

E AND R AMENDMENTS TO LB 819

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 48-612.01, Revised Statutes
4 Supplement, 2007, is amended to read:

5 48-612.01 (1) Information obtained pursuant to subsection
6 (1) of section 48-612 may be disclosed under the following
7 circumstances:

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

16 (b) ~~The Nebraska Workers' Compensation Court may use the~~
17 ~~names, addresses, and identification numbers of employers~~ may be
18 disclosed to the Nebraska Workers' Compensation Court which may
19 use such information for purposes of enforcement of the Nebraska
20 Workers' Compensation Act;

21 (c) ~~Appeals records and Appeal tribunal decisions~~
22 rendered ~~under~~ pursuant to the Employment Security Law and
23 designated as precedential ~~determinations~~ decisions by the

1 commissioner on the coverage of employers, employment, wages, and
2 benefit eligibility, may be published in printed or electronic
3 format if all social security numbers have been removed and such
4 disclosure is otherwise consistent with federal and state law;

5 (d) To a public official for use in the performance of
6 his or her official duties. For purposes of this subdivision,
7 performance of official duties means the administration
8 or enforcement of law or the execution of the official
9 responsibilities of a federal, state, or local elected official.
10 Administration of law includes research related to the law
11 administered by the public official. Execution of official
12 responsibilities does not include solicitation of contributions or
13 expenditures to or on behalf of a candidate for public office or
14 to a political party;

15 (e) To an agent or contractor of a public official
16 to whom disclosure is permissible under subdivision (d) of this
17 subsection;

18 (f) Information For use in reports and publications
19 containing information collected exclusively for statistical
20 purposes under a cooperative agreement with the federal Bureau of
21 Labor Statistics. This subdivision does not restrict or impose any
22 condition on the transfer of any other information to the federal
23 Bureau of Labor Statistics under an agreement or the federal Bureau
24 of Labor Statistics' disclosure or use of such information; and

25 (g) In response to a court order.

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

1 (a) One who acts as an agent for the individual or
2 employer when the agent presents a written release from the
3 individual or employer, where practicable, or other evidence of
4 authority to act on behalf of the individual or employer;

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

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

11 (d) A third party or its agent carrying out the
12 administration or evaluation of a public program, if that third
13 party or agent obtains a written release from the individual or
14 employer to whom the information pertains. To constitute informed
15 consent, the release shall be signed and shall include a statement:

16 (i) Specifically identifying the information that is to
17 be disclosed;

18 (ii) That state government files will be accessed to
19 obtain that information;

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

23 (iv) Identifying and describing all the parties who may
24 receive the information disclosed.

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

27 (a) ~~Information about an individual or employer shall~~

1 ~~only be disclosed to the respective individual or employer.~~ To an
2 individual or employer if the information requested pertains only
3 to the individual or employer making the request;

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

8 (c) ~~Disclosures to~~ To a federal official for purposes of
9 unemployment compensation program oversight and audits, including
10 disclosures under 20 C.F.R. part 601 and 29 C.F.R. parts 96 and 97
11 as they existed on January 1, 2007.

12 (4) If the purpose for which information is provided
13 under subsection (1), (2), or (3) of this section is not
14 related to the administration of the Employment Security Law
15 or the unemployment insurance compensation program of another
16 jurisdiction, the commissioner shall recover the costs of providing
17 such information from the requesting individual or entity prior to
18 providing the information to such individual or entity unless the
19 costs are nominal or the entity is a governmental agency which the
20 commissioner has determined provides reciprocal services.

