

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 839**

Introduced by Government, Military and Veterans Affairs Committee:  
Brewer, 43, Chairperson; Halloran, 33; Hansen, M., 26;  
Hunt, 8; Lowe, 37; Sanders, 45.

Read first time January 06, 2022

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to truth and deception examiners; to amend  
2 sections 81-1932 and 81-1933, Reissue Revised Statutes of Nebraska,  
3 and section 84-512, Revised Statutes Cumulative Supplement, 2020; to  
4 change provisions relating to truth and deception examinations; to  
5 repeal the Licensing of Truth and Deception Examiners Act; to  
6 provide a duty for the Revisor of Statutes; to harmonize provisions;  
7 to repeal the original sections; and to outright repeal sections  
8 81-1901, 81-1902, 81-1903, 81-1904, 81-1905, 81-1906, 81-1907,  
9 81-1908, 81-1909, 81-1910, 81-1911, 81-1912, 81-1913, 81-1914,  
10 81-1915, 81-1916, 81-1917, 81-1918, 81-1919, 81-1920, 81-1923,  
11 81-1924, 81-1925, 81-1926, 81-1927, 81-1928, 81-1929, 81-1930,  
12 81-1931, 81-1934, 81-1935, and 81-1936, Reissue Revised Statutes of  
13 Nebraska, and sections 81-1921 and 81-1922, Revised Statutes  
14 Cumulative Supplement, 2020.  
15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1932, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 ~~81-1932~~ No employer or prospective employer may require as a  
4 condition of employment or as a condition for continued employment that a  
5 person submit to a truth and deception examination unless such employment  
6 involves public law enforcement. This shall not be construed to prohibit  
7 such employer from asking an employee or applicant to submit to a truth  
8 and deception examination if:

9 (1) No questions are asked during the truth and deception  
10 examination concerning the examinee's sexual practices, labor union,  
11 political or religious affiliations, or marital relationships;

12 (2) The examinee is given written and oral notice that the  
13 examination is voluntary and that the examinee may discontinue the  
14 examination at any time;

15 (3) The employer or prospective employer has the employee or  
16 applicant sign a form stating that the examination is being taken  
17 voluntarily;

18 (4) Questions that are asked prospective employees are job related;

19 (5) Prospective employees are not preselected for a truth and  
20 deception examination in a discriminatory manner;

21 (6) An employee is only requested to submit to a truth and deception  
22 examination if such examination concerns itself with a specific  
23 investigation;

24 (7) The results of a truth and deception examination are not the  
25 sole determinant in the termination of employment; and

26 (8) All questions that are asked during a truth and deception  
27 examination and the responses of the examinee are kept on file by the  
28 employer for a period of one year.

29 Sec. 2. Section 81-1933, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 ~~81-1933~~ Any employer or prospective employer who violates the

1 provisions of section 1 of this act ~~81-1932~~ shall be guilty of a Class II  
2 misdemeanor.

3       Sec. 3. Section 84-512, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5       84-512 (1) The Secretary of State Cash Fund is created. The State  
6 Treasurer shall transfer the balance of the Administration Cash Fund, the  
7 Corporation Cash Fund, the Nebraska Collection Agency Fund, the Secretary  
8 of State Administration Cash Fund, and the Uniform Commercial Code Cash  
9 Fund on July 1, 2021, to the Secretary of State Cash Fund. The fund shall  
10 also include fees and revenue collected by the Secretary of State  
11 pursuant to sections 13-2525, 21-186, 21-192, 21-205, 21-414, 21-1905,  
12 21-2216, 21-2924, 25-3308, 33-101, 33-102, 45-606, 45-620, 45-806,  
13 48-2609, 52-1004, 52-1312, 52-1313, 52-1316, 52-1602, 64-306, 64-313,  
14 64-405, 64-415, 67-293, 67-462, 69-1204, 69-1206, 71-3204, 77-3903,  
15 ~~81-1921, 81-1922~~, 84-906.03, 87-130, 87-133, 87-134, and 87-210 to 87-212  
16 and sections 9-525 and 9-528, Uniform Commercial Code, and any other fees  
17 and revenue designated for credit to the fund.

18       (2) The Secretary of State shall use the Secretary of State Cash  
19 Fund for the administration of the office of the Secretary of State,  
20 including duties of the Secretary of State relating to oaths and bonds  
21 under Chapter 11, corporations and other business entities under Chapter  
22 21, address confidentiality under Chapter 42, collection agencies and  
23 credit service organizations under Chapter 45, distribution of session  
24 laws and legislative journals under Chapter 49, liens, including  
25 effective financing statements and the master lien list, under Chapter  
26 52, notaries public under Chapter 64, partnerships under Chapter 67, debt  
27 management under Chapter 69, private detectives under Chapter 71, ~~truth~~  
28 ~~and deception examiners under Chapter 81~~, administrative duties, the  
29 Great Seal of the State of Nebraska, and rules and regulations, under  
30 Chapter 84, trade names, trademarks, and service marks under Chapter 87,  
31 and the Uniform Commercial Code, and any other administrative duties as

1 deemed necessary by the Secretary of State.

2 (3) Any money in the Secretary of State Cash Fund available for  
3 investment shall be invested by the state investment officer pursuant to  
4 the Nebraska Capital Expansion Act and the Nebraska State Funds  
5 Investment Act.

6 Sec. 4. The Revisor of Statutes shall assign sections 1 and 2 of  
7 this act to an article in Chapter 48.

8 Sec. 5. Original sections 81-1932 and 81-1933, Reissue Revised  
9 Statutes of Nebraska, and section 84-512, Revised Statutes Cumulative  
10 Supplement, 2020, are repealed.

11 Sec. 6. The following sections are outright repealed: Sections  
12 81-1901, 81-1902, 81-1903, 81-1904, 81-1905, 81-1906, 81-1907, 81-1908,  
13 81-1909, 81-1910, 81-1911, 81-1912, 81-1913, 81-1914, 81-1915, 81-1916,  
14 81-1917, 81-1918, 81-1919, 81-1920, 81-1923, 81-1924, 81-1925, 81-1926,  
15 81-1927, 81-1928, 81-1929, 81-1930, 81-1931, 81-1934, 81-1935, and  
16 81-1936, Reissue Revised Statutes of Nebraska, and sections 81-1921 and  
17 81-1922, Revised Statutes Cumulative Supplement, 2020.