

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 415

FINAL READING

Introduced by Ballard, 21.

Read first time January 17, 2025

Committee: Business and Labor

1 A BILL FOR AN ACT relating to law; to amend sections 48-665, 81-5,213,
2 81-5,215, 81-5,216, 81-5,217, 81-5,218, 81-5,219, 81-5,221,
3 81-5,223, 81-5,230, and 81-5,239, Reissue Revised Statutes of
4 Nebraska, sections 9-1104, 9-1110, 9-1302, 9-1303, 9-1304, 9-1305,
5 9-1306, 9-1307, 9-1308, 9-1313, 77-3002, 77-3003, and 77-3014,
6 Revised Statutes Cumulative Supplement, 2024, and sections 2, 3, 4,
7 and 8, Initiative Law 2024, No. 436; to redefine terms and change
8 and eliminate applicability, administrative, and enforcement
9 provisions under the Nebraska Healthy Families and Workplaces Act;
10 to define and redefine terms and provide for set off of debt owed
11 due to the overpayment of unemployment benefits under the Employment
12 Security Law against gambling winnings under the Gambling Winnings
13 Setoff for Outstanding Debt Act; to change provisions relating to
14 the offset of overpayment of unemployment benefits against future
15 benefits under the Employment Security Law; to change and eliminate
16 applicability, inspection, investigation, licensure, and enforcement
17 provisions of the Conveyance Safety Act; to eliminate obsolete
18 provisions; to harmonize provisions; and to repeal the original
19 sections.

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

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

3 Sec. 2. For purposes of the Nebraska Healthy Families and Workplaces
4 Act:

5 (1) Department means the Department of Labor;

6 (2) Employ means to permit to work by an employer pursuant to an
7 employment relationship;

8 (3) ~~(3)(a)~~ Employee means any individual employed by an employer,
9 but does not include:

10 (a) An individual owner-operator;

11 (b) An independent contractor;

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

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

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

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

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

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

25 (5) Family member means:

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

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

31 (c) A person who stood in loco parentis to the employee or the

1 employee's spouse when the employee or employee's spouse was a minor
2 child;

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

5 (e) A grandparent, grandchild, or sibling, whether of a biological,
6 foster, adoptive, or step relationship, of the employee or the employee's
7 spouse; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (4) Paid sick time provided to an employee on or after January 1,
8 2025, and before October 1, 2025, shall be counted toward an employer's
9 obligations under the Nebraska Healthy Families and Workplaces Act for
10 calendar year 2025.

11 (5) (4) Accrued paid sick time shall be carried over to the
12 following year. A small business is not required to permit an employee to
13 use more than forty hours of paid sick time per year, and other employers
14 are not required to permit an employee to use more than fifty-six hours
15 of paid sick time per year.

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

23 (7) (5) Any employer with a paid leave policy, such as a paid time
24 off policy, who makes available an amount of paid leave that equals or
25 exceeds sufficient to meet the requirements of the Nebraska Healthy
26 Families and Workplaces Act and that may be used for the same purposes
27 and under the same conditions as paid sick time in accordance with
28 section 3 of this act under the act is not required to provide additional
29 paid sick time under the act and is not obligated to allow an employee to
30 accrue or carryover benefits beyond the employer's existing paid leave
31 policy.

1 (8) ~~(6)~~ At its discretion, an employer may loan paid sick time to an
2 employee in advance of accrual by such employee.

3 (9) ~~(7)~~ If an employee is transferred to a separate division,
4 entity, or location, but remains employed by the same employer, the
5 employee is entitled to all paid sick time accrued at the prior division,
6 entity, or location and is entitled to use all paid sick time as provided
7 in the Nebraska Healthy Families and Workplaces Act. When there is a
8 separation from employment and the employee is rehired within twelve
9 months of separation by the same employer, previously accrued paid sick
10 time that had not been used or paid out to the employee shall be
11 reinstated. The employee shall be entitled to use accrued paid sick time
12 and accrue additional paid sick time at the recommencement of employment.

