

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 727**

FINAL READING

Introduced by Linehan, 39.

Read first time January 18, 2023

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections  
2 13-2602, 13-2603, 13-2604, 13-2605, 13-2609, 13-2610, 13-2611,  
3 13-2612, 13-2706, 13-3102, 13-3103, 13-3104, 13-3108, 39-2205,  
4 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223,  
5 39-2703, 39-2704, 66-4,100, 77-1701, 77-1818, 77-1824, 77-1838,  
6 77-2701.02, 77-2902, 77-2903, 77-2904, 77-2905, 77-2910, 77-2912,  
7 77-3513, 77-3522, 77-4001, 77-4002, 77-4007, 77-4008, 77-4025,  
8 77-5803, 77-5806, and 77-5808, Reissue Revised Statutes of Nebraska,  
9 sections 39-2215, 39-2224, 77-1344, 77-1347, 77-1403, 77-1631,  
10 77-1633, 77-1802, 77-1837, 77-2015, 77-2701, 77-2701.04, 77-2701.41,  
11 77-2704.12, 77-2704.15, 77-2704.36, 77-2711, 77-2713, 77-2715.07,  
12 77-2716, 77-2717, 77-2734.03, 77-27,132, 77-27,187.02, 77-27,188,  
13 77-27,223, 77-3506, 77-3512, 77-6702, 77-6818, 81-1229, 81-12,182,  
14 81-12,245, 82-334, 82-335, 85-1802, 85-2601, 85-2602, 85-2603, and  
15 85-2604, Revised Statutes Cumulative Supplement, 2022, and section  
16 24, Legislative Bill 243, One Hundred Eighth Legislature, First  
17 Session, 2023; to adopt the Nebraska Biodiesel Tax Credit Act and  
18 the Good Life Transformational Projects Act; to change provisions  
19 relating to the Convention Center Facility Financing Assistance Act,  
20 the Civic and Community Center Financing Act, and the Sports Arena  
21 Facility Financing Assistance Act; to authorize issuance of highway  
22 bonds under the Nebraska Highway Bond Act; to change provisions

1 relating to the Build Nebraska Act, agricultural or horticultural  
2 land receiving special valuation, the achieving a better life  
3 experience program, the Property Tax Request Act, enforcement of  
4 delinquent taxes on real property, reports on inheritance taxes, and  
5 sales and use tax provisions relating to purchasing agents and  
6 exemptions for nonprofit organizations and for purchases by the  
7 state, schools, and governmental units; to provide a sales and use  
8 tax exemption for baling wire and twine as prescribed; to provide an  
9 income tax deduction to retired firefighters for health insurance  
10 premiums; to change provisions relating to distribution of certain  
11 sales and use tax revenue and the Nebraska Advantage Rural  
12 Development Act; to provide an income tax credit for certain food  
13 donations; to change provisions relating to the Nebraska Job  
14 Creation and Mainstreet Revitalization Act and homestead exemptions;  
15 to impose a tax on electronic nicotine delivery systems; to change  
16 provisions relating to the Nebraska Advantage Research and  
17 Development Act, the Nebraska Property Tax Incentive Act, and the  
18 Imagine Nebraska Act; to create a fund; to change provisions  
19 relating to a workforce housing grant program, the Nebraska  
20 Transformational Projects Act, a grant program of the Department of  
21 Economic Development, a grant program of the Nebraska Arts Council,  
22 and the Nebraska educational savings plan trust; to rename the Law  
23 Enforcement Education Act and change provisions therein; to change  
24 an operative date provision as prescribed; to harmonize provisions;  
25 to provide operative dates; to provide severability; to repeal the  
26 original sections; and to declare an emergency.

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

1           Section 1. Sections 1 to 8 of this act shall be known and may be  
2 cited as the Nebraska Biodiesel Tax Credit Act.

3           Sec. 2. For purposes of the Nebraska Biodiesel Tax Credit Act:

4           (1) Biodiesel means mono-alkyl esters of long chain fatty acids  
5 derived from vegetable oils or animal fats which conform to American  
6 Society for Testing and Materials D6751 specifications for use in diesel  
7 engines. Biodiesel refers to the pure fuel with less than one percent  
8 blended with diesel fuel;

9           (2) Department means the Department of Revenue;

10          (3) Motor fuel pump means a meter or similar commercial weighing and  
11 measuring device used to measure and dispense motor fuel originating from  
12 a motor fuel storage tank;

13          (4) Retail dealer means a person engaged in the business of storing  
14 and dispensing motor fuel from a motor fuel pump for sale on a retail  
15 basis;

16          (5) Retail motor fuel site means a geographic location in this state  
17 where a retail dealer sells and dispenses motor fuel from a motor fuel  
18 pump on a retail basis, including a permanent or mobile location; and

19          (6) Taxpayer means any natural person or any limited liability  
20 company, partnership, private domestic or private foreign corporation, or  
21 domestic or foreign nonprofit corporation certified pursuant to section  
22 501(c)(3) of the Internal Revenue Code of 1986, as amended.

23          Sec. 3. (1) Any taxpayer who is a retail dealer and who sold and  
24 dispensed biodiesel on a retail basis during the prior calendar year  
25 through a motor fuel pump located at the taxpayer's retail motor fuel  
26 site shall be eligible to receive tax credits under the Nebraska  
27 Biodiesel Tax Credit Act.

28          (2) The tax credit shall be in an amount equal to fourteen cents  
29 multiplied by the total number of gallons of biodiesel sold by the  
30 taxpayer on a retail basis during the prior calendar year through a motor  
31 fuel pump located at the taxpayer's retail motor fuel site.

1       (3) The tax credit shall be a refundable credit that may be used  
2 against the income tax imposed by the Nebraska Revenue Act of 1967.

3       (4) Tax credits allowed under this section may be claimed for  
4 taxable years beginning or deemed to begin on or after January 1, 2024,  
5 under the Internal Revenue Code of 1986, as amended.

6       (5) To receive tax credits, a taxpayer shall submit an application  
7 to the department on a form prescribed by the department. Applications  
8 may be submitted from January 1 to April 15 of each calendar year  
9 beginning in 2024. The application shall include the following  
10 information:

11       (a) The name and address of the taxpayer;

12       (b) The total number of gallons of biodiesel sold by the taxpayer on  
13 a retail basis during the prior calendar year through a motor fuel pump  
14 located at the taxpayer's retail motor fuel site; and

15       (c) Any other documentation required by the department.

16       Sec. 4. (1) If the department determines that an application is  
17 complete and that the taxpayer qualifies for tax credits, the department  
18 shall approve the application within the limits set forth in this section  
19 and shall certify the amount of tax credits approved to the taxpayer.

20       (2) The department may approve up to one million dollars in tax  
21 credits in any calendar year. If the total amount of tax credits  
22 requested in any calendar year exceeds such limit, the department shall  
23 allocate the tax credits proportionally based upon amounts requested.

24       Sec. 5. (1) A taxpayer shall claim the tax credit by attaching the  
25 tax credit certification received from the department under section 4 of  
26 this act to the taxpayer's tax return.

27       (2) Any credit in excess of the taxpayer's tax liability shall be  
28 refunded to the taxpayer. In lieu of claiming a refund, the taxpayer may  
29 elect to have the excess carried forward to subsequent taxable years. A  
30 taxpayer may carry forward the excess tax credits until fully utilized.

31       Sec. 6. Any tax credit allowable to a partnership, a limited

1 liability company, a subchapter S corporation, a cooperative corporation,  
2 or an estate or trust may be distributed to the partners, limited  
3 liability company members, shareholders, cooperative members, or  
4 beneficiaries in the same manner as income is distributed.

5 Sec. 7. There shall be no new applications filed under the Nebraska  
6 Biodiesel Tax Credit Act after December 31, 2028. All applications and  
7 all tax credits pending or approved before such date shall continue in  
8 full force and effect.

9 Sec. 8. The department may adopt and promulgate rules and  
10 regulations to carry out the Nebraska Biodiesel Tax Credit Act.

