

E AND R AMENDMENTS TO LB 265

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 13-1102, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-1102 In addition to any other powers which it may
6 now have, each municipality and each county shall have without any
7 other authority the following powers:

8 (1) To acquire, whether by construction, purchase,
9 devise, gift, or lease, or any one or more of such methods, one or
10 more projects, which shall be located within this state, and may
11 be located within, without, partially within, or partially without
12 the municipality or county;

13 (2) To lease to others any or all of its projects for
14 such rentals and upon such terms and conditions as the governing
15 body may deem advisable and as shall not conflict with the
16 provisions of sections 13-1101 to 13-1110;

17 (3) To finance the acquisition, construction,
18 rehabilitation, or purchase of projects in blighted areas.

19 The power to finance such projects in blighted areas shall mean and
20 include the power to enter into any type of agreement, including

21 a loan agreement, when the other party to the agreement agrees

22 (a) to use the proceeds of money provided under the agreement to

23 pay the costs of such acquisition, construction, rehabilitation,

1 or purchase and any costs incident to the issuance of the related
2 bonds and the funding of any reserve funds, (b) to be bound by the
3 terms of the ~~Act Prohibiting Unjust Discrimination in Employment~~
4 ~~Because of Age~~ Discrimination in Employment Act, the Nebraska
5 Fair Employment Practice Act, and sections 48-1219 to 48-1227,
6 regardless of the number of employees, and (c) to make payments
7 to the municipality or county sufficient to enable it to pay on a
8 timely basis all principal, redemption premiums, and interest on
9 the related revenue bonds issued to provide such financing, and any
10 amounts necessary to repay such municipality or county for any and
11 all costs incurred by it that are incidental to such financing.
12 Title to any such project in a blighted area need not be in the
13 name of the municipality or county, but may be in the name of a
14 private party;

15 (4) To issue revenue bonds for the purpose of defraying
16 the cost of acquiring, improving, or financing any project or
17 projects, including the cost of any real estate previously
18 purchased and used for such project or projects, or the cost
19 of any option in connection with acquiring such property, and to
20 secure the payment of such bonds as provided in sections 13-1101 to
21 13-1110, which revenue bonds may be issued in two or more series
22 or issues where deemed advisable, and each such series or issue
23 may contain different maturity dates, interest rates, priorities
24 on revenue available for payment of such bonds and priorities on
25 securities available for guaranteeing payment thereof, and such
26 other differing terms and conditions as are deemed necessary and
27 are not in conflict with the provisions of sections 13-1101 to

1 13-1110; and

2 (5) To sell and convey any real or personal property
3 acquired as provided by subdivision (1) of this section, and make
4 such order respecting the same as may be deemed conducive to the
5 best interest of the municipality or county, except ~~+ PROVIDED,~~
6 that such sale or conveyance shall be subject to the terms of any
7 lease but shall be free and clear of any other encumbrance.

8 No municipality or county shall have the power to (a)
9 operate any project, referred to in this section, as a business or
10 in any manner except as the lessor thereof, (b) lease any project
11 acquired under powers conferred by this section for use principally
12 for commercial feeding of livestock, (c) issue bonds under this
13 section principally for the purpose of financing the construction
14 or acquisition of commercial feeding facilities for livestock, or
15 (d) acquire any project or any part thereof by condemnation.

16 Sec. 2. Section 20-113, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 20-113 Any incorporated city may enact ordinances and any
19 county may adopt resolutions which are substantially equivalent to
20 ~~the Act Prohibiting Unjust Discrimination in Employment Because of~~
21 ~~Age,~~ Age Discrimination in Employment Act, the Nebraska Fair
22 Employment Practice Act, the Nebraska Fair Housing Act, and
23 sections 20-126 to 20-143 and 48-1219 to 48-1227 or which are
24 more comprehensive than such acts and sections in the protection of
25 civil rights. No such ordinance or resolution shall place a duty or
26 liability on any person, other than an employer, employment agency,
27 or labor organization, for acts similar to those prohibited by

1 section 48-1115. Such ordinance or resolution may include authority
2 for a local agency to seek an award of damages or other equitable
3 relief on behalf of the complainant by the filing of a petition
4 in the district court in the county with appropriate jurisdiction.
5 The local agency shall have within its authority jurisdiction
6 substantially equivalent to or more comprehensive than the Equal
7 Opportunity Commission or other enforcement agencies provided under
8 such acts and sections and shall have authority to order backpay
9 and other equitable relief or to enforce such orders or relief
10 in the district court with appropriate jurisdiction. Certified
11 copies of such ordinances or resolutions shall be transmitted to
12 the commission. When the commission determines that any such city
13 or county has enacted an ordinance or adopted a resolution that
14 is substantially equivalent to such acts and sections or is more
15 comprehensive than such acts and sections in the protection of
16 civil rights and has established a local agency to administer such
17 ordinance or resolution, the commission may thereafter refer all
18 complaints arising in such city or county to the appropriate local
19 agency. All complaints arising within a city shall be referred
20 to the appropriate agency in such city when both the city and
21 the county in which the city is located have established agencies
22 pursuant to this section. When the commission refers a complaint to
23 a local agency, it shall take no further action on such complaint
24 if the local agency proceeds promptly to handle such complaint
25 pursuant to the local ordinance or resolution. If the commission
26 determines that a local agency is not handling a complaint with
27 reasonable promptness or that the protection of the rights of

1 the parties or the interests of justice require such action, the
2 commission may regain jurisdiction of the complaint and proceed
3 to handle it in the same manner as other complaints which are
4 not referred to local agencies. In cases of conflict between this
5 section and section 20-332, for complaints subject to the Nebraska
6 Fair Housing Act, section 20-332 shall control.

7 Any club which has been issued a license by the Nebraska
8 Liquor Control Commission to sell, serve, or dispense alcoholic
9 liquor shall have that license revoked if the club discriminates
10 because of race, color, religion, sex, familial status as defined
11 in section 20-311, handicap as defined in section 20-313, or
12 national origin in the sale, serving, or dispensing of alcoholic
13 liquor to any person who is a guest of a member of such club.
14 The procedure for revocation shall be as prescribed in sections
15 53-134.04, 53-1,115, and 53-1,116.

16 Sec. 3. Section 48-601, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 48-601 Sections 48-601 to 48-671 and section 7 of this
19 act shall be known and may be cited as the Employment Security Law.

20 Sec. 4. Section 48-602, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 48-602 For purposes of the Employment Security Law,
23 unless the context otherwise requires:

24 (1) Base period ~~shall mean~~ means the last four completed
25 calendar quarters immediately preceding the first day of an
26 individual's benefit year, except that the commissioner may
27 prescribe by rule and regulation that base period ~~shall mean~~

1 means the first four of the last five completed calendar quarters
2 immediately preceding the first day of an individual's benefit
3 year;

4 (2) Benefits ~~shall mean~~ means the money payments payable
5 to an individual with respect to his or her unemployment;

6 (3) Benefit year, with respect to any individual, ~~shall~~
7 ~~mean~~ means the one-year period beginning with the first day of
8 the first week with respect to which the individual first files
9 a valid claim for benefits, and thereafter the one-year period
10 beginning with the first day of the first week with respect to
11 which the individual next files a valid claim for benefits after
12 the termination of his or her last preceding benefit year. Any
13 claim for benefits made in accordance with section 48-629 shall be
14 deemed to be a valid claim for the purpose of this subdivision if
15 the individual has been paid the wages for insured work required
16 under section 48-627. For the purposes of this subdivision a week
17 with respect to which an individual files a valid claim shall be
18 deemed to be in, within, or during that benefit year which includes
19 the greater part of such week;

20 (4) Calendar quarter ~~shall mean~~ means the period of three
21 consecutive calendar months ending on March 31, June 30, September
22 30, or December 31, or the equivalent thereof as the Commissioner
23 of Labor may by rule and regulation prescribe;

24 (5) Client ~~shall mean~~ means any individual, partnership,
25 limited liability company, corporation, or other legally recognized
26 entity that contracts with a professional employer organization
27 to obtain professional employer services relating to worksite

1 employees through a professional employer agreement;

2 (6) Combined tax ~~shall mean~~ means the employer liability
3 consisting of contributions and the state unemployment insurance
4 tax;

5 (7) Combined tax rate ~~shall mean~~ means the rate which is
6 applied to wages to determine the combined taxes due;

7 (8) Commissioner ~~shall mean~~ means the Commissioner of
8 Labor;

9 (9) Contribution rate ~~shall mean~~ means the percentage of
10 the combined tax rate used to determine the contribution portion of
11 the combined tax;

12 (10) Contributions ~~shall mean~~ means that portion of the
13 combined tax based upon the contribution rate portion of the
14 combined tax rate which is deposited in the state Unemployment
15 Compensation Fund as required by sections 48-648 and 48-649;

16 (11) Department ~~shall mean~~ means the Department of Labor;

17 (12) Employment office ~~shall mean~~ means a free public
18 employment office or branch thereof, operated by this state or
19 maintained as a part of a state-controlled system of public
20 employment offices, including public employment offices operated by
21 an agency of a foreign government;

22 (13) Fund ~~shall mean~~ means the Unemployment Compensation
23 Fund established by section 48-617 to which all contributions and
24 payments in lieu of contributions required and from which all
25 benefits provided shall be paid;

26 (14) Hospital ~~shall mean~~ means an institution which has
27 been licensed, certified, or approved by the Department of Health

1 and Human Services Regulation and Licensure as a hospital;

2 (15) Institution of higher education ~~shall mean~~ means an
3 institution which: (a) Admits as regular students only individuals
4 having a certificate of graduation from a high school or the
5 recognized equivalent of such a certificate; (b) is legally
6 authorized in this state to provide a program of education beyond
7 high school; (c) provides an educational program for which it
8 awards a bachelor's degree or higher or provides a program which
9 is acceptable for full credit toward such a degree, a program of
10 postgraduate or postdoctoral studies, or a program of training to
11 prepare students for gainful employment in a recognized occupation;
12 and (d) is a public or other nonprofit institution; notwithstanding
13 any of the foregoing provisions of this subdivision, all colleges
14 and universities in this state are institutions of higher education
15 for purposes of this section;

