of this subsection, a claim is
14 complete if a claimant has submitted to the Risk Manager all documents
15 and information required under subsection (1) of this section. If a claim
16 is incomplete, the Risk Manager shall include in the written notice a
17 list of the documents or information which the claimant must submit in
18 order for the claim to be complete. If a claim is complete, an
19 investigation of the claim shall be made in the manner provided in the
20 State Miscellaneous Tort Claims Act ~~in accordance with section 81-8,212.~~
21 Upon completion of such investigation, and no later than one hundred
22 eighty days after receipt of a complete claim, the State Claims Board
23 shall approve or deny such claim and the Risk Manager shall send written
24 notice to the claimant stating whether the claim has been approved or
25 denied. If a claim is denied, the notice shall include the reason or
26 reasons for the denial. If a claimant is dissatisfied with a denial, he
27 or she may file an application for review with the Risk Manager in
28 accordance with subsection (2) of section 81-8,300 ~~district court for~~
29 ~~Lancaster County in accordance with sections 81-8,213 and 81-8,214.~~ If a
30 claim is approved, compensation shall be paid to the claimants entitled
31 to such compensation in accordance with section 81-8,300 ~~81-8,211.~~

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

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

6 **Sec. 26.** Original sections 48-628, 48-2209, 81-401, 81-406,
7 81-8,236, 81-8,300, 81-8,316, and 81-8,318, Reissue Revised Statutes of
8 Nebraska, and section 48-604, Revised Statutes Supplement, 2025, are
9 repealed.