11 Sec. 9. Sections 9 to 15 of this act shall be known and may be  
12 cited as the Good Life Transformational Projects Act.

13 Sec. 10. (1) The purpose of the Good Life Transformational Projects  
14 Act is to promote and develop the general and economic welfare of this  
15 state and its communities by providing support for unique Nebraska  
16 projects that will attract new industries and employment opportunities  
17 and further grow and strengthen Nebraska's retail, entertainment, and  
18 tourism industries.

19 (2) The Legislature finds that it will be beneficial to the economic  
20 well-being of the people of this state to encourage transformational  
21 development projects within the state that create jobs, infrastructure,  
22 and other improvements and attract and retain tourists and college  
23 graduates from around the state.

24 (3) The Legislature further finds that such projects will (a)  
25 generate new economic activity, as well as additional state and local  
26 taxes from persons residing within and outside the state, (b) create new  
27 economic opportunities and jobs for residents, and (c) promote new-to-  
28 market retail, entertainment, and dining attractions.

29 Sec. 11. For purposes of the Good Life Transformational Projects  
30 Act:

31 (1) Department means the Department of Economic Development; and

1       (2) Good life district means a district established pursuant to  
2 section 13 of this act.

3       Sec. 12. (1) Until December 31, 2024, any person may apply to the  
4 department to create a good life district. All applications shall be in  
5 writing and shall contain:

6       (a) A description of the proposed project to be undertaken within  
7 the good life district, including a description of any existing  
8 development, an estimate of the total new development costs for the  
9 project, and an estimate of the number of new jobs to be created as a  
10 result of the project;

11       (b) A map identifying the good life district to be used for purposes  
12 of the project;

13       (c) A description of the proposed financing of the project;

14       (d) Documentation of local financial commitment to support the  
15 project, including all public and private resources pledged or committed  
16 to the project and including a copy of any operating agreement or lease  
17 with substantial users of the project area; and

18       (e) Sufficient documents, plans, and specifications as required by  
19 the department to define the project, including the following:

20       (i) A statement of how the jobs and taxes obtained from the project  
21 will contribute significantly to the economic development of the state  
22 and region;

23       (ii) Visitation expectations and a plan describing how the number of  
24 visitors to the good life district will be tracked and reported on an  
25 annual basis;

26       (iii) Any unique qualities of the project;

27       (iv) An economic impact study, including the anticipated effect of  
28 the project on the regional and statewide economies;

29       (v) Project accountability, measured according to best industry  
30 practices;

31       (vi) The expected return on state and local investment the project

1 is anticipated to produce; and

2 (vii) A summary of community involvement, participation, and support  
3 for the project.

4 (2) Upon receiving an application, the department shall review the  
5 application and notify the applicant of any additional information needed  
6 for a proper evaluation of the application.

7 (3) The application and all supporting information shall be  
8 confidential except for the location of the project, the total new  
9 development costs estimated for the project, and the number of new jobs  
10 estimated to be created as a result of the project.

11 Sec. 13. (1) If the department finds that the project described in  
12 the application meets the eligibility requirements of this section, the  
13 application shall be approved.

14 (2) A project is eligible if:

15 (a) The applicant demonstrates that the total new development costs  
16 of the project will exceed:

17 (i) One billion dollars if the project will be located in a city of  
18 the metropolitan class;

19 (ii) Seven hundred fifty million dollars if the project will be  
20 located in a city of the primary class;

21 (iii) Five hundred million dollars if the project will be located in  
22 a city of the first class, city of the second class, or village within a  
23 county with a population of one hundred thousand inhabitants or more; or

24 (iv) One hundred million dollars if the project will be located in a  
25 city of the first class, city of the second class, or village within a  
26 county with a population of less than one hundred thousand inhabitants;

27 (b) The applicant demonstrates that the project will directly or  
28 indirectly result in the creation of:

29 (i) One thousand new jobs if the project will be located in a city  
30 of the metropolitan class;

31 (ii) Five hundred new jobs if the project will be located in a city

1 of the primary class;

2 (iii) Two hundred fifty new jobs if the project will be located in a  
3 city of the first class, city of the second class, or village within a  
4 county with a population of one hundred thousand inhabitants or more; or

5 (iv) Fifty new jobs if the project will be located in a city of the  
6 first class, city of the second class, or village within a county with a  
7 population of less than one hundred thousand inhabitants; and

8 (c)(i) For a project that will be located in a county with a  
9 population of one hundred thousand inhabitants or more, the applicant  
10 demonstrates that, upon completion of the project, at least twenty  
11 percent of sales at the project will be made to persons residing outside  
12 the State of Nebraska or the project will generate a minimum of six  
13 hundred thousand visitors per year who reside outside the State of  
14 Nebraska and the project will attract new-to-market retail to the state  
15 and will generate a minimum of three million visitors per year; or

16 (ii) For a project that will be located in a county with a  
17 population of less than one hundred thousand inhabitants, the applicant  
18 demonstrates that, upon completion of the project, at least twenty  
19 percent of sales at the project will be made to persons residing outside  
20 the State of Nebraska.

21 (3) The applicant must certify that any anticipated diversion of  
22 state sales tax revenue will be offset or exceeded by sales tax paid on  
23 anticipated development costs, including construction to real property,  
24 during the same period.

25 (4) A project is not eligible if the project includes a licensed  
26 racetrack enclosure or an authorized gaming operator as such terms are  
27 defined in section 9-1103.

28 (5) Approval of an application under this section shall establish  
29 the good life district as that area depicted in the map accompanying the  
30 application as submitted pursuant to subdivision (1)(b) of section 12 of  
31 this act. Such district shall last for twenty-five years and shall not



1 exceed two thousand acres in size.

2 (6) Upon establishment of a good life district under this section,  
3 any transactions occurring within the district shall be subject to a  
4 reduced sales tax rate as provided in section 77-2701.02.

5 Sec. 14. The department shall terminate a good life district  
6 established pursuant to section 13 of this act if the applicant has not  
7 met seventy-five percent of the investment threshold required under  
8 subdivision (2)(a) of section 13 of this act within ten years after  
9 establishment of such district.

10 Sec. 15. No provision in the Good Life Transformational Projects  
11 Act shall be construed to limit the existing statutory authority of any  
12 political subdivision.

13 Sec. 16. Section 13-2602, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 13-2602 (1) The Legislature finds that it will be beneficial to the  
16 economic well-being of the people of this state that there be convention  
17 and meeting center facilities and sports arena facilities of appropriate  
18 size and quality to host regional, national, or international events.  
19 Regional refers to states that border Nebraska; national refers to states  
20 other than those that border Nebraska; and international refers to  
21 nations other than the United States.

22 (2) The Legislature further finds that such facilities may (a)  
23 generate new economic activity as well as additional state and local  
24 taxes from persons residing within and outside the state and (b) create  
25 new economic opportunities for residents.

26 (3) In order that the state may receive any long-term economic and  
27 fiscal benefits from such facilities, a need exists to provide some state  
28 assistance to political subdivisions endeavoring to construct, acquire,  
29 substantially reconstruct, expand, operate, improve, or equip such  
30 facilities.

31 (4) ~~Therefore~~ Therefore, it is deemed to be in the best interest of

1 both the state and its political subdivisions that the state assist  
2 political subdivisions in financing the construction, acquisition,  
3 substantial reconstruction, expansion, operation, improvement, or  
4 equipping of such facilities.

5 (5) The amount of state assistance provided under the Convention  
6 Center Facility Financing Assistance Act shall be limited to a designated  
7 portion of state sales tax revenue collected by retailers and operators  
8 doing business at such facilities on sales at such facilities, state  
9 sales tax revenue collected on primary and secondary box office sales of  
10 admissions to such facilities, and state sales tax revenue collected by  
11 associated hotels and nearby retailers.