16 (16) Insured work ~~shall mean~~ means employment for
17 employers;

18 (17) Leave of absence ~~shall mean~~ means any absence from
19 work: (a) Mutually and voluntarily agreed to by the employer and
20 the employee; (b) mutually and voluntarily agreed to between the
21 employer and the employee's bargaining agent; or (c) to which the
22 employee is entitled to as a matter of state or federal law;

23 (18) Paid vacation leave ~~shall mean~~ means a period of
24 time while employed or following separation from employment in
25 which the individual renders no services to the employer but is
26 entitled to receive vacation pay equal to or exceeding his or her
27 base weekly wage;

1 (19) Payments in lieu of contributions ~~shall mean~~ means
2 the money payments to the Unemployment Compensation Fund required
3 by sections 48-649, 48-652, 48-660.01, and 48-661;

4 (20) Professional employer agreement ~~shall mean~~ means a
5 written professional employer services contract whereby:

6 (a) A professional employer organization agrees to
7 provide payroll services, employee benefit administration, or
8 personnel services for a majority of the employees providing
9 services to the client at a client worksite;

10 (b) The agreement is intended to be ongoing rather than
11 temporary in nature; and

12 (c) Employer responsibilities for worksite employees,
13 including those of hiring, firing, and disciplining, are shared
14 between the professional employer organization and the client
15 by contract. The term professional employer agreement shall not
16 include a contract between a parent corporation, company, or other
17 entity and a wholly owned subsidiary;

18 (21) Professional employer organization ~~shall mean~~
19 means any individual, partnership, limited liability company,
20 corporation, or other legally recognized entity that enters into
21 a professional employer agreement with a client or clients for
22 a majority of a client's workforce at a client worksite. The
23 term professional employer organization ~~shall~~ does not include an
24 insurer as defined in section 44-103 or a temporary help firm;

25 (22) State includes, in addition to the states of the
26 United States of America, any dependency of the United States, the
27 Commonwealth of Puerto Rico, the Virgin Islands, and the District

1 of Columbia;

2 (23) State unemployment insurance tax ~~shall mean~~ means
3 that portion of the combined tax which is based upon the state
4 unemployment insurance tax rate portion of the combined tax rate
5 and which is deposited in the State Unemployment Insurance Trust
6 Fund as required by sections 48-648 and 48-649;

7 (24) State unemployment insurance tax rate ~~shall mean~~
8 means the percentage of the combined tax rate used to determine the
9 state unemployment insurance tax portion of the combined tax;

10 (25) Temporary employee ~~shall mean~~ means an employee of
11 a temporary help firm assigned to work for the clients of such
12 temporary help firm;

13 (26) Temporary help firm ~~shall mean~~ means a firm that
14 hires its own employees and assigns them to clients to support
15 or supplement the client's work force in work situations such as
16 employee absences, temporary skill shortages, seasonal workloads,
17 and special assignments and projects;

18 (27) Unemployed ~~shall mean~~ means an individual during any
19 week in which the individual performs no service and with respect
20 to which no wages are payable to the individual or any week of
21 less than full-time work if the wages payable with respect to
22 such week are less than the individual's weekly benefit amount,
23 but ~~shall~~ does not include any individual on a leave of absence
24 or on paid vacation leave. When an agreement between the employer
25 and a bargaining unit representative does not allocate vacation pay
26 allowance or pay in lieu of vacation to a specified period of time
27 during a period of temporary layoff or plant shutdown, the payment

1 by the employer or his or her designated representative will be
2 deemed to be wages as defined in this section in the week or weeks
3 the vacation is actually taken;

4 (28) Unemployment Trust Fund ~~shall mean~~ means the trust
5 fund in the Treasury of the United States of America established
6 under section 904 of the federal Social Security Act, 42 U.S.C.
7 1104, as such section existed on March 2, 2001, which receives
8 credit from the state Unemployment Compensation Fund;

9 (29) Wages, except with respect to services performed
10 in employment as provided in subdivisions (4)(c) and (d) of
11 section 48-604, ~~shall mean~~ means all remuneration for personal
12 services, including commissions and bonuses, remuneration for
13 personal services paid under a contract of hire, and the cash
14 value of all remunerations in any medium other than cash. The
15 reasonable cash value of remuneration in any medium other than
16 cash shall be estimated and determined in accordance with rules
17 and regulations prescribed by the commissioner. After December
18 31, 1985, wages ~~shall include~~ includes tips which are received
19 while performing services which constitute employment and which are
20 included in a written statement furnished to the employer pursuant
21 to section 6053(a) of the Internal Revenue Code as defined in
22 section 49-801.01.

23 With respect to services performed in employment in
24 agricultural labor as is provided in subdivision (4)(c) of section
25 48-604, ~~or in domestic service as is provided in subdivision (4)(d)~~
26 ~~of section 48-604,~~ wages ~~shall mean~~ means cash remuneration and the
27 cash value of commodities not intended for personal consumption by

1 the worker and his or her immediate family for such services. With
2 respect to services performed in employment in domestic service as
3 is provided in subdivision (4)(d) of section 48-604, wages means
4 cash remuneration for such services.

5 The term wages ~~shall~~ does not include:

6 (a) The amount of any payment, including any amount paid
7 by an employer for insurance or annuities or into a fund to
8 provide for such payment, made to, or on behalf of, an individual
9 in employment or any of his or her dependents under a plan
10 or system established by an employer which makes provision for
11 such individuals generally or for a class or classes of such
12 individuals, including any amount paid by an employer for insurance
13 or annuities or into a fund to provide for any such payment, on
14 account of (i) sickness or accident disability, except, in the case
15 of payments made to an employee or any of his or her dependents,
16 this subdivision (i) shall exclude from wages only payments which
17 are received under a workers' compensation law, (ii) medical and
18 hospitalization expenses in connection with sickness or accident
19 disability, or (iii) death;

20 (b) The payment by an employer, without deduction from
21 the remuneration of the employee, of the tax imposed upon an
22 employee under section 3101 of the Internal Revenue Code as defined
23 in section 49-801.01;

24 (c) Any payment on account of sickness or accident
25 disability, or medical or hospitalization expenses in connection
26 with sickness or accident disability, made by an employer to, or
27 on behalf of, an individual after the expiration of six calendar

1 months following the last calendar month in which such individual
2 worked for such employer;

3 (d) Any payment made to, or on behalf of, an individual
4 or his or her beneficiary (i) from or to a trust described in
5 section 401(a) of the Internal Revenue Code as defined in section
6 49-801.01 which is exempt from tax under section 501(a) of the
7 Internal Revenue Code as defined in section 49-801.01 at the time
8 of such payment unless such payment is made to an employee of the
9 trust as remuneration for services rendered as such employee and
10 not as a beneficiary of the trust or (ii) under or to an annuity
11 plan which, at the time of such payment, meets the requirements
12 of section 401 of the Internal Revenue Code as defined in section
13 49-801.01;

14 (e) Any payment made to, or on behalf of, an employee
15 or his or her beneficiary (i) under a simplified employee pension
16 as defined by the commissioner, (ii) under or to an annuity
17 contract as defined by the commissioner, other than a payment
18 for the purchase of such contract which is made by reason of
19 a salary reduction agreement, whether evidenced by a written
20 instrument or otherwise, (iii) under or to an exempt governmental
21 deferred compensation plan as defined by the commissioner, (iv)
22 to supplement pension benefits under a plan or trust, as defined
23 by the commissioner, to take into account some portion or all of
24 the increase in the cost of living since retirement, but only if
25 such supplemental payments are under a plan which is treated as a
26 welfare plan, or (v) under a cafeteria benefits plan;

27 (f) Remuneration paid in any medium other than cash to an

1 individual for service not in the course of the employer's trade or
2 business;

3 (g) Benefits paid under a supplemental unemployment
4 benefit plan which satisfies the eight points set forth in Internal
5 Revenue Service Revenue Ruling 56-249 as the ruling existed on
6 March 2, 2001, and is in compliance with the standards set forth in
7 Internal Revenue Service Revenue Rulings 58-128 and 60-330 as the
8 rulings existed on March 2, 2001; and

9 (h) Remuneration for service performed in the employ of
10 any state in the exercise of his or her duties as a member of the
11 Army National Guard or Air National Guard or in the employ of the
12 United States of America as a member of any military reserve unit;

13 (30) Week ~~shall mean~~ means such period of seven
14 consecutive days as the commissioner may by rule and regulation
15 prescribe;

16 (31) Week of unemployment with respect to any individual
17 ~~shall mean~~ means any week during which he or she performs less than
18 full-time work and the wages payable to him or her with respect to
19 such week are less than his or her weekly benefit amount;

20 (32) Wholly owned subsidiary means a corporation,
21 company, or other entity which has eighty percent or more of
22 its outstanding voting stock or membership owned or controlled,
23 directly or indirectly, by the parent entity; and

24 (33) Worksite employee ~~shall mean~~ means a person
25 receiving wages or benefits from a professional employer
26 organization pursuant to the terms of a professional employer
27 agreement for work performed at a client's worksite.