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

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

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

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

24 (b) Care of a family member with a mental or physical illness,
25 injury, or health condition; care of a family member who needs medical
26 diagnosis, care, or treatment of a mental or physical illness, injury, or
27 health condition; care of a family member who needs preventive medical
28 care; or in the case of a child, to attend a meeting necessitated by the
29 child's mental or physical illness, injury, or health condition, at a
30 school or place where the child is receiving care; or

31 (c) Closure of the employee's place of business by order of a public

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

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

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

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

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

27 (6) For use of paid sick time for more than three consecutive work
28 days, an employer may require reasonable documentation that the paid sick
29 time has been used for a purpose covered by subsection (1) of this
30 section. Reasonable documentation shall include (a) documentation signed
31 by a health care professional indicating that paid sick time is or was

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

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

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

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

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

1 five thousand dollars in the case of a second or subsequent violation.

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

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

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

18 ~~(6) An employee having a claim for a violation of the Nebraska~~
19 ~~Healthy Families and Workplaces Act may institute suit for legal and~~
20 ~~equitable relief in the proper court. In any action brought to enforce~~
21 ~~the Nebraska Healthy Families and Workplaces Act, the court shall have~~
22 ~~jurisdiction to grant such legal or equitable relief as the court deems~~
23 ~~appropriate to effectuate the purposes of the act. If an employee~~
24 ~~establishes a claim and secures judgment on the claim, such employee~~
25 ~~shall also be entitled to recover the full amount of the judgment and all~~
26 ~~costs of such suit, including reasonable attorney's fees.~~

27 ~~(7) If an employee institutes suit against an employer under~~
28 ~~subsection (6) of this section, any citation that is issued against an~~
29 ~~employer under subsection (1) of this section and that relates directly~~
30 ~~to the facts in dispute shall be admitted into evidence unless~~
31 ~~specifically excluded by the court. If a citation has been contested as~~

1 ~~described in subsection (3) of this section, it shall not be admitted~~
2 ~~into evidence under this subsection until such contest has been resolved.~~

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

5 **Sec. 5.** Section 9-1104, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 9-1104 (1) The operation of games of chance at a licensed racetrack
8 enclosure may be conducted by an authorized gaming operator who holds an
9 authorized gaming operator license.

10 (2) No more than one authorized gaming operator license shall be
11 granted for each licensed racetrack enclosure within the state. It shall
12 not be a requirement that the person or entity applying for or to be
13 granted such authorized gaming operator license hold a racing license or
14 be the same person or entity who operates the licensed racetrack
15 enclosure at which such authorized gaming operator license shall be
16 granted.

17 (3) Gaming devices, limited gaming devices, and all other games of
18 chance may be operated by authorized gaming operators at a licensed
19 racetrack enclosure.

20 (4) No person younger than twenty-one years of age shall play or
21 participate in any way in any game of chance or use any gaming device or
22 limited gaming device at a licensed racetrack enclosure.

23 (5) No authorized gaming operator shall permit an individual younger
24 than twenty-one years of age to play or participate in any game of chance
25 or use any gaming device or limited gaming device conducted or operated
26 pursuant to the Nebraska Racetrack Gaming Act.

27 (6) If the licensed racetrack enclosure at which such authorized
28 gaming operator conducts games of chance does not hold the minimum number
29 of live racing meets required under section 2-1205, the authorized gaming
30 operator shall be required to cease operating games of chance at such
31 licensed racetrack enclosure until such time as the commission determines

1 the deficiency has been corrected.

2 (7) Beginning on the implementation date designated by the Tax
3 Commissioner pursuant to subsection (1) of section 9-1312, prior to the
4 winnings payment of any casino winnings as defined in section 9-1303, an
5 authorized gaming operator shall check the collection system to determine
6 if the winner has a debt or an outstanding state ~~tax~~ liability as
7 required by the Gambling Winnings Setoff for Outstanding Debt Act. If
8 such authorized gaming operator determines that the winner is subject to
9 the collection system, the operator shall deduct the amount of debt and
10 outstanding state ~~tax~~ liability identified in the collection system from
11 the winnings payment and shall remit the net winnings payment of casino
12 winnings, if any, to the winner and the amount deducted to the Department
13 of Revenue to be credited against such debt or outstanding state ~~tax~~
14 liability as provided in section 9-1306.

15 **Sec. 6.** Section 9-1110, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 9-1110 (1) The commission may permit an authorized gaming operator
18 to conduct sports wagering. Any sports wager shall be placed in person or
19 at a wagering kiosk in the designated sports wagering area at the
20 licensed racetrack enclosure. A parimutuel wager in accordance with
21 sections 2-1201 to 2-1218 may be placed in the designated sports wagering
22 area at the licensed racetrack enclosure. An individual employed and
23 authorized to accept a sports wager may also accept a parimutuel wager.