12 Sec. 17. Section 13-2603, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 13-2603 For purposes of the Convention Center Facility Financing  
15 Assistance Act:

16 (1) Associated hotel means any publicly or privately owned facility  
17 in which the public may, for a consideration, obtain sleeping  
18 accommodations and which is located, in whole or in part, within six  
19 hundred yards of an eligible facility, measured from any point of the  
20 exterior perimeter of the eligible facility but not from any parking  
21 facility or other structure, except that if the eligible facility is  
22 within six hundred yards of the State Capitol, the area used in  
23 determining associated hotels shall be one or more areas selected by the  
24 applicant which aggregate the same total amount of square footage that  
25 such area would have contained had the eligible facility not been within  
26 six hundred yards of the State Capitol. The area used in determining  
27 associated hotels shall be depicted on a map submitted pursuant to  
28 section 13-2605;

29 (2) Board means a board consisting of the Governor, the State  
30 Treasurer, the chairperson of the Nebraska Investment Council, the  
31 chairperson of the Nebraska State Board of Public Accountancy, and a

1 professor of economics on the faculty of a state postsecondary  
2 educational institution appointed to a two-year term on the board by the  
3 Coordinating Commission for Postsecondary Education. For administrative  
4 and budget purposes only, the board shall be considered part of the  
5 Department of Revenue;

6 (3) Bond means a general obligation bond, redevelopment bond, lease-  
7 purchase bond, revenue bond, or combination of any such bonds;

8 (4) Convention and meeting center facility means a temperature-  
9 controlled building and personal property primarily used as a convention  
10 and meeting center, including an auditorium, an exhibition hall, a  
11 facility for onsite food preparation and serving, an onsite, directly  
12 connected parking facility for the use of the convention and meeting  
13 center facility, a nearby parking facility for the use of the convention  
14 and meeting center facility, and an onsite administrative office of the  
15 convention and meeting center facility;

16 (5)(a) Eligible facility means any publicly owned convention and  
17 meeting center facility approved for state assistance on or before June  
18 1, 2007, any publicly owned sports arena facility attached to such  
19 convention and meeting center facility, or any publicly ~~or privately~~  
20 owned convention and meeting center facility or publicly ~~or privately~~  
21 owned sports arena facility acquired, constructed, improved, or equipped  
22 after June 1, 2007; and

23 (b) Beginning with applications for financial assistance received on  
24 or after February 1, 2008, eligible facility does not include any  
25 publicly ~~or privately~~ owned sports arena facility with a seating capacity  
26 greater than sixteen thousand seats;

27 (6) General obligation bond means any bond or refunding bond issued  
28 by a political subdivision and which is payable exclusively from the  
29 proceeds of an ad valorem tax;

30 (7) Nearby parking facility means any parking lot, parking garage,  
31 or other parking structure that is not directly connected to a convention

1 and meeting center facility but which is located, in whole or in part,  
2 within six hundred yards of a convention and meeting center facility,  
3 measured from any point of the exterior perimeter of such facility but  
4 not from any other parking facility or other structure;

5 (8) Nearby retailer means a retailer as defined in section  
6 77-2701.32 that is located, in whole or in part, within six hundred yards  
7 of an eligible facility the application for which is approved on or after  
8 the operative date of this section, measured from any point of the  
9 exterior perimeter of the eligible facility but not from any parking  
10 facility or other structure, except that if the eligible facility is  
11 within six hundred yards of the State Capitol, the area used in  
12 determining nearby retailers shall be one or more areas selected by the  
13 applicant which aggregate the same total amount of square footage that  
14 such area would have contained had the eligible facility not been within  
15 six hundred yards of the State Capitol. The area used in determining  
16 nearby retailers shall be depicted on a map submitted pursuant to section  
17 13-2605;

18 (9) ~~(8)~~ Political subdivision means any local governmental body  
19 formed and organized under state law and any joint entity or joint public  
20 agency created under state law to act on behalf of political subdivisions  
21 which has statutory authority to issue general obligation bonds;

22 (10) ~~(9)~~ Revenue bond means any bond or refunding bond issued by a  
23 political subdivision which is limited or special rather than a general  
24 obligation bond of the political subdivision and which is not payable  
25 from the proceeds of an ad valorem tax; and

26 (11) ~~(10)~~ Sports arena facility means any enclosed temperature-  
27 controlled building primarily used for competitive sports, including  
28 arenas, dressing and locker facilities, concession areas, parking  
29 facilities, and onsite administrative offices connected with operating  
30 the facilities.

31 Sec. 18. Section 13-2604, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 13-2604 Any political subdivision that has acquired, constructed,  
3 improved, or equipped or has approved a ~~general obligation~~ bond issue to  
4 acquire, construct, improve, or equip eligible facilities may apply to  
5 the board for state assistance. The state assistance shall be used:

6 (1) To pay back amounts expended or borrowed through one or more  
7 issues of bonds to be expended by the political subdivision to acquire,  
8 construct, improve, repair, replace, and equip any eligible facilities  
9 until repayment in full of the amounts expended or borrowed by the  
10 political subdivision, including the principal of and interest on bonds,  
11 for all of its eligible facilities;

12 (2) To pay for capital improvements to any eligible facilities; and

13 (3) To acquire, construct, improve, repair, replace, and equip  
14 nearby parking facilities.

15 Sec. 19. Section 13-2605, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 13-2605 (1) All applications for state assistance under the  
18 Convention Center Facility Financing Assistance Act shall be in writing  
19 and shall include a certified copy of the approving action of the  
20 governing body of the applicant describing the proposed eligible facility  
21 and the anticipated financing.

22 (2) The application shall contain:

23 (a) A description of the proposed financing of the eligible  
24 facility, including the estimated principal and interest requirements for  
25 the bonds proposed to be issued in connection with the eligible facility  
26 or the amounts necessary to repay the original investment by the  
27 applicant in the eligible facility;

28 (b) Documentation of local financial commitment to support the  
29 project, including all public and private resources pledged or committed  
30 to the project;~~and~~

31 (c) A map identifying the area to be used in determining associated

1 hotels and nearby retailers; and

2 (d) ~~(e)~~ Any other project information deemed appropriate by the  
3 board.

4 (3) Upon receiving an application for state assistance, the board  
5 shall review the application and notify the applicant of any additional  
6 information needed for a proper evaluation of the application.

7 (4) Any state assistance received pursuant to the act shall be used  
8 only for public purposes.

9 (5) Approval of an application for state assistance by the board  
10 after the operative date of this section pursuant to section 13-2607  
11 shall establish the area to be used for determining associated hotels and  
12 nearby retailers as the aggregate area depicted in the map accompanying  
13 the application for state assistance as submitted pursuant to subdivision  
14 (2)(c) of this section.

15 (6) ~~(5)~~ Each political subdivision that had an application for state  
16 assistance approved prior to October 1, 2016, shall submit a map to the  
17 Department of Revenue showing the area that lies within six hundred yards  
18 of the eligible facility as such area is described in subdivision (1) of  
19 section 13-2603. The department shall approve such area if it satisfies  
20 the requirements of subdivision (1) of section 13-2603.

21 Sec. 20. Section 13-2609, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 13-2609 (1) If an application is approved, the Tax Commissioner  
24 shall:

25 (a) Audit or review audits of the approved convention and meeting  
26 center facility, sports arena facility, ~~or~~ associated hotel, or nearby  
27 retailer to determine the state sales tax revenue collected by retailers  
28 and operators doing business at such facilities on sales at such  
29 facilities, state sales tax revenue collected on primary and secondary  
30 box office sales of admissions to such facilities, and state sales tax  
31 revenue collected by associated hotels and nearby retailers; and

1 (b) Certify annually the amount of state sales tax revenue collected  
2 by retailers and operators doing business at such facilities on sales at  
3 such facilities, state sales tax revenue collected on primary and  
4 secondary box office sales of admissions to such facilities, and state  
5 sales tax revenue collected by associated hotels and nearby retailers, to  
6 the State Treasurer.

7 (2) State sales tax revenue collected by retailers and operators  
8 that are not eligible facilities but are doing business at eligible  
9 facilities shall be reported on informational returns developed by the  
10 Department of Revenue and provided to any such retailers and operators by  
11 the eligible facility. The informational returns shall be submitted to  
12 the department by the retailer or operator by the twentieth day of the  
13 month following the month the sales taxes are collected. The Tax  
14 Commissioner shall use the data from the informational returns and sales  
15 tax returns of eligible facilities, ~~and~~ associated hotels, and nearby  
16 retailers to determine the appropriate amount of state sales tax revenue.

