

AMENDMENTS TO LB997

Introduced by Business and Labor

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

3           Section 1. Section 48-622.01, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           48-622.01 (1) There is hereby created in the state  
6 treasury a special fund to be known as the State Unemployment  
7 Insurance Trust Fund. All state unemployment insurance tax  
8 collected under sections 48-648 to 48-661, less refunds, shall be  
9 paid into the fund. Such money shall be held in trust for payment  
10 of unemployment insurance benefits. Any money in the fund available  
11 for investment shall be invested by the state investment officer  
12 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
13 State Funds Investment Act, except that interest earned on money in  
14 the fund shall be credited to the Nebraska Training and Support  
15 Trust Fund through June 30, 2015, and thereafter to the Nebraska  
16 Training and Support Cash Fund at the end of each calendar quarter.

17           (2) The commissioner shall have authority to determine  
18 when and in what amounts withdrawals from the State Unemployment  
19 Insurance Trust Fund for payment of benefits are necessary. Amounts  
20 withdrawn for payment of benefits shall be immediately forwarded  
21 to the Secretary of the Treasury of the United States of America  
22 to the credit of the state's account in the Unemployment Trust  
23 Fund, provisions of law in this state relating to the deposit,

1 administration, release, or disbursement of money in the possession  
2 or custody of this state to the contrary notwithstanding.

3 (3) If and when the state unemployment insurance tax  
4 ceases to exist as determined by the Governor, all money then in  
5 the State Unemployment Insurance Trust Fund less accrued interest  
6 shall be immediately transferred to the credit of the state's  
7 account in the Unemployment Trust Fund, provisions of law in  
8 this state relating to the deposit, administration, release, or  
9 disbursement of money in the possession or custody of this state  
10 to the contrary notwithstanding. The determination to eliminate the  
11 state unemployment insurance tax shall be based on the solvency  
12 of the state's account in the Unemployment Trust Fund and the  
13 need for training of Nebraska workers. Accrued interest in the  
14 State Unemployment Insurance Trust Fund shall be credited to the  
15 Nebraska Training and Support Trust Fund through June 30, 2015, and  
16 thereafter to the Nebraska Training and Support Cash Fund.

17 (4) Upon certification from the commissioner that  
18 disallowed costs by the United States Department of Labor for  
19 FY2007-08, FY2008-09, and FY2009-10, or any one of them, have  
20 been reduced to an amount certain by way of settlement or final  
21 judgment, the State Treasurer shall transfer the amount of such  
22 settlement or final judgment from the State Unemployment Insurance  
23 Trust Fund to the Employment Security Special Contingent Fund. The  
24 total amount of such transfers shall not exceed \$2,816,345. The  
25 amount of the reappropriation of Federal Funds appropriated in  
26 FY2004-05 under section 903(d) of the federal Social Security Act  
27 shall be reduced by the amount transferred.

1           Sec. 2. Section 48-622.02, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           48-622.02 (1) Until July 1, 2015:

4           ~~(1)~~ (a) There is hereby created in the state treasury  
5 a special fund to be known as the Nebraska Training and Support  
6 Trust Fund. Any money in the fund available for investment shall be  
7 invested by the state investment officer pursuant to the Nebraska  
8 Capital Expansion Act and the Nebraska State Funds Investment Act.  
9 All money deposited or paid into the fund is hereby appropriated  
10 and made available to the commissioner. No expenditures shall  
11 be made from the fund without the written authorization of the  
12 Governor upon the recommendation of the commissioner. Any interest  
13 earned on money in the State Unemployment Insurance Trust Fund  
14 shall be credited to the Nebraska Training and Support Trust Fund;--

15           ~~(2)~~ (b) Money in the Nebraska Training and Support  
16 Trust Fund shall be used for ~~(a)~~ (i) administrative costs  
17 of establishing, assessing, collecting, and maintaining state  
18 unemployment insurance tax liability and payments, ~~(b)~~ (ii)  
19 administrative costs of creating, operating, maintaining, and  
20 dissolving the State Unemployment Insurance Trust Fund and the  
21 Nebraska Training and Support Trust Fund, ~~(c)~~ (iii) support  
22 of public and private job training programs designed to train,  
23 retrain, or upgrade work skills of existing Nebraska workers of  
24 for-profit and not-for-profit businesses, ~~(d)~~ (iv) recruitment of  
25 workers to Nebraska, ~~(e)~~ (v) training new employees of expanding  
26 Nebraska businesses, ~~(f)~~ (vi) the costs of creating a common web  
27 portal for the attraction of businesses and workers to Nebraska,

1 and ~~(g)~~ (vii) payment of unemployment insurance benefits if  
2 solvency of the state's account in the Unemployment Trust Fund and  
3 of the State Unemployment Insurance Trust Fund so require; ~~and-~~

4 ~~(3)~~ (c) There is hereby created within the Nebraska  
5 Training and Support Trust Fund a separate account to be known  
6 as the Administrative Costs Reserve Account. Money shall be  
7 allocated from the Nebraska Training and Support Trust Fund to  
8 the Administrative Costs Reserve Account in amounts sufficient to  
9 pay the anticipated administrative costs identified in ~~subdivisions~~  
10 ~~(2)(a) through (g)~~ subdivision (1)(b) of this section. The  
11 administrative costs determined to be applicable to creation and  
12 operation of the State Unemployment Insurance Trust Fund and the  
13 Nebraska Training and Support Trust Fund shall be paid out of the  
14 Administrative Costs Reserve Account.