24 (2) A floor plan identifying the designated sports wagering area,
25 including the location of any wagering kiosks, shall be filed with the
26 commission for review and approval. Modification to a previously approved
27 plan must be submitted for approval at least ten days prior to
28 implementation. The area shall not be accessible to persons under twenty-
29 one years of age and shall have a sign posted to restrict access.
30 Exceptions to this subsection must be approved in writing by the
31 commission.

1 (3) The authorized gaming operator shall submit controls for
2 approval by the commission, that include the following for operating the
3 designated sports wagering area:

4 (a) Specific procedures and technology partners to fulfill the
5 requirements set forth by the commission;

6 (b) Other specific controls as designated by the commission;

7 (c) A process to easily and prominently impose limitations or
8 notification for wagering parameters, including, but not limited to,
9 deposits and wagers; and

10 (d) An easy and obvious method for a player to make a complaint and
11 to enable the player to notify the commission if such complaint has not
12 been or cannot be addressed by the sports wagering operator.

13 (4) The commission shall develop policies and procedures to ensure a
14 prohibited participant is unable to place a sports wager or parimutuel
15 wager.

16 (5) Beginning on the implementation date designated by the Tax
17 Commissioner pursuant to subsection (1) of section 9-1312, prior to the
18 winnings payment of any sports wagering winnings as defined in section
19 9-1303, an authorized gaming operator shall check the collection system
20 to determine if the winner has a debt or an outstanding state ~~tax~~
21 liability as required by the Gambling Winnings Setoff for Outstanding
22 Debt Act. If such authorized gaming operator determines that the winner
23 is subject to the collection system, the operator shall deduct the amount
24 of debt and outstanding state ~~tax~~ liability identified in the collection
25 system from the winnings payment and shall remit the net winnings payment
26 of sports wagering winnings, if any, to the winner and the amount
27 deducted to the Department of Revenue to be credited against such debt or
28 outstanding state ~~tax~~ liability as provided in section 9-1306.

29 **Sec. 7.** Section 9-1302, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 9-1302 The purposes of the Gambling Winnings Setoff for Outstanding

1 Debt Act are to:

2 (1) Establish and maintain a procedure to set off against an
3 obligor's casino winnings, parimutuel winnings, sports wagering winnings,
4 or cash device winnings any debt (a) that is assigned to the Department
5 of Health and Human Services or that any individual not eligible as a
6 public assistance recipient is attempting to collect through the Title
7 IV-D child support enforcement program, (b) that has accrued through
8 written contract, subrogation, or court judgment, and (c) that is in the
9 form of a liquidated amount due and owing for the care, support, or
10 maintenance of a child or for medical or spousal support; and

11 (2) Establish and maintain a procedure to set off against an
12 obligor's ~~a taxpayer's~~ casino winnings, parimutuel winnings, sports
13 wagering winnings, or cash device winnings the amount of such obligor's
14 ~~taxpayer's~~ outstanding state ~~tax~~ liability as determined by the
15 Department of Revenue.

16 **Sec. 8.** Section 9-1303, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

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

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

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

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

30 (4) Claimant means:

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

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

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

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

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

17 (6) Debt means any liquidated amount of arrears that has accrued
18 through assignment, contract, subrogation, court judgment, or operation
19 of law, regardless of whether there is an outstanding judgment for such
20 amount, and that is for the care, support, or maintenance of a child or
21 for medical or spousal support;

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

24 (8) Obligor means any person as defined in section 77-2701.25:
25 individual

26 (a) Owing ~~(a) owing~~ money to or having a delinquent account with any
27 claimant that has not been satisfied by court order, set aside by court
28 order, or discharged in bankruptcy; or

29 (b) Owing ~~(b) owing~~ money on an outstanding state tax liability;

30 (9) Operator means an authorized gaming operator as defined in
31 section 9-1103, any corporation or association licensed under sections

1 2-1201 to 2-1218 and authorized to conduct parimutuel wagering at a
2 licensed racetrack, and any operator, distributor, or manufacturer of a
3 cash device licensed under the Mechanical Amusement Device Tax Act;