17 (3) Changes made to the Convention Center Facility Financing  
18 Assistance Act by Laws 2007, LB 551, shall apply to state sales tax  
19 revenue collected commencing on July 1, 2006.

20 Sec. 21. Section 13-2610, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 13-2610 (1) Upon the annual certification under section 13-2609, the  
23 State Treasurer shall transfer after the audit the amount certified to  
24 the Convention Center Support Fund. The Convention Center Support Fund is  
25 created. Transfers may be made from the fund to the General Fund at the  
26 direction of the Legislature. Any money in the Convention Center Support  
27 Fund available for investment shall be invested by the state investment  
28 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
29 State Funds Investment Act.

30 (2)(a) It is the intent of the Legislature to appropriate from the  
31 fund to any political subdivision for which an application for state

1 assistance under the Convention Center Facility Financing Assistance Act  
2 has been approved an amount not to exceed (i) seventy percent of the  
3 state sales tax revenue collected by retailers and operators doing  
4 business at such facilities on sales at such facilities, state sales tax  
5 revenue collected on primary and secondary box office sales of admissions  
6 to such facilities, and state sales tax revenue collected by associated  
7 hotels and nearby retailers, (ii) one hundred fifty million dollars for  
8 any one approved project, or (iii) the total cost of acquiring,  
9 constructing, improving, repairing, replacing, or equipping the eligible  
10 facilities of the political subdivision facility. State assistance shall  
11 not be used for an operating subsidy.

12 (b) It is further the intent of the Legislature to appropriate from  
13 the fund to any city of the metropolitan class for which an application  
14 for state assistance under the Convention Center Facility Financing  
15 Assistance Act has been approved an amount not to exceed the amount of  
16 money transferred to the fund pursuant to subdivision (9)(a) of section  
17 13-3108.

18 (3)(a) Ten percent of the funds appropriated to a city of the  
19 metropolitan class under subdivision (2)(a) of this section and all of  
20 the funds appropriated to a city of the metropolitan class under  
21 subdivision (2)(b) of this section shall be equally distributed to areas  
22 with a high concentration of poverty. Fifty-five percent of such funds  
23 shall be used to showcase important historical aspects of such areas or  
24 areas within close geographic proximity of the area with a high  
25 concentration of poverty and to assist with the reduction of street and  
26 gang violence in such areas. Forty-five percent of such funds shall be  
27 used to assist with small business and entrepreneurship growth in such  
28 areas.

29 (b) Each area with a high concentration of poverty that has been  
30 distributed funds under subdivision (3)(a) of this section shall  
31 establish a development fund and form a committee which shall identify



1 and research potential projects to be completed in the area with a high  
2 concentration of poverty or in an area within close geographic proximity  
3 of such area if the project would have a significant or demonstrable  
4 impact on such area and make final determinations on the use of the funds  
5 received for such projects.

6 (c) A committee formed under subdivision (3)(b) of this section  
7 shall include the following members:

8 (i) The member of the city council whose district includes a  
9 majority of the census tracts which each contain a percentage of persons  
10 below the poverty line of greater than thirty percent, as determined by  
11 the most recent federal decennial census, within the area with a high  
12 concentration of poverty;

13 (ii) The commissioner of the county whose district includes a  
14 majority of the census tracts which each contain a percentage of persons  
15 below the poverty line of greater than thirty percent, as determined by  
16 the most recent federal decennial census, within the area with a high  
17 concentration of poverty;

18 (iii) Two residents of the area with a high concentration of  
19 poverty, appointed by the two members of the committee described in  
20 subdivisions (3)(c)(i) and (ii) of this section. Such resident members  
21 shall be appointed for four-year terms. Each time a resident member is to  
22 be appointed pursuant to this subdivision, the committee shall solicit  
23 applications from interested individuals by posting notice of the open  
24 position on the city's website and on the city's official social media  
25 accounts, if any, and by publishing the notice in a legal newspaper in or  
26 of general circulation in the area with a high concentration of poverty.  
27 Applications may be submitted to either of the committee members  
28 described in subdivisions (3)(c)(i) and (ii) of this section. Prior to  
29 making any appointment, the committee shall hold a public hearing in the  
30 area with a high concentration of poverty. Notice of the hearing shall be  
31 provided, at least seven days prior to the hearing, by posting the notice

1 on the city's website and on the city's official social media accounts,  
2 if any, and by publishing the notice in a legal newspaper in or of  
3 general circulation in the area with a high concentration of poverty; and

4 (iv) The member of the Legislature whose district includes a  
5 majority of the census tracts which each contain a percentage of persons  
6 below the poverty line of greater than thirty percent, as determined by  
7 the most recent federal decennial census, within the area with a high  
8 concentration of poverty. The member described in this subdivision shall  
9 be a nonvoting member of the committee.

10 (d) A committee formed under subdivision (3)(b) of this section  
11 shall solicit project ideas from the public and shall hold a public  
12 hearing in the area with a high concentration of poverty. Notice of a  
13 proposed hearing shall be provided in accordance with the procedures for  
14 notice of a public hearing pursuant to section 18-2115.01. The committee  
15 shall research potential projects and make the final determination  
16 regarding the annual distribution of funding to such projects.

17 (e) For any committee formed under subdivision (3)(b) of this  
18 section:

19 (i) The two committee members described in subdivisions (3)(c)(i)  
20 and (ii) of this section shall share joint responsibility of all  
21 committee operations and meetings. Applications for funding may be  
22 submitted to either of such members; and

23 (ii) All applications, reports, and other records of the committee  
24 shall be accessible to any member of the committee.

25 (f) Each recipient of funding from a committee formed under  
26 subdivision (3)(b) of this section shall submit an itemized report to  
27 such committee on the use of such funds. A recipient shall not be  
28 eligible to receive funding for more than three consecutive years unless  
29 such recipient is able to justify continued funding based on the  
30 following criteria:

31 (i) The number of people served by the project;

1 (ii) The relevance and scale of the project;

2 (iii) The desirability of the social or environmental outcomes of  
3 the project and how such outcomes will be achievable and measurable;

4 (iv) The economic impact on the area with a high concentration of  
5 poverty; and

6 (v) The recipient's sustainability plan.

7 (g) On or before July 1, 2022, and on or before July 1 of each year  
8 thereafter, a committee formed under subdivision (3)(b) of this section  
9 shall electronically submit a report to the Legislature which includes:

10 (i) A description of the projects that were funded during the most  
11 recently completed calendar year;

12 (ii) A description of where such projects were located;

13 (iii) A description of the outcomes of such projects; and

14 (iv) A ten-year strategic plan on how the committee plans to meet  
15 the goals described in subdivision (3)(a) of this section.

16 (h) For purposes of this subsection, an area with a high  
17 concentration of poverty means an area within the corporate limits of a  
18 city of the metropolitan class consisting of one or more contiguous  
19 census tracts, as determined by the most recent federal decennial census,  
20 which contain a percentage of persons below the poverty line of greater  
21 than thirty percent, and all census tracts contiguous to such tract or  
22 tracts, as determined by the most recent federal decennial census.

23 (4)(a) Ten percent of the funds appropriated to a city of the  
24 primary class under subdivision (2)(a) of this section may, if the city  
25 determines by consent of the city council that such funds are not  
26 currently needed for the purposes described in section 13-2604, be used  
27 as follows:

28 (i) For investment in the construction of qualified low-income  
29 housing projects as defined in 26 U.S.C. 42, including qualified projects  
30 receiving Nebraska affordable housing tax credits under the Affordable  
31 Housing Tax Credit Act; or

1 (ii) If there are no such qualified low-income housing projects as  
2 defined in 26 U.S.C. 42 being constructed or expected to be constructed  
3 within the political subdivision, for investment in areas with a high  
4 concentration of poverty to assist with low-income housing needs.