1 Sec. 5. Section 48-606, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-606 (1) It shall be the duty of the Commissioner of
4 Labor to administer the Employment Security Law. He or she shall
5 have the power and authority to employ such persons, make such
6 expenditures, require such reports, make such investigations, and
7 take such other action as he or she deems necessary or suitable to
8 that end if the same are consistent with the Employment Security
9 Law. The commissioner shall determine his or her own organization
10 and methods of procedure in accordance with such law and shall
11 have an official seal which shall be judicially noticed. Not
12 later than the thirty-first day of December of each year, the
13 commissioner shall submit to the Governor a report covering the
14 administration and operation of such law during the preceding
15 fiscal year and shall make such recommendations for amendments to
16 such law as he or she deems proper. Such report shall include a
17 balance sheet of the money in the fund in which there shall be
18 provided, if possible, a reserve against the liability in future
19 years to pay benefits in excess of the then current contributions,
20 which reserve shall be set up by the commissioner in accordance
21 with accepted actuarial principles on the basis of statistics of
22 employment, business activity, and other relevant factors for the
23 longest possible period. Whenever the commissioner believes that
24 a change in contribution or benefit rates will become necessary
25 to protect the solvency of the fund, he or she shall promptly
26 inform the Governor and the Clerk of the Legislature thereof and
27 make recommendations with respect thereto. Each member of the

1 Legislature shall receive a copy of such information by making a
2 request for it to the commissioner.

3 (2) The commissioner may establish a schedule of fees
4 to recover the cost of services including, but not limited to,
5 copying, preparation of forms and other materials, responding to
6 inquiries for information, payments for returned check charges
7 and electronic payments not accepted, and furnishing publications
8 prepared by the commissioner pursuant to the Employment Security
9 Law. Fees received pursuant to this subsection shall be deposited
10 in the Employment Security Administration Fund.

11 (3) Nothing in this section shall be construed to
12 allow the department to charge any fee for making a claim
13 for unemployment benefits or receiving assistance from the
14 state employment service established pursuant to section 48-662
15 when performing functions within the purview of the federal
16 Wagner-Peyser Act, 29 U.S.C. 49 et seq., as amended.

17 Sec. 6. Section 48-612, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 48-612 (1) Each employer, whether or not subject to
20 the Employment Security Law, shall keep true and accurate work
21 records containing such information as the Commissioner of Labor
22 may prescribe. Such records shall be open to inspection and
23 be subject to being copied by the commissioner or his or her
24 authorized representatives at any reasonable time and as often as
25 may be necessary. The commissioner and the appeal tribunal may
26 require from any such employer any sworn or unsworn reports, with
27 respect to persons employed by it, which he, she, or it deems

1 necessary for the effective administration of such law. ~~Information~~
2 Except as otherwise provided in section 7 of this act, information
3 thus obtained or obtained from any individual pursuant to the
4 administration of such law, shall be held confidential. ~~except~~
5 ~~to the extent necessary for the proper presentation of the contest~~
6 ~~of a claim, and shall not be published or be open to public~~
7 ~~inspection, other than to public employees in the performance of~~
8 ~~their public duties, in any manner revealing the individual's or~~
9 ~~employing unit's identity, except that (a) any claimant, or his or~~
10 ~~her legal representative, at a hearing before an appeal tribunal or~~
11 ~~court shall be supplied with information from such records to the~~
12 ~~extent necessary for the proper presentation of his or her claim~~
13 ~~and (b) the Nebraska Workers' Compensation Court may use the names,~~
14 ~~addresses, and identification numbers of employers for purposes of~~
15 ~~enforcement of the Nebraska Workers' Compensation Act.~~

16 (2) Any employee of the commissioner who violates any
17 provision of sections 48-606 to 48-616 or section 7 of this act
18 shall be guilty of a Class III misdemeanor.

19 (3) All letters, reports, communications, or any other
20 matters, either oral or written, from an employer or his or her
21 workers to each other or to the commissioner or any of his or her
22 agents, representatives, or employees which shall have been written
23 or made in connection with the requirements and administration
24 of the Employment Security Law, or the rules and regulations
25 thereunder, shall be absolutely privileged and shall not be made
26 the subject matter or basis for any suit for slander or libel in
27 any court of this state, unless the same be false in fact and

1 malicious in intent.

2 Sec. 7. (1) Information obtained pursuant to subsection
3 (1) of section 48-612 may be disclosed under the following
4 circumstances:

5 (a) To the extent necessary for the proper presentation
6 of the contest of an unemployment benefit claim or tax appeal.
7 Any claimant or employer or representative of a claimant or
8 employer, as a party before an appeal tribunal or court regarding
9 an unemployment claim or tax appeal, shall be supplied with
10 information obtained in the administration of the Employment
11 Security Law, to the extent necessary for the proper presentation
12 of his, her, or its claim or appeal;

13 (b) The Nebraska Workers' Compensation Court may use
14 the names, addresses, and identification numbers of employers for
15 purposes of enforcement of the Nebraska Workers' Compensation Act;

16 (c) Appeals records and decisions rendered under
17 the Employment Security Law and designated as precedential
18 determinations by the commissioner on the coverage of employers,
19 employment, wages, and benefit eligibility, if all social security
20 numbers have been removed and such disclosure is otherwise
21 consistent with federal and state law;

22 (d) To a public official for use in the performance of
23 his or her official duties. For purposes of this subdivision,
24 performance of official duties means the administration
25 or enforcement of law or the execution of the official
26 responsibilities of a federal, state, or local elected official.
27 Administration of law includes research related to the law

1 administered by the public official. Execution of official
2 responsibilities does not include solicitation of contributions or
3 expenditures to or on behalf of a candidate for public office or
4 to a political party;

5 (e) To an agent or contractor of a public official
6 to whom disclosure is permissible under subdivision (d) of this
7 subsection;

8 (f) Information collected exclusively for statistical
9 purposes under a cooperative agreement with the federal Bureau of
10 Labor Statistics. This subdivision does not restrict or impose any
11 condition on the transfer of any other information to the federal
12 Bureau of Labor Statistics under an agreement or the federal Bureau
13 of Labor Statistics' disclosure or use of such information; and

14 (g) In response to a court order.

15 (2) Information about an individual or employer obtained
16 pursuant to subsection (1) of section 48-612 may be disclosed to:

17 (a) One who acts as an agent for the individual or
18 employer when the agent presents a written release from the
19 individual or employer, where practicable, or other evidence of
20 authority to act on behalf of the individual or employer;

21 (b) An elected official who is performing constituent
22 services if the official presents reasonable evidence that the
23 individual or employer has authorized such disclosure;

24 (c) An attorney who presents written evidence that he or
25 she is representing the individual or employer in a matter arising
26 under the Employment Security Law; or

27 (d) A third party or its agent carrying out the

1 administration or evaluation of a public program, if that third
2 party or agent obtains a written release from the individual or
3 employer to whom the information pertains. To constitute informed
4 consent, the release shall be signed and shall include a statement:

5 (i) Specifically identifying the information that is to
6 be disclosed;

7 (ii) That state government files will be accessed to
8 obtain that information;

9 (iii) Identifying the specific purpose or purposes for
10 which the information is sought and that information obtained under
11 the release will only be used for that purpose or purposes; and

12 (iv) Identifying and describing all the parties who may
13 receive the information disclosed.

14 (3) Information obtained pursuant to subsection (1) of
15 section 48-612 may be disclosed under the following circumstances:

16 (a) Information about an individual or employer shall
17 only be disclosed to the respective individual or employer;

18 (b) To a local, state, or federal governmental official,
19 other than a clerk of court, attorney, or notary public acting on
20 behalf of a litigant, with authority to obtain such information by
21 subpoena under state or federal law; and

22 (c) Disclosures to a federal official for purposes of
23 unemployment compensation program oversight and audits, including
24 disclosures under 20 C.F.R. part 601 and 29 C.F.R. parts 96 and 97
25 as they existed on January 1, 2007.

26 (4) If the purpose for which information is provided
27 under subsection (1), (2), or (3) of this section is not

1 related to the administration of the Employment Security Law
2 or the unemployment insurance compensation program of another
3 jurisdiction, the commissioner shall recover the costs of providing
4 such information from the requesting individual or entity prior to
5 providing the information to such individual or entity unless the
6 costs are nominal or the entity is a governmental agency which the
7 commissioner has determined provides reciprocal services.

8 (5) Any person who receives information under subsection
9 (1) or (2) of this section and rediscloses such information for any
10 purpose other than the purpose for which it was originally obtained
11 shall be guilty of a Class III misdemeanor.

12 Sec. 8. Section 48-624, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 48-624 (1) For any benefit year beginning on or after
15 January 1, 2001, through December 31, 2005, an individual's weekly
16 benefit amount shall be one-half his or her average weekly wage
17 rounded down to the nearest even whole dollar amount, but shall
18 not exceed one-half of the state average weekly wage as annually
19 determined under section 48-121.02.

20 (2) For any benefit year beginning on or after January
21 1, 2006, through December 31, 2007, an individual's weekly benefit
22 amount shall be one-half of his or her average weekly wage rounded
23 down to the nearest even whole dollar amount, but shall not exceed
24 two hundred eighty-eight dollars per week.

25 (3) For any benefit year beginning on or after January
26 1, 2008, through December 31, 2010, an individual's weekly benefit
27 amount shall be one-half of his or her average weekly wage rounded

1 down to the nearest even whole dollar amount, but shall not exceed
2 the lesser of one-half of the state average weekly wage as annually
3 determined under section 48-121.02 or the previous year's maximum
4 weekly benefit amount plus ten dollars per week.

5 (4) For any benefit year beginning on or after January
6 1, 2011, an individual's weekly benefit amount shall be one-half
7 of his or her average weekly wage rounded down to the nearest even
8 whole dollar amount, but shall not exceed one-half of the state
9 average weekly wage as annually determined under section 48-121.02.

10 ~~(5) If the state's reserve ratio on September 30, 2008,~~
11 ~~or September 30, 2009, is less than four-tenths percent and~~
12 ~~an emergency solvency surcharge is imposed pursuant to section~~
13 ~~48-649.01 for such year, then the maximum weekly benefit amount for~~
14 ~~the following calendar year shall not be increased over the then~~
15 ~~current maximum weekly benefit amount.~~

16 ~~(6) (5)~~ For purposes of this section, an individual's
17 average weekly wage shall equal the wages paid for insured work in
18 the highest quarter of the base period divided by thirteen.