15 (2) On and after July 1, 2015:

16 (a) The Nebraska Training and Support Cash Fund is  
17 created. Any money in the fund available for investment shall be  
18 invested by the state investment officer pursuant to the Nebraska  
19 Capital Expansion Act and the Nebraska State Funds Investment  
20 Act. On July 1, 2015, the State Treasurer shall transfer any  
21 money in the Nebraska Training and Support Trust Fund to the  
22 Nebraska Training and Support Cash Fund. No expenditures shall  
23 be made from the Nebraska Training and Support Cash Fund without  
24 the written authorization of the Governor upon the recommendation  
25 of the commissioner. Any interest earned on money in the State  
26 Unemployment Insurance Trust Fund shall be credited to the Nebraska  
27 Training and Support Cash Fund;

1           (b) Money in the Nebraska Training and Support Cash  
2 Fund shall be used for (i) administrative costs of establishing,  
3 assessing, collecting, and maintaining state unemployment insurance  
4 tax liability and payments, (ii) administrative costs of creating,  
5 operating, maintaining, and dissolving the State Unemployment  
6 Insurance Trust Fund and the Nebraska Training and Support Cash  
7 Fund, (iii) support of public and private job training programs  
8 designed to train, retrain, or upgrade work skills of existing  
9 Nebraska workers of for-profit and not-for-profit businesses, (iv)  
10 recruitment of workers to Nebraska, (v) training new employees  
11 of expanding Nebraska businesses, (vi) the costs of creating a  
12 common web portal for the attraction of businesses and workers to  
13 Nebraska, and (vii) payment of unemployment insurance benefits if  
14 solvency of the state's account in the Unemployment Trust Fund and  
15 of the State Unemployment Insurance Trust Fund so require; and

16           (c) The Administrative Costs Reserve Account is created  
17 within the Nebraska Training and Support Cash Fund. Money shall  
18 be allocated from the Nebraska Training and Support Cash Fund to  
19 the Administrative Costs Reserve Account in amounts sufficient to  
20 pay the anticipated administrative costs identified in subdivision  
21 (2)(b) of this section.

22           Sec. 3. Section 48-622.03, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           48-622.03 (1) There is hereby created as of January  
25 1, 1996, the Nebraska Worker Training Board consisting of seven  
26 members appointed and serving for terms determined by the Governor  
27 as follows:

- 1 (a) A representative of employers in Nebraska;  
2 (b) A representative of employees in Nebraska;  
3 (c) A representative of the public;  
4 (d) The Commissioner of Labor or a designee;  
5 (e) The Director of Economic Development or a designee;  
6 (f) The Commissioner of Education or a designee; and  
7 (g) The chairperson of the governing board of the  
8 Nebraska Community College Association or a designee.

9 (2) Beginning July 1, 1996, and annually thereafter,  
10 the Governor shall appoint a chairperson for the board. The  
11 chairperson shall be either the representative of the employers,  
12 the representative of the employees, or the representative of the  
13 public.

14 (3) Beginning July 1, 1996, and annually thereafter  
15 through June 30, 2015, the board shall prepare an annual program  
16 plan for the upcoming fiscal year containing guidelines for the  
17 program financed by the Nebraska Training and Support Trust Fund.  
18 Beginning July 1, 2015, and annually thereafter, the board shall  
19 prepare an annual program plan for the upcoming fiscal year  
20 containing guidelines for the program financed by the Nebraska  
21 Training and Support Cash Fund. The guidelines shall include, but  
22 not be limited to, guidelines for certifying training providers,  
23 criteria for evaluating requests for the use of money under section  
24 48-622.02, and guidelines for requiring employers to provide  
25 matching funds. The guidelines shall give priority to training  
26 that contributes to the expansion of the Nebraska workforce and  
27 increasing the pool of highly skilled workers in Nebraska.

1                   (4) Beginning September 1, 1997, ~~and annually thereafter,~~  
2 through June 30, 2015, the board shall provide a report to  
3 the Governor covering the activities of the program financed by  
4 the Nebraska Training and Support Trust Fund for the previous  
5 fiscal year. Beginning July 1, 2015, and annually thereafter,  
6 the board shall provide a report to the Governor covering the  
7 activities of the program financed by the Nebraska Training and  
8 Support Cash Fund for the previous fiscal year. The report shall  
9 contain an assessment of the effectiveness of the program and its  
10 administration.

11                   Sec. 4. Original section 48-622.03, Reissue Revised  
12 Statutes of Nebraska, and sections 48-622.01 and 48-622.02, Revised  
13 Statutes Cumulative Supplement, 2012, are repealed.