5 (b) For purposes of this subsection, an area with a high  
6 concentration of poverty means an area within the corporate limits of a  
7 city of the primary class consisting of one or more contiguous census  
8 tracts, as determined by the most recent American Community Survey 5-Year  
9 Estimate, which contain a percentage of persons below the poverty line of  
10 greater than thirty percent, and all census tracts contiguous to such  
11 tract or tracts, as determined by the most recent American Community  
12 Survey 5-Year Estimate.

13 (5) State assistance to the political subdivision shall no longer be  
14 available upon the retirement of the bonds issued to acquire, construct,  
15 improve, repair, replace, or equip all of the political subdivision's  
16 facilities facility or any subsequent bonds that refunded the original  
17 issue or when state assistance reaches the amount determined under  
18 subdivision (2)(a) of this section, whichever comes first.

19 (6) The remaining thirty percent of state sales tax revenue  
20 collected by retailers and operators doing business at such facilities on  
21 sales at such facilities, state sales tax revenue collected on primary  
22 and secondary box office sales of admissions to such facilities, and  
23 state sales tax revenue collected by associated hotels and nearby  
24 retailers, shall be appropriated by the Legislature to the Civic and  
25 Community Center Financing Fund. Upon the annual certification required  
26 pursuant to section 13-2609 and following the transfer to the Convention  
27 Center Support Fund required pursuant to subsection (1) of this section,  
28 the State Treasurer shall transfer an amount equal to the remaining  
29 thirty percent from the Convention Center Support Fund to the Civic and  
30 Community Center Financing Fund.

31 (7) Any municipality that has applied for and received a grant of

1 assistance under the Civic and Community Center Financing Act may not  
2 receive state assistance under the Convention Center Facility Financing  
3 Assistance Act.

4 Sec. 22. Section 13-2611, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 13-2611 (1) The applicant political subdivision may issue from time  
7 to time its bonds and refunding bonds to finance and refinance the  
8 acquisition, construction, improving, repairing, replacing, and equipping  
9 of eligible facilities and appurtenant public facilities that are a part  
10 of the same project or projects. The bonds may be sold by the applicant  
11 in such manner and for such price as the applicant determines, at a  
12 discount, at par, or at a premium, at private negotiated sale or at  
13 public sale, after notice published prior to the sale in a legal  
14 newspaper having general circulation in the political subdivision or in  
15 such other medium of publication of notice of sale as the applicant deems  
16 appropriate. The bonds shall have a stated maturity of forty ~~thirty~~ years  
17 or less and shall bear interest at such rate or rates and otherwise be  
18 issued in accordance with the respective procedures and with such other  
19 terms and provisions as are established, permitted, or authorized by  
20 applicable state laws and home rule charters for the type of bonds to be  
21 issued. Such bonds may be secured as to payment in whole or in part by a  
22 pledge, as shall be determined by the applicant, from the income,  
23 proceeds, and revenue of the eligible facilities financed with proceeds  
24 of such bonds, from the income, proceeds, and revenue of any of its  
25 eligible facilities, or from its revenue and income, including its sales,  
26 use, or occupation tax revenue, fees, appropriations, or receipts, as may  
27 be determined by the applicant. The applicant may further secure the  
28 bonds by a mortgage or deed of trust encumbering all or any portion of  
29 the eligible facilities and by a bond insurance policy or other credit  
30 support facility. No general obligation bonds, except refunding bonds,  
31 shall be issued until authorized by greater than fifty percent of the

1 applicant's electors voting on the question as to their issuance at any  
2 election as defined in section 32-108. The face of the bonds shall  
3 plainly state that the bonds and the interest thereon shall not  
4 constitute nor give rise to an indebtedness, obligation, or pecuniary  
5 liability of the state nor a charge against the general credit, revenue,  
6 or taxing power of the state. Bonds of the applicant are declared to be  
7 issued for an essential public and governmental purpose and, together  
8 with interest thereon and income therefrom, shall be exempt from all  
9 state income taxes.

10 (2) All payments to political subdivisions under the Convention  
11 Center Facility Financing Assistance Act are made subject to specific  
12 appropriation for such purpose. Nothing in the act precludes the  
13 Legislature from amending or repealing the act at any time.

14 Sec. 23. Section 13-2612, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 13-2612 The board shall not accept applications for assistance under  
17 the Convention Center Facility Financing Assistance Act after December  
18 31, 2030 ~~2012~~.

19 Sec. 24. Section 13-2706, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 13-2706 (1) Except as provided in subsection (2) of this section for  
22 a city of the primary class, any municipality that has applied for and  
23 received a grant of assistance under the Sports Arena Facility Financing  
24 Assistance Act shall not receive state assistance under the Civic and  
25 Community Center Financing Act for the same project for which the grant  
26 was awarded under the Sports Arena Facility Financing Assistance Act.

27 (2) A city of the primary class shall not be eligible to receive a  
28 grant of assistance from the Civic and Community Center Financing Act if  
29 the city has applied for and received a grant of assistance under the  
30 Sports Arena Facility Financing Assistance Act.

31 (3) Any city that has received funding under the Convention Center

1 Facility Financing Assistance Act shall not receive state assistance  
2 under the Civic and Community Center Financing Act.

3 (4) From July 1, 2023, to June 30, 2024, a municipality shall be  
4 eligible for a grant of assistance under the Civic and Community Center  
5 Financing Act only if such municipality (a) partners with a certified  
6 creative district and (b) is not prohibited from receiving a grant of  
7 assistance under subsection (1), (2), or (3) of this section.  
8 Notwithstanding the limitations on the amount of grants of assistance in  
9 section 13-2705, the department may award grants of assistance to  
10 qualifying municipalities in amounts set by the Nebraska Arts Council,  
11 which shall not be less than one hundred thousand dollars. The department  
12 shall coordinate with the Nebraska Arts Council for purposes of setting  
13 such amounts ~~amount of any grant of assistance for a municipality~~  
14 ~~partnering with a certified creative district shall not be less than one~~  
15 ~~hundred thousand dollars or more than two hundred fifty thousand dollars,~~  
16 ~~regardless of the population of the municipality.~~ For purposes of this  
17 subsection, certified creative district means a creative district  
18 certified pursuant to subdivision (5) of section 82-312. After June 30,  
19 2024, this subsection no longer applies.

20 (5) Any municipality eligible for a grant of assistance as provided  
21 in this section may apply for a grant of assistance from the fund. Any  
22 tribal government may apply for a grant of assistance from the fund.  
23 Application shall be made on forms developed by the department.

24 Sec. 25. Section 13-3102, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 13-3102 For purposes of the Sports Arena Facility Financing  
27 Assistance Act:

28 (1) Applicant means:

29 (a) A political subdivision; or

30 (b) A political subdivision and nonprofit organization that jointly  
31 submit an application under the act;

1           (2) Board means a board consisting of the Governor, the State  
2 Treasurer, the chairperson of the Nebraska Investment Council, the  
3 chairperson of the Nebraska State Board of Public Accountancy, and a  
4 professor of economics on the faculty of a state postsecondary  
5 educational institution appointed to a two-year term on the board by the  
6 Coordinating Commission for Postsecondary Education. For administrative  
7 and budget purposes only, the board shall be considered part of the  
8 Department of Revenue;

9           (3) Bond means a general obligation bond, redevelopment bond, lease-  
10 purchase bond, revenue bond, or combination of any such bonds;

11           (4) Concert venue means any enclosed, temperature-controlled  
12 building that is primarily used for live performances with an indoor  
13 capacity of at least two thousand two hundred fifty but no more than  
14 three thousand five hundred persons;

15           (5) ~~(4)~~ Court means a rectangular hard surface primarily used  
16 indoors for competitive sports, including, but not limited to,  
17 basketball, volleyball, or tennis;

18           (6) ~~(5)~~ Date that the project commenced means the date when a  
19 project starts as specified by a contract, resolution, or formal public  
20 announcement;

21           (7) ~~(6)~~ Economic redevelopment area means an area in the State of  
22 Nebraska in which:

23           (a) The average rate of unemployment in the area during the period  
24 covered by the most recent federal decennial census or American Community  
25 Survey 5-Year Estimate by the United States Bureau of the Census is at  
26 least one hundred fifty percent of the average rate of unemployment in  
27 the state during the same period; and

28           (b) The average poverty rate in the area is twenty percent or more  
29 for the federal census tract in the area;

30           (8) ~~(7)~~ Eligible sports arena facility means:

31           (a) Any publicly owned, enclosed, and temperature-controlled



1 building primarily used for sports that has a permanent seating capacity  
2 of at least three thousand but no more than seven thousand seats and in  
3 which initial occupancy occurs on or after July 1, 2010, including  
4 stadiums, arenas, dressing and locker facilities, concession areas,  
5 parking facilities, nearby parking facilities for the use of the eligible  
6 sports arena facility, and onsite administrative offices connected with  
7 operating the facilities;

8 (b) Any racetrack enclosure licensed by the State Racing and Gaming  
9 Commission in which initial occupancy occurs on or after July 1, 2010,  
10 including concession areas, parking facilities, and onsite administrative  
11 offices connected with operating the racetrack;~~and~~

12 (c) Any sports complex, including concession areas, parking  
13 facilities, and onsite administrative offices connected with operating  
14 the sports complex; and

15 (d) Any privately owned concert venue, including stages, dressing  
16 rooms, concession areas, parking facilities, lobby areas, and onsite  
17 administrative offices used in operating the concert venue;

18 (9) ~~(8)~~ General obligation bond means any bond or refunding bond  
19 issued by a political subdivision and which is payable from the proceeds  
20 of an ad valorem tax;

21 (10) ~~(9)~~ Increase in state sales tax revenue means the amount of  
22 state sales tax revenue collected by a nearby retailer during the fiscal  
23 year for which state assistance is calculated minus the amount of state  
24 sales tax revenue collected by the nearby retailer in the fiscal year  
25 that ended immediately preceding the project completion date of the  
26 eligible sports arena facility, except that the amount of state sales tax  
27 revenue of a nearby retailer shall not be less than zero;

28 (11) ~~(10)~~ Multipurpose field means a rectangular field of grass or  
29 synthetic turf which is primarily used for competitive field sports,  
30 including, but not limited to, soccer, football, flag football, lacrosse,  
31 or rugby;

1           (12) ~~(11)~~ Nearby parking facility means any parking lot, parking  
2 garage, or other parking structure that is not directly connected to an  
3 eligible sports arena facility but which is located, in whole or in part,  
4 within seven hundred yards of an eligible sports arena facility, measured  
5 from any point of the exterior perimeter of such facility but not from  
6 any other parking facility or other structure;

7           (13) ~~(12)~~ Nearby retailer means a retailer as defined in section  
8 77-2701.32 that is located within the program area. The term includes a  
9 subsequent owner of a nearby retailer operating at the same location;

10           (14) ~~(13)~~ New state sales tax revenue means:

11           (a) For any eligible sports arena facility that is not a sports  
12 complex:

13           (i) One hundred percent of the state sales tax revenue that (A) is  
14 collected by a nearby retailer that commenced collecting state sales tax  
15 during the period of time beginning twenty-four months prior to the  
16 project completion date of the eligible sports arena facility and ending  
17 forty-eight months after the project completion date of the eligible  
18 sports arena facility or, for applications for state assistance approved  
19 prior to October 1, 2016, forty-eight months after October 1, 2016, and  
20 (B) is sourced under sections 77-2703.01 to 77-2703.04 to the program  
21 area; and

22           (ii) The increase in state sales tax revenue that (A) is collected  
23 by a nearby retailer that commenced collecting state sales tax prior to  
24 twenty-four months prior to the project completion date of the eligible  
25 sports arena facility and (B) is sourced under sections 77-2703.01 to  
26 77-2703.04 to the program area; or

27           (b) For any eligible sports arena facility that is a sports complex,  
28 one hundred percent of the state sales tax revenue that (i) is collected  
29 by a nearby retailer that commenced collecting state sales tax during the  
30 period of time beginning on the date that the project commenced and  
31 ending forty-eight months after the project completion date of the

1 eligible sports arena facility and (ii) is sourced under sections  
2 77-2703.01 to 77-2703.04 to the program area;

3 (15) ~~(14)~~ Political subdivision means any city, village, or county;

4 (16) ~~(15)~~ Program area means:

5 (a) For any eligible sports arena facility that is not a sports  
6 complex:

7 (i) For applications for state assistance submitted prior to October  
8 1, 2016, the area that is located within six hundred yards of an eligible  
9 sports arena facility, measured from any point of the exterior perimeter  
10 of the facility but not from any parking facility or other structure; or

11 (ii) For applications for state assistance submitted on or after  
12 October 1, 2016, the area that is located within six hundred yards of an  
13 eligible sports arena facility, measured from any point of the exterior  
14 perimeter of the facility but not from any parking facility or other  
15 structure, except that if twenty-five percent or more of such area is  
16 unbuildable property, then the program area shall be adjusted so that:

17 (A) It avoids as much of the unbuildable property as is practical;  
18 and

19 (B) It contains contiguous property with the same total amount of  
20 square footage that the program area would have contained had no  
21 adjustment been necessary; or

22 (b) For any eligible sports arena facility that is a sports complex,  
23 the area that is located within six hundred yards of an eligible sports  
24 arena facility, measured from any point of the exterior boundary or  
25 property line of the facility.

26 Approval of an application for state assistance by the board  
27 pursuant to section 13-3106 shall establish the program area as that area  
28 depicted in the map accompanying the application for state assistance as  
29 submitted pursuant to subdivision (2)(c) of section 13-3104;

30 (17) ~~(16)~~ Project completion date means:

31 (a) For projects involving the acquisition or construction of an

1 eligible sports arena facility, the date of initial occupancy of the  
2 facility following the completion of such acquisition or construction; or

3 (b) For all other projects, the date of completion of the project  
4 for which state assistance is received;

5 (18) ~~(17)~~ Revenue bond means any bond or refunding bond issued by a  
6 political subdivision which is limited or special rather than a general  
7 obligation bond of the political subdivision and which is not payable  
8 from the proceeds of an ad valorem tax;

9 (19) ~~(18)~~ Sports complex means a facility that:

10 (a) Includes indoor areas, outdoor areas, or both;

11 (b) Is primarily used for competitive sports; and

12 (c) Contains at least:

13 (i) Twelve separate sports venues if such facility is located in a  
14 city of the metropolitan class;

15 (ii) Six separate sports venues if such facility is located in a  
16 city of the primary class; or

17 (iii) Four separate sports venues if such facility is located (A) in  
18 a city of the first class, city of the second class, or village, (B)  
19 within a county but outside the corporate limits of any city or village,  
20 (C) in an economic redevelopment area, or (D) in an opportunity zone  
21 designated pursuant to the federal Tax Cuts and Jobs Act, Public Law  
22 115-97;

23 (20) ~~(19)~~ Sports venue includes, but is not limited to:

24 (a) A baseball field;

25 (b) A softball field;

26 (c) A multipurpose field;

27 (d) An outdoor stadium primarily used for competitive sports;

28 (e) An outdoor arena primarily used for competitive sports; or

29 (f) An enclosed, temperature-controlled building primarily used for  
30 competitive sports. If any such building contains more than one  
31 multipurpose field, court, swimming pool, or other facility primarily

1 used for competitive sports, then each such multipurpose field, court,  
2 swimming pool, or facility shall count as a separate sports venue; and

3 (21) ~~(20)~~ Unbuildable property means any real property that is  
4 located in a floodway, an environmentally protected area, a right-of-way,  
5 or a brownfield site as defined in 42 U.S.C. 9601 that the political  
6 subdivision determines is not suitable for the construction or location  
7 of residential, commercial, or other buildings or facilities.