19 Sec. 9. Section 48-649, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 48-649 The commissioner shall, for each calendar year,
22 determine the combined tax rate applicable to each employer on
23 the basis of his or her actual experience in the payment of
24 contributions and with respect to benefits charged against his or
25 her separate experience account, in accordance with the following
26 requirements:

27 (1) The commissioner shall, by December 1 of each

1 calendar year, and based upon information available through the
2 department, determine the state unemployment insurance tax rate for
3 the following year. The state unemployment insurance tax rate shall
4 be zero percent if:

5 (a) The average balance in the State Unemployment
6 Insurance Trust Fund at the end of any three months in the
7 preceding calendar year is greater than one percent of state
8 taxable wages for the same preceding year;

9 (b) The balance in the State Unemployment Insurance Trust
10 Fund equals or exceeds thirty percent of the average month end
11 balance of the state's account in the Unemployment Trust Fund for
12 the three lowest calendar months in the preceding year; or

13 (c) The state advisory council determines that a zero
14 percent state unemployment insurance tax rate is in the best
15 interests of preserving the integrity of the state's account in the
16 Unemployment Trust Fund;

17 ~~(2)~~ (2) (a) If the state unemployment insurance tax rate
18 is not zero percent as determined in this section, the combined
19 tax rate shall be divided so that not less than eighty percent
20 of the combined tax rate equals the contribution rate and not
21 more than twenty percent of the combined tax rate equals the
22 state unemployment insurance tax rate except for employers who are
23 assigned a combined tax rate of five and four-tenths percent or
24 more. For those employers, the state unemployment insurance tax
25 rate shall equal zero and their combined tax rate shall equal their
26 contribution rate.

27 (b) When the state unemployment insurance tax rate is

1 determined to be zero percent pursuant to subdivision (1) of this
2 section, the contribution rate for all employers shall equal one
3 hundred percent of the combined tax rate;

4 (3) In calendar year 2005, an employer's combined tax
5 rate shall be three and five-tenths percent of his or her annual
6 payroll unless and until (a) benefits have been payable from
7 and chargeable to his or her experience account throughout the
8 preceding one calendar year and (b) contributions have been payable
9 to the fund and credited to his or her experience account with
10 respect to the two preceding calendar years. Subject to fair and
11 reasonable rules and regulations of the commissioner issued with
12 due regard for the solvency of the fund, in calendar year 2005
13 the combined tax rate required of each employer who meets the
14 requirements of subdivisions (a) and (b) of this subdivision shall
15 be based directly on his or her contributions to and benefit
16 experience of his or her experience account and shall be determined
17 by the commissioner for each calendar year at its beginning. Such
18 rate shall not be greater than three and five-tenths percent of his
19 or her annual payroll if his or her experience account exhibits a
20 positive balance as of the beginning of such calendar year, but for
21 any employer who has been subject to the payment of contributions
22 for any two preceding calendar years, regardless of whether such
23 years are consecutive, and whose experience account exhibits a
24 negative balance as of the beginning of such calendar year, the
25 rate shall be greater than three and five-tenths percent of his
26 or her annual payroll but not greater than five and four-tenths
27 percent of his or her annual payroll until such time as the

1 experience account exhibits a positive balance, and thereafter the
2 rate shall not be greater than three and five-tenths percent of
3 his or her annual payroll. For calendar year 2005, the standard
4 rate shall be five and four-tenths percent of the employer's annual
5 payroll. As used in this subdivision, standard rate shall mean the
6 rate from which all reduced rates are calculated;

7 (4) (a) Effective January 1, 2006, an employer's combined
8 tax rate (i) for employers other than employers engaged in the
9 construction industry shall be the lesser of the state's average
10 combined tax rate as determined pursuant to subdivisions (4) (e),
11 ~~and (4) (f), and (4) (g)~~ of this section or two and five-tenths
12 percent and (ii) for employers in the construction industry shall
13 be the category twenty rate determined pursuant to subdivisions
14 (4) (e) and (4) (f) of this section, unless and until:

15 (A) Benefits have been payable from and chargeable to his
16 or her experience account throughout the preceding four calendar
17 quarters; and

18 (B) Contributions have been payable to the fund and
19 credited to his or her experience account with respect to each of
20 the two preceding four-calendar-quarter periods.

21 For purposes of this subdivision (4) (a), employers
22 engaged in the construction industry ~~shall mean~~ means all
23 employers primarily engaged in business activities classified as
24 sector 23 business activities under the North American Industrial
25 Classification System.

26 (b) In no event shall the combined tax rate for employers
27 who fail to meet the requirements of subdivision (4) (a) of this

1 section be less than one and twenty-five hundredths percent.

2 (c) For any employer who has not been subject
3 to the payment of contributions during each of the two
4 four-calendar-quarter periods ending on September 30 of any
5 year, but has been subject to the payment of contributions
6 for any eight preceding calendar quarters, in any two
7 four-calendar-quarter periods, regardless of whether such calendar
8 quarters four-calendar-quarter periods are consecutive, and whose
9 such employer's combined tax rate for the following tax year shall
10 be:

11 (i) The highest combined tax rate for employers with a
12 positive experience account balance if the employer's experience
13 account balance exhibits a positive balance as of September 30 of
14 the year of rate computation; or

15 (ii) The standard rate if the employer's experience
16 account exhibits a negative balance as of September 30 of the
17 year of rate computation, the rate shall be equal to or greater
18 than the highest combined tax rate for positive experience account
19 balance rated employers on his or her annual payroll but not
20 greater than the standard rate, until such time as the experience
21 account exhibits a positive balance. As used in the rate under this
22 subdivision, standard rate shall mean the rate assigned to category
23 twenty for that year. For calendar years 2006 and thereafter, the
24 standard rate shall be not less than five and four-tenths percent
25 of the employer's annual payroll.

26 (d) Beginning with rate calculations for calendar year
27 2006 and each year thereafter, the combined tax rate for employers

1 who meet the requirements of subdivision (4)(a) of this section
2 shall be calculated according to subdivisions (4)(e), ~~and~~ (4)(f),
3 and (4)(g) of this section and shall be based upon the employer's
4 experience rating record and determined from the employer's reserve
5 ratio, which is the percent obtained by dividing the amount by
6 which, if any, the employer's contributions credited from the time
7 the employer first or most recently became an employer, whichever
8 date is later, and up to and including September 30 of the year
9 the rate computation is made, plus any part of the employer's
10 contributions due for that year paid on or before October 31
11 of such year, exceed the employer's benefits charged during the
12 same period, by the employer's average annual taxable payroll for
13 the sixteen-consecutive-calendar-quarter period ending September
14 30 of the year in which the rate computation is made. For an
15 employer with less than sixteen consecutive calendar quarters of
16 contribution experience, the employer's average taxable payroll
17 shall be determined based upon the four-calendar-quarter periods
18 for which contributions are payable.

19 (e) Each eligible experience rated employer shall be
20 assigned to one of twenty rate categories with a corresponding
21 experience factor as follows:

| 22 | Category | Experience Factor |
|----|----------|----------------------|
| 23 | 1 | 0.15 0.00 |
| 24 | 2 | 0.25 |
| 25 | 3 | 0.40 |
| 26 | 4 | 0.45 |
| 27 | 5 | 0.50 |

| | | |
|----|----|----------------------|
| 1 | 6 | 0.60 |
| 2 | 7 | 0.65 |
| 3 | 8 | 0.70 |
| 4 | 9 | 0.80 |
| 5 | 10 | 0.90 |
| 6 | 11 | 0.95 |
| 7 | 12 | 1.00 |
| 8 | 13 | 1.05 |
| 9 | 14 | 1.10 |
| 10 | 15 | 1.15 1.20 |
| 11 | 16 | 1.30 1.35 |
| 12 | 17 | 1.50 1.55 |
| 13 | 18 | 1.80 |
| 14 | 19 | 2.15 |
| 15 | 20 | 2.60 |

16 Eligible experience rated employers shall be assigned
17 to rate categories from highest to lowest according to their
18 experience reserve ratio with category one being assigned to
19 accounts with the highest reserve ratios and category twenty being
20 assigned to accounts with the lowest reserve ratios. Each category
21 shall be limited to no more than five percent of the state's total
22 taxable payroll, except that:

23 (i) Any employer which has a portion of its taxable wages
24 fall into one category and a portion into the next higher category
25 shall be assigned to the lower category; and

26 (ii) No employer with a reserve ratio calculated to five
27 decimal places equal to another employer similarly calculated shall

1 be assigned to a higher rate than the employer to which it has the
2 equal reserve ratio.

3 (f) The state's reserve ratio shall be calculated by
4 dividing the amount available to pay benefits in the Unemployment
5 Trust Fund and the State Unemployment Insurance Trust Fund as of
6 September 30, 2005, and each September 30 thereafter, less any
7 outstanding obligations and amounts appropriated therefrom by the
8 state's total wages from the four calendar quarters ending on
9 such September 30. For purposes of this section, total wages ~~shall~~
10 ~~mean~~ means all remuneration paid by an employer in employment.
11 The state's reserve ratio shall be applied to the table in this
12 subdivision to determine the yield factor for the upcoming rate
13 year.

| 14 State's Reserve Ratio | Yield | Factor |
|--|-------|--------|
| 15 1.45 percent and above | = | 0.70 |
| 16 1.30 percent up to but not including 1.45 | = | 0.75 |
| 17 1.15 percent up to but not including 1.30 | = | 0.80 |
| 18 1.00 percent up to but not including 1.15 | = | 0.90 |
| 19 0.85 percent up to but not including 1.00 | = | 1.00 |
| 20 0.70 percent up to but not including 0.85 | = | 1.10 |
| 21 0.60 percent up to but not including 0.70 | = | 1.20 |
| 22 0.50 percent up to but not including 0.60 | = | 1.25 |
| 23 0.45 percent up to but not including 0.50 | = | 1.30 |
| 24 0.40 percent up to but not including 0.45 | = | 1.35 |
| 25 0.35 percent up to but not including 0.40 | = | 1.40 |
| 26 0.30 percent up to but not including 0.35 | = | 1.45 |
| 27 Below 0.30 percent | = | 1.50 |

1 Once the yield factor for the upcoming rate year has
2 been determined, it is multiplied by the amount of unemployment
3 benefits paid from combined tax during the four calendar quarters
4 ending September 30 of the preceding year. The resulting figure is
5 the planned yield for the rate year. The planned yield is divided
6 by the total taxable wages for the four calendar quarters ending
7 September 30 of the previous year and carried to ~~three~~ four decimal
8 places to create the average combined tax rate for the rate year.