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

25 Sec. 2. Section 48-648, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 48-648 (1) Combined tax shall accrue and become payable

1 by each employer not otherwise entitled to make payments in lieu
2 of contributions for each calendar year in which he or she is
3 subject to the Employment Security Law, with respect to wages for
4 employment. Such combined tax shall become due and be paid by each
5 employer to the commissioner for the State Unemployment Insurance
6 Trust Fund and the Unemployment Trust Fund in such manner and
7 at such times as the commissioner may, by rule and regulation,
8 prescribe and shall not be deducted, in whole or in part, from
9 the wages of individuals in such employer's employ. The For all
10 tax years beginning before January 1, 2010, the commissioner may
11 require that any employer whose annual payroll for either of the
12 two preceding calendar years has equaled or exceeded five hundred
13 thousand dollars to file combined tax returns and pay combined
14 taxes owed by an electronic method approved by the commissioner,
15 except when the employer establishes to the satisfaction of the
16 commissioner that filing the combined tax return or payment of
17 the tax by an electronic method would work a hardship on the
18 employer. For all tax years beginning on or after January 1, 2010,
19 the commissioner may require any employer whose annual payroll
20 for either of the two preceding calendar years has equaled or
21 exceeded one hundred thousand dollars to file combined tax returns
22 and pay combined taxes owed by an electronic method approved by
23 the commissioner, except when the employer establishes to the
24 satisfaction of the commissioner that filing the combined tax
25 return or payment of the tax by an electronic method would work a
26 hardship on the employer. In the payment of any combined tax, a
27 fractional part of a cent shall be disregarded unless it amounts to

1 one-half cent or more, in which case it shall be increased to one
2 cent. If the combined tax due for any reporting period is less than
3 five dollars, the employer need not remit the combined tax.

4 (2) If two or more related corporations or limited
5 liability companies concurrently employ the same individual and
6 compensate such individual through a common paymaster which is
7 one of such corporations or limited liability companies, each such
8 corporation or limited liability company shall be considered to
9 have paid as remuneration to such individual only the amounts
10 actually disbursed by it to such individual and shall not
11 be considered to have paid as remuneration to such individual
12 amounts actually disbursed to such individual by another of such
13 corporations or limited liability companies. An employee of a
14 wholly owned subsidiary shall be considered to be concurrently
15 employed by the parent corporation, company, or other entity
16 and the wholly owned subsidiary whether or not both companies
17 separately provide remuneration.

18 (3) The professional employer organization shall report
19 and pay combined tax, penalties, and interest owed upon wages
20 earned by worksite employees under the client's employer account
21 number using the client's combined tax rate. The client is liable
22 for the payment of unpaid combined tax, penalties, and interest
23 owed upon wages paid to worksite employees, and the worksite
24 employees shall be considered employees of the client for purposes
25 of the Employment Security Law.

26 Sec. 3. Section 48-648.01, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 48-648.01 The Commissioner of Labor may require by rule
2 and regulation that each employer subject to the Employment
3 Security Law shall submit to the commissioner quarterly wage
4 reports on such forms and in such manner as the commissioner
5 may prescribe. The For all tax years beginning before January 1,
6 2010, the commissioner may require that any employer whose annual
7 payroll for either of the two preceding calendar years has equaled
8 or exceeded five hundred thousand dollars to file wage reports
9 by an electronic method approved by the commissioner, except when
10 the employer establishes to the satisfaction of the commissioner
11 that filing by an electronic method would work a hardship on the
12 employer. For all tax years beginning on or after January 1, 2010,
13 the commissioner may require any employer whose annual payroll for
14 either of the two preceding calendar years has equaled or exceeded
15 one hundred thousand dollars to file wage reports by an electronic
16 method approved by the commissioner, except when the employer
17 establishes to the satisfaction of the commissioner that filing by
18 an electronic method would work a hardship on the employer. The
19 quarterly wage reports shall be used by the commissioner to make
20 monetary determinations of claims for benefits.

21 Sec. 4. Section 48-649, Revised Statutes Supplement,
22 2007, is amended to read:

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

1 requirements:

2 (1) The commissioner shall, by December 1 of each
3 calendar year, and based upon information available through the
4 department, determine the state unemployment insurance tax rate for
5 the following year. The state unemployment insurance tax rate shall
6 be zero percent if:

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

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

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

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

1 contribution rate.