8 Sec. 26. Section 13-3103, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 13-3103 (1) Any applicant may apply to the board for state  
11 assistance if that has (a) the applicant has acquired, constructed,  
12 improved, or equipped an eligible sports arena facility, (b) the  
13 applicant has approved a revenue bond issue or a general obligation bond  
14 issue to acquire, construct, improve, or equip an eligible sports arena  
15 facility, ~~or~~ (c) the applicant has adopted a resolution authorizing the  
16 applicant to pursue a general obligation bond issue to acquire,  
17 construct, improve, or equip an eligible sports arena facility, or (d) a  
18 building permit has been issued within the applicant's jurisdiction for  
19 an eligible sports arena facility that is a privately owned concert venue  
20 may apply to the board for state assistance.

21 (2) The state assistance shall only be used by the applicant to pay  
22 back amounts expended or borrowed through one or more issues of bonds to  
23 be expended by the applicant to acquire, construct, improve, or equip the  
24 eligible sports arena facility and to acquire, construct, improve, or  
25 equip nearby parking facilities.

26 (3) For an eligible sports arena facility that is a privately owned  
27 concert venue, the state assistance shall only be used by the applicant  
28 (a) to pay back amounts expended or borrowed through one or more issues  
29 of bonds to be expended by the applicant to acquire, construct, improve,  
30 or equip a nearby parking facility or (b) to promote arts and cultural  
31 events which are open to or made available to the general public.

1           (4) ~~(3)~~ For applications for state assistance approved on or after  
2 October 1, 2016, (a) no more than fifty percent of the final cost of the  
3 project shall be funded by state assistance received pursuant to section  
4 13-3108 and (b) no more than ten years of funding for promotion of the  
5 arts and cultural events shall be paid by state assistance received  
6 pursuant to section 13-3108.

7           Sec. 27. Section 13-3104, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           13-3104 (1) All applications for state assistance under the Sports  
10 Arena Facility Financing Assistance Act shall be in writing and shall  
11 include a certified copy of the approving action of the governing body of  
12 the applicant describing the proposed project for which state assistance  
13 is requested and the anticipated financing.

14           (2) Except as provided in subsection (3) of this section, the The  
15 application shall contain:

16           (a) A description of the proposed financing of the project,  
17 including the estimated principal and interest requirements for the bonds  
18 proposed to be issued in connection with the project or the amounts  
19 necessary to repay the original investment by the applicant in the  
20 project;

21           (b) Documentation of local financial commitment to support the  
22 project, including all public and private resources pledged or committed  
23 to the project and including a copy of any operating agreement or lease  
24 with substantial users of the eligible sports arena facility;

25           (c) For applications submitted on or after October 1, 2016, a map  
26 identifying the program area, including any unbuildable property within  
27 the program area or taken into account in adjusting the program area as  
28 described in subdivision ~~(16)(a)(ii)~~ ~~(15)(a)(ii)~~ of section 13-3102; and

29           (d) Any other project information deemed appropriate by the board.

30           (3) If the state assistance will be used to provide funding for  
31 promotion of the arts and cultural events, the application shall contain:

1        (a) A detailed description of the programs contemplated and how such  
2 programs will be in furtherance of the applicant's public use or public  
3 purpose if such funds are to be expended through one or more private  
4 organizations; and

5        (b) Any other program information deemed appropriate by the board.

6        (4) (3) Upon receiving an application for state assistance, the  
7 board shall review the application and notify the applicant of any  
8 additional information needed for a proper evaluation of the application.

9        (5) (4) Any state assistance received pursuant to the act shall be  
10 used only for public purposes.

11        Sec. 28. Section 13-3108, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13        13-3108 (1) The Sports Arena Facility Support Fund is created. Any  
14 money in the fund available for investment shall be invested by the state  
15 investment officer pursuant to the Nebraska Capital Expansion Act and the  
16 Nebraska State Funds Investment Act.

17        (2)(a) Upon receiving the certification described in subsection (3)  
18 of section 13-3107, the State Treasurer shall transfer the amount  
19 certified to the fund.

20        (b) Upon receiving the quarterly certification described in  
21 subsection (4) of section 13-3107, the State Treasurer shall transfer the  
22 amount certified to the fund.

23        (3)(a) It is the intent of the Legislature to appropriate from the  
24 fund money to be distributed as provided in subsections (4) and (5) of  
25 this section to any political subdivision for which an application for  
26 state assistance under the Sports Arena Facility Financing Assistance Act  
27 has been approved an amount not to exceed seventy percent of the (i)  
28 state sales tax revenue collected by retailers doing business at eligible  
29 sports arena facilities on sales at such facilities, (ii) state sales tax  
30 revenue collected on primary and secondary box office sales of admissions  
31 to such facilities, and (iii) new state sales tax revenue collected by

1 nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to  
2 the program area.

3 (b) The amount to be appropriated for distribution as state  
4 assistance to a political subdivision under this subsection for any one  
5 year after the tenth year shall not exceed the highest such amount  
6 appropriated under subdivision (3)(a) of this section during any one year  
7 of the first ten years of such appropriation. If seventy percent of the  
8 state sales tax revenue as described in subdivision (3)(a) of this  
9 section exceeds the amount to be appropriated under this subdivision,  
10 such excess funds shall be transferred to the General Fund.

11 (4) The amount certified under subsection (3) of section 13-3107  
12 shall be distributed as state assistance on or before April 15, 2014.

13 (5) Beginning in 2014, quarterly distributions and associated  
14 transfers of state assistance shall be made. Such quarterly distributions  
15 and transfers shall be based on the certifications provided under  
16 subsection (4) of section 13-3107 and shall occur within fifteen days  
17 after receipt of such certification.

18 (6) The total amount of state assistance approved for an eligible  
19 sports arena facility shall not exceed one hundred million dollars.

20 ~~(7)(a) (7)~~ State assistance to the political subdivision shall no  
21 longer be available upon the retirement of the bonds issued to acquire,  
22 construct, improve, or equip the facility or any subsequent bonds that  
23 refunded the original issue or when state assistance reaches the amount  
24 determined under subsection (6) of this section, whichever comes first.

25 (b) If the state assistance will be used to provide funding for  
26 promotion of the arts and cultural events, such state assistance to the  
27 political subdivision shall no longer be available after ten years of  
28 funding or when state assistance reaches the amount determined under  
29 subsection (6) of this section, whichever comes first.

30 (8) State assistance shall not be used for an operating subsidy.

31 (9) The thirty percent of state sales tax revenue remaining after



1 the appropriation and transfer in subsection (3) of this section shall be  
2 appropriated by the Legislature and transferred quarterly as follows:

3 (a) If the revenue relates to an eligible sports arena facility that  
4 is a sports complex and that is approved for state assistance under  
5 section 13-3106 on or after May 26, 2021, eighty-three percent of such  
6 revenue shall be transferred to the Support the Arts Cash Fund and  
7 seventeen percent of such revenue shall be transferred to the Convention  
8 Center Support Fund; and

9 (b) If the revenue relates to any other eligible sports arena  
10 facility, such revenue shall be transferred to the Civic and Community  
11 Center Financing Fund.

12 (10) Except as provided in subsection (11) of this section for a  
13 city of the primary class, any municipality that has applied for and  
14 received a grant of assistance under the Civic and Community Center  
15 Financing Act shall not receive state assistance under the Sports Arena  
16 Facility Financing Assistance Act for the same project for which the  
17 grant was awarded under the Civic and Community Center Financing Act.

18 (11) A city of the primary class shall not be eligible to receive a  
19 grant of assistance from the Civic and Community Center Financing Act if  
20 the city has applied for and received a grant of assistance under the  
21 Sports Arena Facility Financing Assistance Act.

22 Sec. 29. The Legislature finds that safe and modern highway  
23 infrastructure is of great importance to Nebraska's residents,  
24 agricultural economy, business economy, and future economic growth.  
25 Furthermore, the Legislature finds that it is in the interest of Nebraska  
26 taxpayers to leverage interest rates to offset the challenges that  
27 construction inflation and uncertain federal highway funding pose to  
28 adequately financing the state's infrastructure needs. It is the intent  
29 of the Legislature to conservatively utilize bond financing by issuing  
30 bonds, not to exceed four hundred fifty million dollars in principal and  
31 thirty-five million dollars in annual debt service for a period of not

1 more than nineteen years, in order to accelerate completion of the  
2 highway construction projects identified and to be identified for funding  
3 under the Build Nebraska Act.