9 (g) The average combined tax rate is assigned to rate
10 category twelve as established in subdivision (4)(e) of this
11 section. Rates for each of the remaining nineteen categories are
12 determined by multiplying the average combined tax rate by the
13 experience factor associated with each category and carried to
14 four decimal places. Employers who are delinquent in filing their
15 combined tax reports as of ~~the date of rate computation~~ October 31
16 of any year shall be assigned to category twenty for the following
17 calendar year unless the delinquency is corrected prior to December
18 31 of the year of rate calculation. †

19 (h) As used in this subdivision (4) of this section,
20 standard rate means the rate assigned to category twenty for
21 that year. For calendar years 2006 and thereafter, the standard
22 rate shall be not less than five and four-tenths percent of the
23 employer's annual taxable payroll; and

24 (5) Any employer may at any time make voluntary
25 contributions up to the amount necessary to qualify for one rate
26 category reduction, additional to the required contributions,
27 to the fund to be credited to his or her account. Voluntary

1 contributions received after March 10, 2005, for rate year 2005 or
2 January 10 for rate year 2006 and thereafter shall not be used in
3 rate calculations for the same calendar year;

4 (6) As used in sections 48-648 to 48-654, the term
5 payroll ~~shall mean~~ means the total amount of wages during a
6 calendar year, except as otherwise provided in section 48-654, by
7 which the combined tax was measured; and

8 (7)(a) The state or any of its instrumentalities shall
9 make payments in lieu of contributions in an amount equal to
10 the full amount of regular benefits plus one-half of the amount
11 of extended benefits paid during each calendar quarter that is
12 attributable to service in employment of the state or any of its
13 instrumentalities. The commissioner after the end of each calendar
14 quarter shall notify any state instrumentality or other public
15 employer of the amount of regular benefits and one-half the amount
16 of extended benefits paid that are attributable to service in its
17 employment and the instrumentality or public employer so notified
18 shall reimburse the fund within thirty days after receipt of such
19 notice. The commissioner may require that any employer whose annual
20 payroll for either of the two preceding calendar years has equaled
21 or exceeded five hundred thousand dollars to pay the reimbursement
22 by an electronic method approved by the commissioner, except when
23 the employer establishes to the satisfaction of the commissioner
24 that payment of the reimbursement by an electronic method would
25 work a hardship on the employer. +

26 (b) After December 31, 1977, the state or any of its
27 political subdivisions and any instrumentality of one or more of

1 the foregoing or any other governmental entity for which services
2 in employment as is provided by subdivision (4)(a) of section
3 48-604 are performed shall be required to pay contributions and
4 after December 31, 1996, combined tax on wages paid for services
5 rendered in its or their employment on the same basis as any
6 other employer who is liable for the payment of combined tax under
7 the Employment Security Law, unless the state or any political
8 subdivision thereof and any instrumentality of one or more of the
9 foregoing or any other governmental entity for which such services
10 are performed files with the commissioner its written election not
11 later than January 31, 1978, or if such employer becomes subject
12 to this section after January 1, 1978, not later than thirty
13 days after such subjectivity begins, to become liable to make
14 payments in lieu of contributions in an amount equal to the full
15 amount of regular benefits plus one-half of the amount of extended
16 benefits paid during each calendar quarter that is attributable to
17 service in employment of such electing employer prior to December
18 31, 1978, and in an amount equal to the full amount of regular
19 benefits plus the full amount of extended benefits paid during each
20 calendar quarter that is attributable to service in employment of
21 such electing employer after January 1, 1979. Eligible employers
22 electing to make payments in lieu of contributions shall not
23 be liable for state unemployment insurance tax payments. The
24 commissioner, after the end of each calendar quarter, shall notify
25 any such employer that has so elected of the amount of benefits for
26 which it is liable to pay pursuant to its election that have been
27 paid that are attributable to service in its employment and the

1 employer so notified shall reimburse the fund within thirty days
2 after receipt of such notice. ~~and~~

3 (c) Any employer which makes an election in accordance
4 with subdivision (b) of this subdivision to become liable for
5 payments in lieu of contributions shall continue to be liable for
6 payments in lieu of contributions for all benefits paid based upon
7 wages paid for service in employment of such employer while such
8 election is effective and such election shall continue until such
9 employer files with the commissioner, not later than December 1
10 of any calendar year, a written notice terminating its election
11 as of December 31 of that year and thereafter such employer shall
12 again be liable for the payment of contributions and for the
13 reimbursement of such benefits as may be paid based upon wages paid
14 for services in employment of such employer while such election was
15 effective.

16 Sec. 10. Section 48-652, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 48-652 (1)(a) A separate experience account shall be
19 established for each employer who is liable for payment of
20 contributions. Whenever and wherever in the Employment Security
21 Law the terms reserve account or experience account are used,
22 unless the context clearly indicates otherwise, such terms shall be
23 deemed interchangeable and synonymous and reference to either of
24 such accounts shall refer to and also include the other.

25 (b) A separate reimbursement account shall be established
26 for each employer who is liable for payments in lieu of
27 contributions. All benefits paid with respect to service in

1 employment for such employer shall be charged to his or her
2 reimbursement account and such employer shall be billed for and
3 shall be liable for the payment of the amount charged when billed
4 by the commissioner. Payments in lieu of contributions received
5 by the commissioner on behalf of each such employer shall be
6 credited to such employer's reimbursement account, and two or more
7 employers who are liable for payments in lieu of contributions may
8 jointly apply to the commissioner for establishment of a group
9 account for the purpose of sharing the cost of benefits paid that
10 are attributable to service in the employ of such employers. The
11 commissioner shall prescribe such rules and regulations as he or
12 she deems necessary with respect to applications for establishment,
13 maintenance, and termination of group accounts authorized by this
14 subdivision.

15 (2) All contributions paid by an employer shall be
16 credited to the experience account of such employer. State
17 unemployment insurance tax payments shall not be credited to
18 the experience account of each employer. Partial payments of
19 combined tax shall be credited so that at least eighty percent
20 of the combined tax payment excluding interest and penalty is
21 credited first to contributions due. In addition to contributions
22 credited to the experience account, each employer's account shall
23 be credited as of June 30 of each calendar year with interest
24 at a rate determined by the commissioner based on the average
25 annual interest rate paid by the Secretary of the Treasury of
26 the United States of America upon the state's account in the
27 Unemployment Trust Fund for the preceding calendar year multiplied

1 by the balance in his or her experience account at the beginning
2 of such calendar year. If the total credits as of such date to
3 all employers' experience accounts are equal to or greater than
4 ninety percent of the total amount in the Unemployment Compensation
5 Fund, no interest shall be credited for that year to any employer's
6 account. Contributions with respect to prior years which are
7 received on or before January 31 of any year shall be considered
8 as having been paid at the beginning of the calendar year. All
9 voluntary contributions which are received on or before ~~March~~
10 January 10 of any year shall be considered as having been paid at
11 the beginning of the calendar year.

12 (3) (a) Each experience account shall be charged only
13 for benefits based upon wages paid by such employer. No benefits
14 shall be charged to the experience account of any employer if (i)
15 such benefits were paid on the basis of a period of employment
16 from which the claimant (A) left work voluntarily without good
17 cause, (B) left work voluntarily due to a nonwork-connected illness
18 or injury, (C) left work voluntarily with good cause to escape
19 abuse as defined in section 42-903 between household members as
20 provided in subdivision (1) of section 48-628.01, (D) left work
21 from which he or she was discharged for misconduct connected with
22 his or her work, or (E) left work voluntarily and is entitled to
23 unemployment benefits without disqualification in accordance with
24 subdivision (3) or (5) of section 48-628.01 and (ii) the employer
25 has filed timely notice of the facts on which such exemption is
26 claimed in accordance with rules and regulations prescribed by
27 the commissioner. No benefits shall be charged to the experience

1 account of any employer if such benefits were paid on the basis
2 of wages paid in the base period that are wages for insured work
3 solely by reason of subdivision (5) (b) of section 48-627.

4 (b) Each reimbursement account shall be charged only for
5 benefits paid that were based upon wages paid by such employer in
6 the base period that were wages for insured work solely by reason
7 of subdivision (5) of section 48-627.

8 (c) Benefits paid to an eligible individual shall be
9 charged against the account of his or her most recent employers
10 within his or her base period against whose accounts the maximum
11 charges hereunder have not previously been made in the inverse
12 chronological order in which the employment of such individual
13 occurred. The maximum amount so charged against the account of any
14 employer, other than an employer for which services in employment
15 as provided in subdivision (4) (a) of section 48-604 are performed,
16 shall not exceed the total benefit amount to which such individual
17 was entitled as set out in section 48-626 with respect to base
18 period wages of such individual paid by such employer plus one-half
19 the amount of extended benefits paid to such eligible individual
20 with respect to base period wages of such individual paid by
21 such employer. The commissioner shall by rules and regulations
22 prescribe the manner in which benefits shall be charged against
23 the account of several employers for whom an individual performed
24 employment during the same quarter or during the same base period.
25 Any benefit check duly issued and delivered or mailed to a claimant
26 and not presented for payment within one year from the date of its
27 issue may be invalidated and the amount thereof credited to the

1 Unemployment Compensation Fund, except that a substitute check may
2 be issued and charged to the fund on proper showing at any time
3 within the year next following. Any charge made to an employer's
4 account for any such invalidated check shall stand as originally
5 made.