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

8 (11) Overpayment means an overpayment of unemployment insurance
9 benefits established under section 48-663.01;

10 (12) ~~(11)~~ Parimutuel winnings means any winnings that are required
11 to be reported on Internal Revenue Service Form W-2G and have tax
12 withheld by the operator and that are won by a player from a parimutuel
13 wager at a licensed racetrack under the jurisdiction of the State Racing
14 and Gaming Commission;

15 (13) ~~(12)~~ Sports wagering winnings means any winnings that are
16 required to be reported on Internal Revenue Service Form W-2G and have
17 tax withheld by the operator and that are won by a player from sports
18 wagering as defined in section 9-1103 on a sports wager authorized by the
19 State Racing and Gaming Commission;

20 (14) ~~(13)~~ Spousal support has the same meaning as in section
21 43-1715; and

22 (15) ~~(14)~~ Winnings payment means a payout of casino winnings,
23 parimutuel winnings, sports wagering winnings, or cash device winnings to
24 which a person ~~an individual~~ is entitled as a result of playing or
25 wagering.

26 **Sec. 9.** Section 9-1304, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 9-1304 (1)(a) The Department of Revenue, in consultation with the
29 Department of Health and Human Services, the Department of Motor
30 Vehicles, and the Department of Labor, shall develop and implement a
31 secure, electronic collection system to carry out the purposes of the

1 Gambling Winnings Setoff for Outstanding Debt Act.

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

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

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

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

29 (5) The information obtained by an operator or the State Racing and
30 Gaming Commission from the collection system in accordance with this
31 section shall retain its confidentiality and shall only be used by the

1 operator or the commission for the purposes of complying with the
2 Gambling Winnings Setoff for Outstanding Debt Act. An employee or prior
3 employee of an operator or the commission who unlawfully discloses any
4 such information for any other purpose, except as otherwise specifically
5 authorized by law, shall be subject to the same penalties specified by
6 law for unauthorized disclosure of confidential information by an agent
7 or employee of the agency to which the debt or outstanding state
8 liability is owed operator.

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

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

24 **Sec. 10.** Section 9-1305, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 9-1305 (1) Beginning on the applicable implementation date
27 designated by the Tax Commissioner pursuant to subsection (1) or (2) of
28 section 9-1312, prior to making a winnings payment, an operator shall
29 check the collection system to determine if there is a debt or an
30 outstanding state ~~tax~~ liability owed by the winner. An operator shall
31 have access to the collection system to look up winners that are due

1 winnings payments for purposes of complying with the Gambling Winnings
2 Setoff for Outstanding Debt Act. An operator shall not access the system
3 for any other purpose.

4 (2)(a) An operator at a licensed racetrack enclosure or licensed
5 racetrack that fails to check the collection system for a debt or an
6 outstanding state ~~tax~~ liability or fails to collect the amounts owed
7 shall be subject to a fine by the State Racing and Gaming Commission of
8 not more than ten thousand dollars.

9 (b) The State Racing and Gaming Commission shall establish a
10 schedule for fines pursuant to this section that considers both the
11 proportionality of the offense and the number of instances of past
12 offenses.

13 (3) An operator licensed by the Department of Revenue that fails to
14 check the collection system for a debt or an outstanding state ~~tax~~
15 liability or collect the amounts owed may be considered in violation of
16 such license and subject to any penalties authorized for a violation of
17 the license under the Mechanical Amusement Device Tax Act.

18 **Sec. 11.** Section 9-1306, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

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

29 (2) If an operator determines that an obligor identified using the
30 collection system is entitled to a winnings payment, the operator shall
31 notify the Department of Revenue in a manner prescribed by the department

1 that a balance of debt or outstanding state ~~tax~~ liability owed by the
2 obligor winner is being remitted to the department.

3 (3) The Department of Revenue shall first credit any such winnings
4 payment against any debt of such obligor winner certified by the
5 Department of Health and Human Services until such debt is satisfied and
6 then against any outstanding state ~~tax~~ liability owed by such obligor
7 winner until such liability is satisfied on a pro rata basis.