2 (b) When the state unemployment insurance tax rate is
3 determined to be zero percent pursuant to subdivision (1) of this
4 section, the contribution rate for all employers shall equal one
5 hundred percent of the combined tax rate;

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

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

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

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

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

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

1 (b) In no event shall the combined tax rate for employers
2 who fail to meet the requirements of subdivision (4)(a) of this
3 section be less than one and twenty-five hundredths percent.

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

18 (d) Beginning with rate calculations for calendar year
19 2006 and each year thereafter, the combined tax rate for employers
20 who meet the requirements of subdivision (4)(a) of this section
21 shall be calculated according to subdivisions (4)(e), (4)(f), and
22 (4)(g) of this section and shall be based upon the employer's
23 experience rating record and determined from the employer's reserve
24 ratio, which is the percent obtained by dividing the amount by
25 which, if any, the employer's contributions credited from the time
26 the employer first or most recently became an employer, whichever
27 date is later, and up to and including September 30 of the year

1 the rate computation is made, plus any part of the employer's
2 contributions due for that year paid on or before October 31
3 of such year, exceed the employer's benefits charged during the
4 same period, by the employer's average annual taxable payroll for
5 the sixteen-consecutive-calendar-quarter period ending September
6 30 of the year in which the rate computation is made. For an
7 employer with less than sixteen consecutive calendar quarters of
8 contribution experience, the employer's average taxable payroll
9 shall be determined based upon the four-calendar-quarter periods
10 for which contributions are payable.

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

| 14 | Category | Experience Factor |
|----|----------|-------------------|
| 15 | 1 | 0.00 |
| 16 | 2 | 0.25 |
| 17 | 3 | 0.40 |
| 18 | 4 | 0.45 |
| 19 | 5 | 0.50 |
| 20 | 6 | 0.60 |
| 21 | 7 | 0.65 |
| 22 | 8 | 0.70 |
| 23 | 9 | 0.80 |
| 24 | 10 | 0.90 |
| 25 | 11 | 0.95 |
| 26 | 12 | 1.00 |
| 27 | 13 | 1.05 |

| | | |
|---|----|------|
| 1 | 14 | 1.10 |
| 2 | 15 | 1.20 |
| 3 | 16 | 1.35 |
| 4 | 17 | 1.55 |
| 5 | 18 | 1.80 |
| 6 | 19 | 2.15 |
| 7 | 20 | 2.60 |

8 Eligible experience rated employers shall be assigned
9 to rate categories from highest to lowest according to their
10 experience reserve ratio with category one being assigned to
11 accounts with the highest reserve ratios and category twenty being
12 assigned to accounts with the lowest reserve ratios. Each category
13 shall be limited to no more than five percent of the state's total
14 taxable payroll, except that:

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

18 (ii) No employer with a reserve ratio calculated to five
19 decimal places equal to another employer similarly calculated shall
20 be assigned to a higher rate than the employer to which it has the
21 equal reserve ratio; and-

22 (iii) No employer with a positive experience account
23 balance shall be assigned to category 20.

24 (f) The state's reserve ratio shall be calculated by
25 dividing the amount available to pay benefits in the Unemployment
26 Trust Fund and the State Unemployment Insurance Trust Fund as of
27 September 30, 2005, and each September 30 thereafter, less any

1 outstanding obligations and amounts appropriated therefrom by the
2 state's total wages from the four calendar quarters ending on
3 such September 30. For purposes of this section, total wages means
4 all remuneration paid by an employer in employment. The state's
5 reserve ratio shall be applied to the table in this subdivision to
6 determine the yield factor for the upcoming rate year.

| 7 State's Reserve Ratio | Yield | Factor |
|--|-------|--------|
| 8 1.45 percent and above | = | 0.70 |
| 9 1.30 percent up to but not including 1.45 | = | 0.75 |
| 10 1.15 percent up to but not including 1.30 | = | 0.80 |
| 11 1.00 percent up to but not including 1.15 | = | 0.90 |
| 12 0.85 percent up to but not including 1.00 | = | 1.00 |
| 13 0.70 percent up to but not including 0.85 | = | 1.10 |
| 14 0.60 percent up to but not including 0.70 | = | 1.20 |
| 15 0.50 percent up to but not including 0.60 | = | 1.25 |
| 16 0.45 percent up to but not including 0.50 | = | 1.30 |
| 17 0.40 percent up to but not including 0.45 | = | 1.35 |
| 18 0.35 percent up to but not including 0.40 | = | 1.40 |
| 19 0.30 percent up to but not including 0.35 | = | 1.45 |
| 20 Below 0.30 percent | = | 1.50 |