6 (4) (a) An employer's experience account shall be deemed
7 to be terminated one calendar year after such employer has ceased
8 to be subject to the Employment Security Law, except that if the
9 commissioner finds that an employer's business is closed solely
10 because of the entrance of one or more of the owners, officers,
11 partners, or limited liability company members or the majority
12 stockholder into the armed forces of the United States, or of any
13 of its allies, after July 1, 1950, such employer's account shall
14 not be terminated and, if the business is resumed within two years
15 after the discharge or release from active duty in the armed forces
16 of such person or persons, the employer's experience account shall
17 be deemed to have been continuous throughout such period.

18 (b) An experience account terminated pursuant to this
19 subsection shall be reinstated if (i) the employer becomes subject
20 again to the Employment Security Law within one calendar year after
21 termination of such experience account and the employer makes a
22 written application for reinstatement of such experience account
23 to the commissioner within two calendar years after termination of
24 such experience account and (ii) the commissioner finds that the
25 employer is operating substantially the same business as prior to
26 the termination of such experience account.

27 (5) All money in the Unemployment Compensation Fund shall

1 be kept mingled and undivided. The payment of benefits to an
2 individual shall in no case be denied or withheld because the
3 experience account of any employer does not have a total of
4 contributions paid in excess of benefits charged to such experience
5 account.

6 (6) A contributory or reimbursable employer shall be
7 relieved of charges if the employer was previously charged for
8 wages and the same wages are being used a second time to establish
9 a new claim as a result of the October 1, 1988, change in the base
10 period.

11 Sec. 11. Section 48-663.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-663.01 (1) Notwithstanding any other provision of this
14 section, or of ~~sections~~ section 48-627 or 48-663, an individual
15 who willfully fails to disclose amounts earned during any week
16 with respect to which benefits are claimed by him or her or
17 who willfully fails to disclose or has falsified as to any fact
18 which would have disqualified him or her or rendered him or her
19 ineligible for benefits during such week, shall forfeit all or
20 part of his or her benefit rights, as determined by a deputy, with
21 respect to uncharged wage credits accrued prior to the date of such
22 failure or to the date of such falsifications. An appeal may be
23 taken from any such determination in the manner provided in section
24 48-634.

25 (2)(a) If any person liable to repay an overpayment
26 of unemployment benefits resulting from a determination under
27 subsection (1) of this section fails or refuses to repay such

1 overpayment within twelve months after the date the overpayment
2 determination becomes final, the commissioner may issue a levy on
3 salary, wages, or other regular payments due to or received by
4 such person and such levy shall be continuous from the date the
5 levy is served until the amount of the levy is satisfied. Notice
6 of the levy shall be mailed to the person whose salary, wages,
7 or other regular payment is levied upon at his or her last-known
8 address not later than the date that the levy is served. Exemptions
9 or limitations on the amount of salary, wages, or other regular
10 payment that can be garnished or levied upon by a judgment creditor
11 shall apply to levies made pursuant to this section. Appeal of a
12 levy may be made in the manner provided in section 48-634, but such
13 appeal shall not act as a stay of the levy.

14 (b) Any person upon whom a levy is served who fails or
15 refuses to honor the levy without cause may be held liable for the
16 amount of the levy up to the value of the assets of the person
17 liable to repay the overpayment that are under the control of the
18 person upon whom the levy is served at the time of service and
19 thereafter.

20 Sec. 12. Section 48-664, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 48-664 Any employer, whether or not subject to the
23 Employment Security Law, or any officer or agent of such an
24 employer or any other person who makes a false statement or
25 representation knowing it to be false, or who knowingly fails to
26 disclose a material fact, to prevent or reduce the payment of
27 benefits to any individual entitled thereto, to obtain benefits for

1 an individual not entitled thereto, to avoid becoming or remaining
2 subject to such law, or to avoid or reduce any contribution or
3 other payment required from an employer under sections 48-648
4 and 48-649, or who willfully fails or refuses to make any such
5 contributions or other payment or to furnish any reports required
6 under the Employment Security Law or to produce or permit the
7 inspection or copying of records as required under such law, shall
8 be guilty of a Class III misdemeanor. Each such false statement
9 or representation or failure to disclose a material fact and each
10 day of such failure or refusal shall constitute a separate offense.
11 An individual employer, partner, corporate officer, or member
12 of a limited liability company or limited liability partnership
13 who willfully fails or refuses to make any combined tax payment
14 shall be jointly and severally liable for the payment of such
15 combined tax and any penalties and interest owed thereon. When an
16 unemployment benefit overpayment occurs, in whole or in part, as
17 the result of a violation of this section by an employer, the
18 amount of the overpayment recovered shall not be credited back to
19 such employer's experience account.

20 Sec. 13. Section 48-1001, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 48-1001 (1) Sections 48-1001 to 48-1010 shall be known
23 and may be cited as the Age Discrimination in Employment Act.

24 ~~(1)~~ (2) (a) The Legislature hereby finds that the practice
25 of discriminating in employment against properly qualified persons
26 because of their age is contrary to American principles of liberty
27 and equality of opportunity, is incompatible with the Constitution,

1 deprives the state of the fullest utilization of its capacities for
2 production, and endangers the general welfare.

3 ~~(2)~~ (b) Hiring bias against workers ~~over~~ forty years or
4 more of age deprives the state of its most important resource
5 of experienced employees, adds to the number of persons receiving
6 public assistance, and deprives older people of the dignity and
7 status of self-support.

8 ~~(3)~~ (c) The right to employment otherwise lawful without
9 discrimination because of age, where the reasonable demands of
10 the position do not require such an age distinction, is hereby
11 recognized as and declared to be a right of all the people of the
12 state which shall be protected as provided in ~~sections 48-1001 to~~
13 ~~48-1009.~~ the act.

14 ~~(4)~~ (d) It is hereby declared to be the policy of the
15 state to protect the right recognized and declared in ~~subsection~~
16 ~~(3)~~ subdivision (2)(c) of this section and to eliminate all such
17 discrimination to the fullest extent permitted. ~~Sections 48-1001 to~~
18 ~~48-1009~~ The Age Discrimination in Employment Act shall be construed
19 to effectuate such policy.

20 Sec. 14. Section 48-1002, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 48-1002 For purposes of the Age Discrimination in
23 Employment Act: As used in sections 48-1001 to 48-1010, unless the
24 ~~context otherwise requires:~~

25 (1) Person shall ~~include~~ includes one or more
26 individuals, partnerships, limited liability companies,
27 associations, labor organizations, corporations, business

1 trusts, legal representatives, or any organized group of persons;

2 (2) Employer ~~shall mean~~ means any person having in his
3 or her employ ~~twenty-five~~ twenty or more ~~individuals~~ employees
4 for each working day in each of twenty or more calendar weeks
5 in the current or preceding calendar year and includes the State
6 of Nebraska, governmental agencies, and political subdivisions,
7 regardless of the number of employees, any person acting for or in
8 the interest of an employer, directly or indirectly, and any party
9 whose business is financed in whole or in part under the Nebraska
10 Investment Finance Authority Act, but such term ~~shall~~ does not
11 include (a) the United States, ~~or~~ (b) a corporation wholly owned by
12 the government of the United States, or (c) an Indian tribe;

13 (3) Labor organization ~~shall mean~~ means any organization
14 of employees which exists for the purpose, in whole or in part,
15 of collective bargaining or of dealing with employers concerning
16 grievances, terms, or conditions of employment, or for other mutual
17 aid or protection in connection with employment;

18 (4) Employee ~~shall mean~~ means an individual employed by
19 any employer; and

20 (5) Employment agency ~~shall mean~~ means any person
21 regularly undertaking with or without compensation to procure
22 employees for an employer or to procure for employees opportunities
23 to work for an employer and includes an agent of such a person, but
24 ~~shall~~ does not include an agency of the United States, except that
25 such term ~~shall~~ does include the United States Employment Service
26 and the system of state and local employment services receiving
27 federal assistance.

1 Sec. 15. Section 48-1003, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-1003 (1) The prohibitions of ~~sections 48-1001 to~~
4 ~~48-1009~~ the Age Discrimination in Employment Act shall be limited
5 to the employment of individuals who are ~~at least~~ forty years or
6 more of age, but less than seventy years of age.

7 (2) Nothing contained in ~~sections 48-1001 to 48-1009~~ the
8 act shall be construed as making it unlawful for an employer,
9 employment agency, or labor organization (a) to take action
10 otherwise prohibited under the ~~provisions of sections 48-1001~~
11 ~~to 48-1009~~ act when age is a bona fide occupational qualification
12 reasonably necessary to the normal operation of the particular
13 business, or when the differentiation is based on reasonable
14 factors other than age, such as physical conditions; or (b) to
15 discharge or otherwise discipline an employee for good cause.

16 Sec. 16. Section 48-1004, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 48-1004 (1) It shall be an unlawful employment practice
19 for an employer:

20 (a) To refuse to hire, to discharge, or otherwise
21 to discriminate against any individual with respect to ~~his~~
22 the employee's terms, conditions, or privileges of employment,
23 otherwise lawful, because of such individual's age, when the
24 reasonable demands of the position do not require such an age
25 distinction; or

26 (b) To willfully utilize in the hiring or recruitment of
27 individuals for employment otherwise lawful, any employment agency,

1 placement service, training school or center, labor organization,
2 or any other source which so discriminates against ~~such~~ individuals
3 because of their age.