8 **Sec. 12.** Section 9-1307, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

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

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

31 (b) The written notification shall clearly set forth (i) the basis

1 for the claim to the winnings payment, (ii) the intention to apply the
2 winnings payment against the debt owed to a claimant, (iii) the obligor's
3 opportunity to give written notice of intent to contest the validity of
4 the claim before the Department of Health and Human Services within
5 thirty days after the date of the mailing of the notice, (iv) the mailing
6 address to which the request for a hearing must be sent, and (v) that
7 failure to apply for a hearing in writing within the thirty-day period
8 will be deemed a waiver of the opportunity to contest the claim resulting
9 in a setoff by default.

10 **Sec. 13.** Section 9-1308, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 9-1308 (1)(a) A written request by an obligor ~~a winner~~ pursuant to
13 subsection (1) of section 9-1307 shall be effective upon mailing the
14 request, postage prepaid and properly addressed, to the applicable
15 department to which the outstanding state liability is owed ~~Department of~~
16 ~~Revenue~~.

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

20 (2)(a) A written request for a hearing by an obligor ~~a winner~~
21 pursuant to subsection (2) of section 9-1307 shall be effective upon
22 mailing the request, postage prepaid and properly addressed, to the
23 Department of Health and Human Services.

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

30 (c) Any appeal of an action taken at or as a result of a hearing
31 held pursuant to subdivision (2)(b) of this section shall be in

1 accordance with the Administrative Procedure Act.

2 **Sec. 14.** Section 9-1313, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 9-1313 The Department of Health and Human Services, the Department
5 of Labor, the Department of Revenue, and the State Racing and Gaming
6 Commission may adopt and promulgate rules and regulations to carry out
7 the Gambling Winnings Setoff for Outstanding Debt Act.

8 **Sec. 15.** Section 48-665, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 48-665 (1) Any person who has received any sum as benefits under the
11 Employment Security Law to which he or she was not entitled shall be
12 liable to repay such sum to the commissioner for the fund. Any such
13 erroneous benefit payments shall be collectible (a) without interest by
14 civil action in the name of the commissioner, (b) by offset against any
15 future benefits payable to the claimant with respect to the benefit year
16 current at the time of such receipt or any benefit year which may
17 commence ~~within three years~~ after the end of such current benefit year,
18 except that no such recoupment by the withholding of future benefits
19 shall be had if such sum was received by such person without fault on his
20 or her part and such recoupment would defeat the purpose of the
21 Employment Security Law or would be against equity and good conscience,
22 (c) by setoff against any state income tax refund due the claimant
23 pursuant to sections 77-27,197 to 77-27,209, (d) by offset against any
24 winnings payment pursuant to the Gambling Winnings Setoff for Outstanding
25 Debt Act, or (e) {d} as provided in subsection (2) of this section.

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

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

13 **Sec. 16.** Section 77-3002, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 77-3002 (1) Any operator shall be required to procure an annual
16 license from the Tax Commissioner permitting him or her to operate
17 mechanical amusement devices within the State of Nebraska. The Tax
18 Commissioner, upon the application of any person, may issue a license,
19 except that if the applicant (a) is not of good character and reputation
20 in the community in which he or she resides, (b) has been convicted of or
21 has pleaded guilty to a felony under the laws of the State of Nebraska,
22 of any other state, or of the United States, or (c) has been convicted of
23 or has pleaded guilty to being the proprietor of a gambling house, or of
24 any other crime or misdemeanor opposed to decency and morality, no
25 license shall be issued. If the applicant is a corporation whose majority
26 stockholders could not obtain a license, then such corporation shall not
27 be issued a license. If the applicant is an individual, the application
28 shall include the applicant's social security number. Procuring a license
29 shall constitute sufficient contact with this state for the exercise of
30 personal jurisdiction over such person in any action arising out of the
31 operation of mechanical amusement devices in this state.

1 (2)(a) Except for an applicant that holds a liquor license under the
2 Nebraska Liquor Control Act, an applicant for a license as an operator of
3 a cash device shall be subject to a one-time background check by the
4 department prior to the issuance of a license. An applicant shall pay the
5 costs associated with the background check along with any required fees
6 as determined by the department.