21 Once the yield factor for the upcoming rate year has
22 been determined, it is multiplied by the amount of unemployment
23 benefits paid from combined tax during the four calendar quarters
24 ending September 30 of the preceding year. The resulting figure is
25 the planned yield for the rate year. The planned yield is divided
26 by the total taxable wages for the four calendar quarters ending
27 September 30 of the previous year and carried to four decimal

1 places to create the average combined tax rate for the rate year.

2 (g) The average combined tax rate is assigned to rate
3 category twelve as established in subdivision (4)(e) of this
4 section. Rates for each of the remaining nineteen categories are
5 determined by multiplying the average combined tax rate by the
6 experience factor associated with each category and carried to
7 four decimal places. Employers who are delinquent in filing their
8 combined tax reports as of October 31 of any year shall be assigned
9 to category twenty for the following calendar year unless the
10 delinquency is corrected prior to December 31 of the year of rate
11 calculation.

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

17 (5) Any employer may at any time make voluntary
18 contributions up to the amount necessary to qualify for one rate
19 category reduction, additional to the required contributions,
20 to the fund to be credited to his or her account. Voluntary
21 contributions received after March 10, 2005, for rate year 2005 or
22 January 10 for rate year 2006 and thereafter shall not be used in
23 rate calculations for the same calendar year;

24 (6) As used in sections 48-648 to 48-654, the term
25 payroll means the total amount of wages during a calendar year,
26 except as otherwise provided in section 48-654, by which the
27 combined tax was measured; and

1 (7) (a) The state or any of its instrumentalities shall
2 make payments in lieu of contributions in an amount equal to
3 the full amount of regular benefits plus one-half of the amount
4 of extended benefits paid during each calendar quarter that is
5 attributable to service in employment of the state or any of its
6 instrumentalities. The commissioner after the end of each calendar
7 quarter shall notify any state instrumentality or other public
8 employer of the amount of regular benefits and one-half the amount
9 of extended benefits paid that are attributable to service in its
10 employment and the instrumentality or public employer so notified
11 shall reimburse the fund within thirty days after receipt of such
12 notice. The For all tax years beginning before January 1, 2010,
13 the commissioner may require that any employer whose annual payroll
14 for either of the two preceding calendar years has equaled or
15 exceeded five hundred thousand dollars to pay the reimbursement
16 by an electronic method approved by the commissioner, except when
17 the employer establishes to the satisfaction of the commissioner
18 that payment of the reimbursement by an electronic method would
19 work a hardship on the employer. For all tax years beginning on or
20 after January 1, 2010, the commissioner may require any employer
21 whose annual payroll for either of the two preceding calendar years
22 has equaled or exceeded one hundred thousand dollars to pay the
23 reimbursement by an electronic method approved by the commissioner,
24 except when the employer establishes to the satisfaction of the
25 commissioner that payment of the reimbursement by an electronic
26 method would work a hardship on the employer.

27 (b) After December 31, 1977, the state or any of its

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

1 paid that are attributable to service in its employment and the
2 employer so notified shall reimburse the fund within thirty days
3 after receipt of such notice.

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

17 Sec. 5. Section 48-652, Revised Statutes Supplement,
18 2007, is amended to read:

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

26 (b) A separate reimbursement account shall be established
27 for each employer who is liable for payments in lieu of

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

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

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

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

1 the commissioner. No benefits shall be charged to the experience
2 account of any employer if such benefits were paid on the basis
3 of wages paid in the base period that are wages for insured work
4 solely by reason of subdivision (5) (b) of section 48-627.