4 (2) It shall be an unlawful employment practice for any
5 labor organization to so discriminate against any individual or
6 to limit, segregate, or classify its membership in any way which
7 would deprive or tend to deprive ~~such~~ an individual of otherwise
8 lawful employment opportunities, or would limit such employment
9 opportunities or otherwise adversely affect his or her status as
10 an employee ~~or as an applicant for employment,~~ or would affect
11 adversely his or her wages, hours, or employment.

12 (3) It shall be an unlawful employment practice for
13 an employment agency to fail or refuse to refer for employment
14 or otherwise to discriminate against any individual because of
15 such individual's age or to classify or refer for employment any
16 individual on the basis of his or her age.

17 ~~(3)~~ (4) It shall be an unlawful employment practice
18 for any employer, employment agency, or labor organization to
19 discharge, expel, or otherwise discriminate against any person,
20 because he or she opposed any unlawful employment practice
21 specified in ~~sections 48-1001 to 48-1009~~ the Age Discrimination
22 in Employment Act or has filed a charge or suit, testified,
23 participated, or assisted in any proceeding under the ~~provisions of~~
24 ~~sections 48-1001 to 48-1009.~~ act.

25 (4) It shall be an unlawful employment practice for an
26 employment agency to fail or refuse to refer for employment, or
27 otherwise to discriminate against any individual because of such

1 ~~individual's age, or to classify or refer for employment any~~
2 ~~individual on the basis of his or her age.~~

3 Sec. 17. Section 48-1005, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 48-1005 Any person who violates any provision of ~~sections~~
6 ~~48-1001 to 48-1009~~ the Age Discrimination in Employment Act or who
7 forcibly resists, opposes, impedes, intimidates, or interferes with
8 ~~such commission~~ the Equal Opportunity Commission or any of its duly
9 authorized representatives while engaged in its, ~~or his, or her~~
10 duties under ~~sections 48-1001 to 48-1009~~ the act shall be guilty of
11 a Class III misdemeanor. No person shall be imprisoned under this
12 section except for a second or subsequent conviction.

13 Sec. 18. Section 48-1007, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 48-1007 ~~Sections 48-1001 to 48-1009~~ The Age
16 Discrimination in Employment Act shall be administered by
17 the Equal Opportunity Commission as established by section 48-1116.
18 The commission shall have the power (1) to make delegations,
19 to appoint such agents and employees and to pay for technical
20 assistance, including legal assistance, on a fee-for-service basis,
21 as it deems necessary to assist it in the performance of its
22 functions under ~~sections 48-1001 to 48-1009,~~ the act, (2) to
23 cooperate with other federal, state, and local agencies, and to
24 cooperate with and furnish technical assistance to employers, labor
25 organizations, and employment agencies to aid in effectuating the
26 purposes of ~~sections 48-1001 to 48-1009,~~ the act, (3) to make
27 investigations, to issue or cause to be served interrogatories,

1 and to require keeping of records necessary or appropriate for
2 the administration of ~~sections 48-1001 to 48-1009, the act,~~ and
3 (4) to bring civil action in its name in any court of competent
4 jurisdiction against any person deemed to be violating ~~any of~~
5 ~~the provisions of sections 48-1001 to 48-1009 the act~~ to compel
6 compliance with the ~~provisions of sections 48-1001 to 48-1009 act~~
7 or to enjoin any such person from continuing any practice that is
8 deemed to be in violation of ~~sections 48-1001 to 48-1009. the act.~~
9 The commission may seek judicial enforcement through the office of
10 the Attorney General to require the answering of interrogatories
11 and to gain access to evidence or records relevant to the charge
12 under investigation.

13 Sec. 19. Section 48-1008, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 48-1008 (1) Any person aggrieved by a suspected violation
16 of the ~~provisions of sections 48-1001 to 48-1009~~ Age Discrimination
17 in Employment Act shall file with the Equal Opportunity Commission
18 a formal complaint in such manner and form prescribed by the
19 commission. The commission shall make an investigation and may
20 initiate an action to enforce the rights of such employee under
21 the provisions of ~~sections 48-1001 to 48-1009. the act.~~ If the
22 commission does not initiate an action within ~~thirty~~ sixty days
23 after receipt of a complaint, the person aggrieved may bring a
24 civil action in any court of competent jurisdiction for such legal
25 or equitable relief as will effectuate the purposes of ~~sections~~
26 ~~48-1001 to 48-1009. the act.~~ Filing of an action by either the
27 commission or the person aggrieved shall be a bar to the filing of

1 the action by the other.

2 (2) A written charge alleging violation of the Age
3 Discrimination in Employment Act shall be filed within three
4 hundred days after the occurrence of the alleged unlawful
5 employment practice, and notice of the charge, including a
6 statement of the date, place, and circumstances of the alleged
7 unlawful employment practice, shall be served upon the person
8 against whom such charge is made within ten days thereafter.

9 (3) A respondent shall file with the commission a
10 written response to the written charge of violation within
11 thirty days after service upon the respondent. Failure to file
12 a written response within thirty days, except for good cause
13 shown, shall result in a mandatory reasonable cause finding against
14 the respondent by the commission. Failure by any complainant to
15 cooperate with the commission, its investigators, or its staff,
16 except for good cause shown, shall result in dismissal of the
17 complaint by the commission.

18 (4) In connection with any investigation of a charge
19 filed under this section, the commission or its authorized agents
20 may, at any time after a charge is filed, issue or cause to be
21 served interrogatories and shall have at all reasonable times
22 access to, for the purposes of examination, and the right to
23 copy any evidence or records of any person being investigated or
24 proceeded against that relate to unlawful employment practices
25 covered by the act and are relevant to the charge under
26 investigation. The commission may seek preparation of and judicial
27 enforcement of any legal process or interrogatories through the

1 office of the Attorney General.

2 Sec. 20. Section 48-1009, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 48-1009 In any action brought to enforce the ~~provisions~~
5 ~~of sections 48-1001 to 48-1009,~~ Age Discrimination in Employment
6 Act, the court shall have jurisdiction to grant such legal
7 or equitable relief as the court ~~may deem~~ deems appropriate
8 to effectuate the purposes of ~~sections 48-1001 to 48-1009,~~ the
9 act, including judgments compelling employment, reinstatement, or
10 promotion, or enforcing liability for amounts deemed to be unpaid
11 minimum wages or unpaid overtime compensation.

12 Sec. 21. Section 48-1010, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 48-1010 The state, governmental agencies, and political
15 subdivisions may be sued upon claims arising under the ~~Act~~
16 ~~Prohibiting Unjust Discrimination in Employment Because of Age~~
17 Age Discrimination in Employment Act in the same manner as provided
18 by such act for suits against other employers.

19 Sec. 22. The Mechanical Safety Inspection Fund is
20 created. All fees collected by the Department of Labor pursuant to
21 the Nebraska Amusement Ride Act and the Conveyance Safety Act shall
22 be remitted to the State Treasurer for credit to the Mechanical
23 Safety Inspection Fund. Fees so collected shall not lapse into the
24 General Fund. Fees so collected shall be used for the sole purpose
25 of administering the provisions of the Nebraska Amusement Ride Act
26 and the Conveyance Safety Act. Any money in the Mechanical Safety
27 Inspection Fund available for investment shall be invested by the

1 state investment officer pursuant to the Nebraska Capital Expansion
2 Act and the Nebraska State Funds Investment Act. All funds existing
3 in the Elevator Inspection Fund and the Nebraska Amusement Ride
4 Fund on the operative date of this section shall be transferred to
5 the Mechanical Safety Inspection Fund.

6 Sec. 23. Section 48-1809, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 48-1809 The commissioner shall establish by rules and
9 regulations a schedule of permit fees not to exceed fifty dollars
10 for each amusement ride. Such permit fees shall be established with
11 due regard for the costs of administering the Nebraska Amusement
12 Ride Act and shall be remitted to the State Treasurer for credit to
13 the Mechanical Safety Inspection Fund.

14 Sec. 24. Section 48-2501, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 48-2501 Sections 48-2501 to 48-2533 and section 25 of
17 this act shall be known and may be cited as the Conveyance Safety
18 Act.

19 Sec. 25. Section 48-418, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 ~~48-418~~ (1) The Commissioner of Labor shall, ~~on or before~~
22 ~~the first day of July 1965,~~ appoint a state elevator inspector,
23 subject to the approval of the Governor, who shall work under
24 the direct supervision of the commissioner. The state elevator
25 inspector serving on the operative date of this section shall
26 continue to serve unless removed by the commissioner.

27 (2) The person so appointed shall be qualified by (a) not

1 less than five years' experience in the installation, maintenance,
2 and repair of elevators as determined by the commissioner, (b)
3 certification as a qualified elevator inspector by an association
4 accredited by the American Society of Mechanical Engineers, or
5 (c) not less than five years' journeyman experience in elevator
6 installation, maintenance, and inspection as determined by the
7 Commissioner of Labor and shall be familiar with the ~~inspection~~
8 ~~process provided by the Nebraska Elevator Code provided under~~
9 ~~section 48-418.12~~ and the inspection process and rules and
10 regulations adopted and promulgated under the Conveyance Safety
11 Act.

12 (3) The commissioner, subject to the approval of the
13 Governor, may appoint deputy inspectors possessing the same
14 qualifications as the state elevator inspector. A qualified
15 individual may apply for the position of inspector or deputy
16 inspector. The ~~and such~~ application shall include the applicant's
17 social security number, but such social security number shall not
18 be a public record.

19 Sec. 26. Section 48-2503, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 48-2503 (1) The Conveyance Advisory Committee is created.
22 One member shall be the state elevator inspector appointed pursuant
23 to section ~~48-418.~~ 25 of this act. One member shall be the State
24 Fire Marshal or his or her designee. The Governor shall appoint the
25 remaining members of the committee as follows: One representative
26 from a major elevator manufacturing company; one representative
27 from an elevator servicing company; one representative who is a

1 building manager; one representative who is an elevator mechanic;
2 and one representative of the general public from each county that
3 has a population of more than one hundred thousand inhabitants. The
4 committee shall be appointed within ninety days after January 1,
5 2008.