7 (b) The Tax Commissioner has the authority to deny any application
8 for a license as an operator of a cash device for cause. Cause for denial
9 of a license application includes instances in which the applicant
10 individually, or in the case of a business entity, any officer, director,
11 employee, or limited liability company member of the applicant or
12 licensee other than an employee whose duties are purely ministerial in
13 nature:

14 (i) Violated the provisions, requirements, conditions, limitations,
15 or duties imposed by the Mechanical Amusement Device Tax Act or any rules
16 or regulations adopted and promulgated pursuant to the act;

17 (ii) Knowingly caused, aided, abetted, or conspired with another to
18 cause any person to violate any of the provisions of the act or any rules
19 or regulations adopted and promulgated pursuant to the act;

20 (iii) Obtained a license or permit under the act by fraud,
21 misrepresentation, or concealment;

22 (iv) Has been convicted of, forfeited bond upon a charge of, or
23 pleaded guilty or nolo contendere to any offense or crime, whether a
24 felony or a misdemeanor, involving any gambling activity or fraud, theft,
25 willful failure to make required payments or reports, or filing false
26 reports with a governmental agency at any level;

27 (v) Denied the department or its authorized representatives,
28 including authorized law enforcement agencies, access to any place where
29 activity required to be licensed under the act is being conducted or
30 failed to produce for inspection or audit any book, record, document, or
31 item required by law, rule, or regulation;

1 (vi) Made a misrepresentation of or failed to disclose a material
2 fact to the department;

3 (vii) Failed to prove by clear and convincing evidence such
4 applicant's qualifications to be licensed in accordance with the act;

5 (viii) Failed to pay any taxes and additions to taxes, including
6 penalties and interest required by the act or any other taxes imposed
7 pursuant to the Nebraska Revenue Act of 1967; or

8 (ix) Has been cited for a violation of the Nebraska Liquor Control
9 Act and had a liquor license suspended, canceled, or revoked by the
10 Nebraska Liquor Control Commission for illegal gambling activities on or
11 about the premises licensed by the commission pursuant to the Nebraska
12 Liquor Control Act or the rules and regulations adopted and promulgated
13 pursuant to such act.

14 (c) No renewal of a license issued pursuant to this section shall be
15 issued when the applicant for renewal would not be eligible for a license
16 upon a first application.

17 (3) The Tax Commissioner has the authority to suspend or revoke the
18 license of any operator that is in violation of the Mechanical Amusement
19 Device Tax Act.

20 (4) Beginning on the implementation date designated by the Tax
21 Commissioner pursuant to subsection (2) of section 9-1312, prior to the
22 winnings payment of any cash device winnings as defined in section
23 9-1303, an operator of a cash device shall check the collection system to
24 determine if the winner has a debt or an outstanding state ~~tax~~ liability
25 as required by the Gambling Winnings Setoff for Outstanding Debt Act. If
26 such operator determines that the winner is subject to the collection
27 system, the operator shall deduct the amount of debt and outstanding
28 state ~~tax~~ liability identified in the collection system from the winnings
29 payment and shall remit the net winnings payment of cash device winnings,
30 if any, to the winner and the amount deducted to the Department of
31 Revenue to be credited against such debt or outstanding state ~~tax~~

1 liability as provided in section 9-1306.

2 **Sec. 17.** Section 77-3003, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 77-3003 (1) Any distributor shall be required to procure an annual
5 license from the Tax Commissioner permitting him or her to place and
6 either directly or indirectly control or manage a mechanical amusement
7 device within the State of Nebraska. The Tax Commissioner, upon the
8 application of any person, may issue a license, subject to the same
9 limitations as an operator's license under section 77-3002. If the
10 applicant is an individual, the application shall include the applicant's
11 social security number.

12 (2)(a) Except for an applicant that holds a liquor license under the
13 Nebraska Liquor Control Act, an applicant for a license as a distributor
14 of a cash device shall be subject to a one-time background check by the
15 department prior to issuance of the license. An applicant shall pay the
16 costs associated with the background check along with any required fees
17 as determined by the department.

18 (b) The Tax Commissioner has the authority to deny any application
19 for a license as a distributor of a cash device for cause. Cause for
20 denial of a license application includes instances in which the applicant
21 individually, or in the case of a business entity, any officer, director,
22 employee, or limited liability company member of the applicant or
23 licensee other than an employee whose duties are purely ministerial in
24 nature:

25 (i) Violated the provisions, requirements, conditions, limitations,
26 or duties imposed by the Mechanical Amusement Device Tax Act or any rules
27 or regulations adopted and promulgated pursuant to the act;

28 (ii) Knowingly caused, aided, abetted, or conspired with another to
29 cause any person to violate any of the provisions of the act or any rules
30 or regulations adopted and promulgated pursuant to the act;