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

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

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

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

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

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

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

12 (7) If an individual's base period wage credits
13 represent part-time employment for a contributory employer and
14 the contributory employer continues to employ the individual to
15 the same extent as during the base period, then the contributory
16 employer's experience account shall not be charged if the
17 contributory employer has filed timely notice of the facts on which
18 such exemption is claimed in accordance with rules and regulations
19 prescribed by the commissioner.

20 Sec. 6. Section 48-654, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 48-654 Subject to section 48-654.01, any employer that
23 acquires the organization, trade, or business, or substantially all
24 the assets thereof, of another employer shall immediately notify
25 the commissioner thereof, and prior to September 6, 1985, shall,
26 and on and after September 6, 1985, may, pursuant to rules and
27 regulations prescribed by the commissioner, assume the position of

1 such employer with respect to the resources and liabilities of
2 such employer's experience account as if no change with respect to
3 such employer's experience account has occurred. The commissioner
4 may provide by rule and regulation for partial transfers of
5 experience accounts, except that such partial transfers of accounts
6 shall be construed to allow computation and fixing of contribution
7 rates only on and after January 1, 1953, where an employer has
8 transferred at any time subsequent to or on January 1, 1950,
9 a definable and segregable portion of his or her payroll and
10 business to a transferee-employer. For an acquisition which occurs
11 during any of the first three either of the first two calendar
12 quarters of a calendar year or during the fourth quarter of the
13 preceding calendar year, a new rate of contributions, payable
14 by the transferee-employer with respect to wages paid by him or
15 her after midnight of the last day of the calendar quarter in
16 which such acquisition occurs and prior to midnight of the last
17 day of the calendar year in which acquisition occurs, following
18 September 30, shall be computed in accordance with this section.
19 For the purpose of computing such new rate of contributions,
20 the computation date with respect to any such acquisition shall
21 be ~~December 31~~ September 30 of the preceding calendar year and
22 the term payroll shall mean the total amount of wages by which
23 contributions to the transferee's account and to the transferor's
24 account were measured for the ~~calendar year~~ four calendar quarters
25 ending September 30 preceding the computation date.

26 Sec. 7. Section 48-668, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 48-668 (1) The commissioner is hereby authorized to enter
2 into arrangements with the appropriate and duly authorized agencies
3 of other states or the federal government, or both, whereby:

4 ~~(1)~~ (a) Services performed by an individual for a single
5 employer for which services are customarily performed by such
6 individual in more than one state shall be deemed to be services
7 performed entirely within any one of the states in which ~~(a)~~ (i)
8 any part of such individual's service is performed, ~~(b)~~ (ii) such
9 individual has his or her residence, or ~~(c)~~ (iii) the employer
10 maintains a place of business, if there is in effect, as to such
11 services, an election by an employer with the acquiescence of such
12 individual, approved by the agency charged with the administration
13 of such state's unemployment compensation law, pursuant to which
14 services performed by such individual for such employer are deemed
15 to be performed entirely within such state;

16 ~~(2)~~ (b) Service performed by not more than three
17 individuals, on any portion of a day but not necessarily
18 simultaneously, for a single employer which customarily operates
19 in more than one state shall be deemed to be service performed
20 entirely within the state in which such employer maintains the
21 headquarters of his or her business if there is in effect, as
22 to such service, an approved election by an employer with the
23 affirmative consent of each such individual, pursuant to which
24 service performed by such individual for such employer is deemed to
25 be performed entirely within such state;

26 ~~(3)~~ (c) Potential rights to benefits under the Employment
27 Security Law may constitute the basis for payment of benefits

1 by another state or the federal government and potential rights
2 to benefits accumulated under the law of another state or the
3 federal government may constitute the basis for the payment of
4 benefits by this state. Such benefits shall be paid under the
5 Employment Security Law or under the law of such state or the
6 federal government or under such combination of the provisions of
7 both laws, as may be agreed upon as being fair and reasonable
8 to all affected interests. No such arrangement shall be entered
9 into unless it contains provisions for reimbursement to the fund
10 for such benefits as are paid on the basis of wages and service
11 subject to the law of another state or the federal government,
12 and provision for reimbursement from the fund for such benefits
13 as are paid by another state or the federal government on the
14 basis of wages and service subject to the Employment Security Law.
15 Reimbursements paid from the fund pursuant to this section shall be
16 deemed to be benefits for the purposes of the Employment Security
17 Law; and