6 (2) The members of the committee appointed by the
7 Governor shall serve for terms of three years, except that of
8 the initial members appointed, two shall serve for terms of one
9 year and three shall serve for terms of two years. The state
10 elevator inspector and the State Fire Marshal or his or her
11 designee shall serve continuously. The appointed members shall be
12 reimbursed for their actual and necessary expenses for service
13 on the committee as provided in sections 81-1174 to 81-1177. The
14 members of the committee shall elect a chairperson who shall be the
15 deciding vote in the event of a tie vote.

16 (3) The committee shall meet and organize within thirty
17 days after the appointment of the members. The committee shall meet
18 quarterly at a time and place to be fixed by the committee for the
19 consideration of code regulations and for the transaction of such
20 other business as properly comes before it. Special meetings may be
21 called by the chairperson or at the request of two or more members
22 of the committee. Any appointed committee member absent from three
23 consecutive meetings shall be dismissed.

24 Sec. 27. Section 48-2506, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 48-2506 ~~(1) The Conveyance Inspection Fund is created.~~
27 ~~The commissioner shall use the fund for the administration of the~~

1 ~~Conveyance Safety Act. Fees collected in the administration of the~~
2 ~~act shall be remitted to the State Treasurer for credit to the fund~~
3 ~~and shall not lapse into the General Fund. Any money in the fund~~
4 ~~available for investment shall be invested by the state investment~~
5 ~~officer pursuant to the Nebraska Capital Expansion Act and the~~
6 ~~Nebraska State Funds Investment Act.~~

7 ~~(2)~~ (1) The commissioner shall, after a public hearing
8 conducted by the commissioner or his or her designee, establish a
9 reasonable schedule of fees for licenses, permits, certificates,
10 and inspections authorized under the Conveyance Safety Act. The
11 commissioner shall establish the fees at a level necessary
12 to meet the costs of administering the act. Inspection fee
13 schedules relating to the inspection of conveyances adopted by
14 the commissioner prior to the operative date of this section shall
15 continue to be effective until they are amended or repealed by the
16 commissioner.

17 (2) The commissioner shall administer the Conveyance
18 Safety Act. It is the intent of the Legislature that, beginning
19 in fiscal year 2008-09, the funding for the administration of the
20 act shall be entirely from cash funds remitted to the Conveyance
21 Inspection Fund. Mechanical Safety Inspection Fund that are fees
22 collected in the administration of the act.

23 Sec. 28. Section 48-2507, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 48-2507 (1) The Conveyance Safety Act applies to the
26 ~~design~~, construction, operation, inspection, testing, maintenance,
27 alteration, and repair of conveyances. Conveyances include the

1 following equipment, associated parts, and hoistways which are not
2 exempted under section 48-2508:

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

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

8 (i) Escalators; and

9 (ii) Moving sidewalks; and

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

14 (i) Dumbwaiters;

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

17 (iii) Conveyors and related equipment within the scope of
18 American Society of Mechanical Engineers B20.1.

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

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

1 Sec. 29. Section 48-2508, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 48-2508 The Conveyance Safety Act does not apply to:

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

6 (2) Conveyances used exclusively for agricultural
7 purposes;

8 (3) Personnel hoists within the scope of American
9 National Standards Institute A10.4;

10 (4) Material hoists within the scope of American National
11 Standards Institute A10.5;

12 (5) Manlifts within the scope of American Society of
13 Mechanical Engineers A90.1;

14 (6) Mobile scaffolds, towers, and platforms within the
15 scope of American National Standards Institute A92;

16 (7) Powered platforms and equipment for exterior and
17 interior maintenance within the scope of American National
18 Standards Institute 120.1;

19 (8) Cranes, derricks, hoists, hooks, jacks, and slings
20 within the scope of American Society of Mechanical Engineers B30;

21 (9) Industrial trucks within the scope of American
22 Society of Mechanical Engineers B56;

23 (10) Portable equipment, except for portable escalators
24 which are covered by American National Standards Institute A17.1;

25 (11) Tiering or piling machines used to move materials to
26 and from storage located and operating entirely within one story;

27 (12) Equipment for feeding or positioning materials at

- 1 machine tools, printing presses, and similar equipment;
- 2 (13) Skip or furnace hoists;
- 3 (14) Wharf ramps;
- 4 (15) Railroad car lifts or dumpers;
- 5 (16) Line jacks, false cars, shafters, moving platforms,
6 and similar equipment used for installing a conveyance by an
7 elevator contractor;
- 8 (17) Manlifts, hoists, or conveyances used in grain
9 elevators or feed mills;
- 10 (18) Dock levelators; and
- 11 (19) Stairway chair lifts and platform lifts; and -
- 12 (20) Conveyances in residences located in counties that
13 have a population of one hundred thousand or less inhabitants.

14 Sec. 30. Section 48-2512, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 48-2512 (1) No person shall wire, alter, replace, remove,
17 or dismantle an existing conveyance contained within a building
18 or structure located in a county that has a population of more
19 than one hundred thousand inhabitants unless such person is a
20 licensed elevator mechanic or he or she is working under the
21 direct supervision of a person who is a licensed elevator mechanic.
22 Neither a licensed elevator mechanic nor a licensed elevator
23 contractor is required to perform nonmechanical maintenance of
24 a conveyance. Neither a licensed elevator contractor nor a
25 licensed elevator mechanic is required for removing or dismantling
26 conveyances which are destroyed as a result of a complete
27 demolition of a secured building.

1 (2) It shall be the responsibility of licensed
2 elevator mechanics and licensed elevator contractors to ensure
3 that installation and service of a conveyance is performed in
4 compliance with applicable fire and safety codes. It shall be the
5 responsibility of the owner of the conveyance to ensure that the
6 conveyance is maintained in compliance with applicable fire and
7 safety codes.

8 (3) All new conveyance installations shall be performed
9 by a licensed elevator mechanic under the control of a licensed
10 elevator contractor or by a licensed elevator contractor.
11 Subsequent to installation, a licensed elevator contractor shall
12 certify compliance with the Conveyance Safety Act.

13 Sec. 31. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 33,
14 and 36 become operative on July 1, 2007. Sections 22, 23, 24, 25,
15 26, 27, 28, 29, 30, 32, and 35 of this act become operative on
16 January 1, 2008. Sections 1, 2, 13, 14, 15, 16, 17, 18, 19, 20, 21,
17 34, and 37 of this act become operative three calendar months after
18 the adjournment of this legislative session. Sections 31 and 38 of
19 this act become operative on their effective date.

20 Sec. 32. Original section 48-1809, Reissue Revised
21 Statutes of Nebraska, and sections 48-418, 48-2501, 48-2503,
22 48-2506, 48-2507, 48-2508, and 48-2512, Revised Statutes Cumulative
23 Supplement, 2006, are repealed.

24 Sec. 33. Original sections 48-606, 48-612, and 48-663.01,
25 Reissue Revised Statutes of Nebraska, and sections 48-601, 48-602,
26 48-624, 48-649, 48-652, and 48-664, Revised Statutes Cumulative
27 Supplement, 2006, are repealed.

1 Sec. 34. Original sections 13-1102, 20-113, 48-1001,
2 48-1002, 48-1003, 48-1004, 48-1005, 48-1007, 48-1008, 48-1009, and
3 48-1010, Reissue Revised Statutes of Nebraska, are repealed.

4 Sec. 35. The following sections are outright repealed:
5 Sections 48-418.01, 48-418.02, 48-418.03, 48-418.05, 48-418.06,
6 48-418.07, 48-418.08, 48-418.10, 48-418.11, 48-418.12, 48-418.14,
7 and 48-1810, Reissue Revised Statutes of Nebraska, and sections
8 48-418.04, 48-418.09, and 48-2505, Revised Statutes Cumulative
9 Supplement, 2006.

10 Sec. 36. The following section is outright repealed:
11 Section 48-649.01, Revised Statutes Cumulative Supplement, 2006.

12 Sec. 37. The following section is outright repealed:
13 Section 48-1006, Reissue Revised Statutes of Nebraska.

14 Sec. 38. Since an emergency exists, this act takes effect
15 when passed and approved according to law.

16 2. On page 1, strike beginning with "the" in line 1
17 through line 13 and insert "labor; to amend sections 13-1102,
18 20-113, 48-606, 48-612, 48-663.01, 48-1001, 48-1002, 48-1003,
19 48-1004, 48-1005, 48-1007, 48-1008, 48-1009, 48-1010, and 48-1809,
20 Reissue Revised Statutes of Nebraska, and sections 48-418,
21 48-601, 48-602, 48-624, 48-649, 48-652, 48-664, 48-2501, 48-2503,
22 48-2506, 48-2507, 48-2508, and 48-2512, Revised Statutes Cumulative
23 Supplement, 2006; to change and eliminate provisions of the Act
24 Prohibiting Unjust Discrimination in Employment Because of Age,
25 the Employment Security Law, the Nebraska Amusement Ride Act,
26 and the Conveyance Safety Act; to create and eliminate funds; to
27 transfer and eliminate provisions relating to elevator inspections;

1 to harmonize provisions; to provide operative dates; to repeal
2 the original sections; to outright repeal sections 48-418.01,
3 48-418.02, 48-418.03, 48-418.05, 48-418.06, 48-418.07, 48-418.08,
4 48-418.10, 48-418.11, 48-418.12, 48-418.14, 48-1006, and 48-1810,
5 Reissue Revised Statutes of Nebraska, and sections 48-418.04,
6 48-418.09, 48-649.01, and 48-2505, Revised Statutes Cumulative
7 Supplement, 2006; and to declare an emergency."