31 (iii) Obtained a license or permit under the act by fraud,

1 misrepresentation, or concealment;

2 (iv) Has been convicted of, forfeited bond upon a charge of, or
3 pleaded guilty or nolo contendere to any offense or crime, whether a
4 felony or a misdemeanor, involving any gambling activity or fraud, theft,
5 willful failure to make required payments or reports, or filing false
6 reports with a governmental agency at any level;

7 (v) Denied the department or its authorized representatives,
8 including authorized law enforcement agencies, access to any place where
9 activity required to be licensed under the act is being conducted or
10 failed to produce for inspection or audit any book, record, document, or
11 item required by law, rule, or regulation;

12 (vi) Made a misrepresentation of or failed to disclose a material
13 fact to the department;

14 (vii) Failed to prove by clear and convincing evidence such
15 applicant's qualifications to be licensed in accordance with the act;

16 (viii) Failed to pay any taxes and additions to taxes, including
17 penalties and interest required by the act or any other taxes imposed
18 pursuant to the Nebraska Revenue Act of 1967; or

19 (ix) Has been cited for a violation of the Nebraska Liquor Control
20 Act and had a liquor license suspended, canceled, or revoked by the
21 Nebraska Liquor Control Commission for illegal gambling activities on or
22 about the premises licensed by the commission pursuant to the Nebraska
23 Liquor Control Act or the rules and regulations adopted and promulgated
24 pursuant to such act.

25 (c) No renewal of a license issued pursuant to this section shall be
26 issued when the applicant for renewal would not be eligible for a license
27 upon a first application.

28 (3) Beginning January 1, 2025, the annual license for a distributor
29 of a cash device shall be accompanied by a fee of one hundred dollars per
30 cash device up to a maximum of five thousand dollars.

31 (4) The Tax Commissioner has the authority to suspend or revoke the

1 license of any distributor that is in violation of the Mechanical
2 Amusement Device Tax Act.

3 (5) Beginning on the implementation date designated by the Tax
4 Commissioner pursuant to subsection (2) of section 9-1312, prior to the
5 winnings payment of any cash device winnings as defined in section
6 9-1303, a distributor of a cash device shall check the collection system
7 to determine if the winner has a debt or an outstanding state ~~tax~~
8 liability as required by the Gambling Winnings Setoff for Outstanding
9 Debt Act. If such distributor determines that the winner is subject to
10 the collection system, the distributor shall deduct the amount of debt
11 and outstanding state ~~tax~~ liability identified in the collection system
12 from the winnings payment and shall remit the net winnings payment of
13 cash device winnings, if any, to the winner and the amount deducted to
14 the Department of Revenue to be credited against such debt or outstanding
15 state ~~tax~~ liability as provided in section 9-1306.

16 **Sec. 18.** Section 77-3014, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 77-3014 Beginning on the implementation date designated by the Tax
19 Commissioner pursuant to subsection (2) of section 9-1312, prior to the
20 winnings payment of any cash device winnings as defined in section
21 9-1303, a manufacturer of a cash device that makes winnings payments
22 shall check the collection system to determine if the winner has a debt
23 or an outstanding state ~~tax~~ liability as required by the Gambling
24 Winnings Setoff for Outstanding Debt Act. If such manufacturer determines
25 that the winner is subject to the collection system, the manufacturer
26 shall deduct the amount of debt and outstanding state ~~tax~~ liability
27 identified in the collection system from the winnings payment and shall
28 remit the net winnings payment of cash device winnings, if any, to the
29 winner and the amount deducted to the Department of Revenue to be
30 credited against such debt or outstanding state ~~tax~~ liability as provided
31 in section 9-1306.