18 ~~(4)~~ (d) Wages, upon the basis of which an individual may
19 become entitled to benefits under an employment security law of
20 another state or of the federal government, shall be deemed to be
21 wages for insured work for the purpose of determining his or her
22 benefits under the Employment Security Law; and wages for insured
23 work, on the basis of which an individual may become entitled to
24 benefits under the Employment Security Law, shall be deemed to be
25 wages on the basis of which unemployment insurance is payable under
26 such law of another state or of the federal government. No such
27 arrangement shall be entered into unless it contains provisions

1 for reimbursement to the fund for such of the benefits paid under
2 the Employment Security Law upon the basis of such wages and
3 provision for reimbursement from the fund for such benefits paid
4 under such other law upon the basis of wages for insured work,
5 as the commissioner finds will be fair and reasonable to all
6 affected interests. Reimbursement paid from the fund pursuant to
7 this section shall be deemed to be benefits for the purposes of the
8 Employment Security Law.

9 (2) Notwithstanding any other provisions of this section,
10 the commissioner shall participate in any arrangements for the
11 payment of benefits on the basis of combining an individual's
12 wages and employment covered under the Employment Security Law with
13 his or her wages and employment covered under the unemployment
14 compensation laws of other states which are approved by the
15 United States Secretary of Labor in consultation with the state
16 unemployment compensation agencies as reasonably calculated to
17 assure the prompt and full payment of benefits in such situations
18 and which include provisions for (a) applying the base period
19 of a single state law to a claim involving the combining of an
20 individual's wages and employment covered under two or more state
21 unemployment compensation laws, and (b) avoiding the duplicate use
22 of wages and employment by reason of such combining. However, no
23 benefits paid pursuant to an agreement to combine wages entered
24 into under this subsection shall be charged against any employer's
25 experience account if the employer's experience account, under the
26 same or similar circumstances, would not be charged under the
27 Employment Security Law. Benefits received by a claimant pursuant

1 to an agreement entered into under this subsection to which he or
2 she is not entitled shall be credited to an employer's experience
3 account or reimbursement account in the same manner as claims paid
4 based solely upon the laws of this state.

5 Sec. 8. Section 48-668.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 48-668.02 Reimbursements paid from the fund pursuant to
8 ~~subsections (3) and (4)~~ subdivisions (1)(c) and (1)(d) of section
9 48-668 shall be deemed to be benefits for the purposes of the
10 Employment Security Law. The commissioner is authorized to make to
11 other state or federal agencies and to receive from such other
12 state or federal agencies reimbursements from or to the fund
13 in accordance with arrangements entered into pursuant to section
14 48-668.

15 Sec. 9. Original sections 48-668 and 48-668.02, Reissue
16 Revised Statutes of Nebraska, sections 48-648, 48-648.01, and
17 48-654, Revised Statutes Cumulative Supplement, 2006, and sections
18 48-612.01, 48-649, and 48-652, Revised Statutes Supplement, 2007,
19 are repealed.

20 Sec. 10. Since an emergency exists, this act takes effect
21 when passed and approved according to law.

22 2. On page 1, strike lines 2 through 6 and insert
23 "sections 48-668 and 48-668.02, Reissue Revised Statutes of
24 Nebraska, sections 48-648, 48-648.01, and 48-654, Revised Statutes
25 Cumulative Supplement, 2006, and sections 48-612.01, 48-649, and
26 48-652, Revised Statutes Supplement, 2007; to change provisions
27 relating to information disclosure, electronic payment, employer

- 1 accounts, and unemployment compensation; to harmonize provisions;
- 2 to repeal the original sections; and to declare an emergency."