1 **Sec. 19.** Section 81-5,213, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-5,213 The committee:

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

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

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

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

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

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

27 **Sec. 20.** Section 81-5,215, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-5,215 (1) The Conveyance Safety Act applies to the construction,
30 operation, inspection, testing, maintenance, alteration, and repair of
31 conveyances. Conveyances include the following equipment, associated

1 parts, and hoistways which are not exempted under section 81-5,216:

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

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

6 (i) Escalators; and

7 (ii) Moving sidewalks; and

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

12 (i) Dumbwaiters;

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

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

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

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

25 **Sec. 21.** Section 81-5,216, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-5,216 The Conveyance Safety Act does not apply to:

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

30 (2) Conveyances used exclusively for agricultural purposes;

31 (3) Personnel hoists within the scope of American National Standards

1 Institute A10.4, 2016 Edition;

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

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

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

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

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

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

16 (9) ~~(10)~~ Portable equipment, except for portable escalators which
17 are covered by American National Standards Institute A17.1, 2013 Edition;

18 (10) ~~(11)~~ Tiering or piling machines used to move materials to and
19 from storage located and operating entirely within one story;

20 (11) ~~(12)~~ Equipment for feeding or positioning materials at machine
21 tools, printing presses, and similar equipment;

22 (12) ~~(13)~~ Skip or furnace hoists;

23 (13) ~~(14)~~ Wharf ramps;

24 (14) ~~(15)~~ Railroad car lifts or dumpers;

25 (15) ~~(16)~~ Line jacks, false cars, shafters, moving platforms, and
26 similar equipment used for installing a conveyance by an elevator
27 contractor;

28 (16) ~~(17)~~ Manlifts, hoists, or conveyances used in grain elevators
29 or feed mills;

30 (17) ~~(18)~~ Dock levelators;

31 (18) ~~(19)~~ Stairway chair lifts and platform lifts; and

1 (19) ~~(20)~~ Conveyances in residences located in counties that have a
2 population of one hundred thousand or less inhabitants.

3 **Sec. 22.** Section 81-5,217, Reissue Revised Statutes of Nebraska, is
4 amended to read:

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

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

26 **Sec. 23.** Section 81-5,218, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-5,218 Conveyances ~~upon which construction is started subsequent~~
29 ~~to January 1, 2008,~~ shall be registered at the time they are completed
30 and placed in service.

31 **Sec. 24.** Section 81-5,219, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-5,219 ~~On and after January 1, 2008:~~ Prior to any newly installed
3 conveyance being used for the first time, the property owner or lessee
4 shall obtain a certificate of inspection from the State Fire Marshal. A
5 fee established under section 81-5,214 shall be paid for the certificate
6 of inspection. A licensed elevator contractor shall complete and submit
7 first-time registrations for new installations to the state elevator
8 inspector for the inspector's approval. A certificate of inspection shall
9 be clearly displayed in an elevator car and on or in each other
10 conveyance.

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

13 81-5,221 (1) The State Fire Marshal shall employ a state elevator
14 inspector who shall work under the direct supervision of the State Fire
15 Marshal or the State Fire Marshal's designee.

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

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

28 **Sec. 26.** Section 81-5,223, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 81-5,223 (1) No inspection shall be required under the Conveyance
31 Safety Act when an owner or user of a conveyance: ~~obtains an inspection~~

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

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

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

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

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

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

17 **Sec. 27.** Section 81-5,230, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-5,230 (1) Any person wishing to engage in the work of an elevator
20 mechanic shall apply for and obtain an elevator mechanic license from the
21 State Fire Marshal. The application shall be on a form provided by the
22 State Fire Marshal.

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

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

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

31 (b) A contact email address ~~If a partnership, the name, residence~~

1 ~~and business address, and social security number of each partner;~~

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

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

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

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

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

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

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

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

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

27 ~~(b) The name and address of the business;~~

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

31 ~~(d) Satisfactory evidence that the applicant is or will be covered~~

1 by general liability, personal injury, and property damage insurance;

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

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

9 **Sec. 28.** Section 81-5,239, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 81-5,239 (1) Any person may make a request for an investigation into
12 an alleged violation of the Conveyance Safety Act by giving notice to the
13 State Fire Marshal or state elevator inspector of such violation or
14 danger.

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

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

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

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

11 **Sec. 29.** Original sections 48-665, 81-5,213, 81-5,215, 81-5,216,
12 81-5,217, 81-5,218, 81-5,219, 81-5,221, 81-5,223, 81-5,230, and 81-5,239,
13 Reissue Revised Statutes of Nebraska, sections 9-1104, 9-1110, 9-1302,
14 9-1303, 9-1304, 9-1305, 9-1306, 9-1307, 9-1308, 9-1313, 77-3002, 77-3003,
15 and 77-3014, Revised Statutes Cumulative Supplement, 2024, and sections
16 2, 3, 4, and 8, Initiative Law 2024, No. 436, are repealed.