4       Sec. 30. Upon the written recommendation of the Department of  
5 Transportation, the commission, acting for and on behalf of the state,  
6 may issue from time to time bonds under the Nebraska Highway Bond Act by  
7 resolution as described in section 39-2209 in such principal amounts as  
8 determined by the commission for the purpose of accelerating completion  
9 of the highway construction projects identified and to be identified for  
10 funding under the Build Nebraska Act. The principal amounts, interest  
11 rates, maturities, redemption provisions, sale prices, and other terms of  
12 the bonds so authorized to be issued shall be in accordance with terms or  
13 conditions established by the commission. No bonds shall be issued after  
14 June 30, 2029, except for refunding bonds issued in accordance with the  
15 Nebraska Highway Bond Act. The proceeds from the sale of any bonds  
16 issued, net of costs of issuance, capitalized interest, and necessary or  
17 appropriate reserve funds, shall be deposited in the State Highway  
18 Capital Improvement Fund for use pursuant to the Build Nebraska Act. The  
19 commission is hereby granted all powers necessary or convenient to carry  
20 out the purposes and exercise the powers granted by the Nebraska Highway  
21 Bond Act. Bonds shall be paid off by June 30, 2042.

22       Sec. 31. The bonds issued pursuant to section 30 of this act shall  
23 be special obligations of the state payable solely and only from the  
24 State Highway Capital Improvement Fund and any other funds specifically  
25 pledged by the commission for such purpose, and neither the members of  
26 the commission nor any person executing the bonds shall be liable  
27 thereon. Such bonds shall not be a general obligation or debt of the  
28 state, and they shall contain on the face thereof a statement to such  
29 effect. Such bonds, and the transfer of and the income from any such  
30 bonds, shall be exempt from all taxation and assessments in this state.  
31 In the resolution authorizing the bonds, the commission may waive the

1 exemption from federal income taxation for interest on the bonds.

2       Sec. 32. Section 39-2205, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       39-2205 Bonds may be issued under the Nebraska Highway Bond Act only  
5 to the extent that the annual aggregate principal and interest  
6 requirements, in the calendar year in which such bonds are issued and in  
7 each calendar year thereafter until the scheduled maturity of such bonds,  
8 on such bonds and on all other bonds theretofore issued and to be  
9 outstanding and unpaid upon the issuance of such bonds shall not exceed  
10 the amount which is equal to fifty percent of the money deposited in the  
11 fund, the State Highway Capital Improvement Fund, or the bond fund, as  
12 the case may be, from which such bonds shall be paid during the calendar  
13 year preceding the issuance of the bonds proposed to be issued. This  
14 section shall not apply to the first issuance of each series of bonds  
15 authorized by the Legislature.

16       If short-term bonds are issued in anticipation of the issuance of  
17 long-term refunding bonds and such short-term bonds are secured by  
18 insurance or a letter of credit or similar guarantee issued by a  
19 financial institution rated by a national rating agency in one of the two  
20 highest categories of bond ratings, then, for the purposes of the  
21 Nebraska Highway Bond Act, when determining the amount of short-term  
22 bonds that may be issued and the amount of taxes, fees, or other money to  
23 be deposited in any fund for the payment of bonds issued under the act,  
24 the annual aggregate principal and interest payments on the short-term  
25 bonds shall be deemed to be such payments thereon, except that the final  
26 principal payment shall not be that specified in the short-term bonds but  
27 shall be the principal and all interest payments required to reimburse  
28 the issuer of the insurance policy or letter of credit or similar  
29 guarantee pursuant to the reimbursement agreement between the commission  
30 and such issuer.

31       Sec. 33. Section 39-2209, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 39-2209 Any resolution or resolutions of the commission authorizing  
3 any bonds or any issue thereof may contain provisions, consistent with  
4 the Nebraska Highway Bond Act and not in derogation or limitation of such  
5 act, which shall be a part of the contract with the holders thereof, as  
6 to:

7 (1) Pledging all or any part of the money in the fund, the State  
8 Highway Capital Improvement Fund, or the ~~or~~ bond fund, as the case may  
9 be, to secure the payment of the bonds, subject to such agreements with  
10 the bondholders as may then prevail;

11 (2) The use and disposition of money in the fund, the State Highway  
12 Capital Improvement Fund, or the ~~or~~ bond fund;

13 (3) The setting aside of reserves, sinking funds, or arbitrage  
14 rebate funds and the funding, regulation, and disposition thereof;

15 (4) Limitations on the purpose to which the proceeds from the sale  
16 of bonds may be applied;

17 (5) Limitations on the issuance of additional bonds and on the  
18 retirement of outstanding or other bonds pursuant to the Nebraska Highway  
19 Bond Act;

20 (6) The procedure by which the terms of any agreement with  
21 bondholders may be amended or abrogated, the amount of bonds the holders  
22 of which must consent thereto, and the manner in which such consent may  
23 be given;

24 (7) Vesting in a bank or trust company as paying agent such rights,  
25 powers, and duties as the commission may determine, vesting in a trustee  
26 appointed by the bondholders pursuant to the Nebraska Highway Bond Act  
27 such rights, powers, and duties as the commission may determine, and  
28 limiting or abrogating the right of the bondholders to appoint a trustee  
29 under such act or limiting the rights, powers, and duties of such  
30 trustee;

31 (8) Providing for a municipal bond insurance policy, surety bond,

1 letter of credit, or other credit support facility or liquidity facility;  
2 and

3 (9) Any other matters, of like or different character, which in any  
4 way affect the security or protection of the bonds.

5 Sec. 34. Section 39-2211, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 39-2211 In addition to the powers conferred upon the commission to  
8 secure the bonds in the Nebraska Highway Bond Act, the commission shall  
9 have power in connection with the issuance of bonds to enter into such  
10 agreements, consistent with the act and not in derogation or limitation  
11 of the act, as it may deem necessary, convenient, or desirable concerning  
12 the use or disposition of the money in the fund, the State Highway  
13 Capital Improvement Fund, or the ~~or~~ bond fund including the pledging or  
14 creation of any security interest in such money and the doing of or  
15 refraining from doing any act which the commission would have the right  
16 to do to secure the bonds in the absence of such agreements. The  
17 commission shall have the power to enter into amendments of any such  
18 agreements, consistent with the Nebraska Highway Bond Act and not in  
19 derogation or limitation of the act, within the powers granted to the  
20 commission by the act and to perform such agreements. The provisions of  
21 any such agreements may be made a part of the contract with the holders  
22 of the bonds.

23 Sec. 35. Section 39-2212, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 39-2212 Any pledge or security instrument made by the commission  
26 shall be valid and binding from the time when the pledge or security  
27 instrument is made. The money in the fund, the State Highway Capital  
28 Improvement Fund, or the ~~or~~ bond fund so pledged and entrusted shall  
29 immediately be subject to the lien of such pledge or security instrument  
30 upon the deposit thereof in the fund without any physical delivery  
31 thereof or further act. The lien of any such pledge or security

1 instrument shall be valid and binding as against all parties having  
2 subsequently arising claims of any kind in tort, contract, or otherwise,  
3 irrespective of whether such parties have notice thereof. Neither the  
4 resolution nor any security instrument or other instrument by which a  
5 pledge or other security is created need be recorded or filed and the  
6 commission shall not be required to comply with any of the provisions of  
7 the Uniform Commercial Code.

8 Sec. 36. Section 39-2213, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 39-2213 The bonds shall be special obligations of the state payable  
11 solely and only from the fund, the State Highway Capital Improvement  
12 Fund, or the ~~or~~ bond fund, as the case may be, and neither the members of  
13 the commission nor any person executing the bonds shall be liable  
14 thereon. Such bonds shall not be a general obligation debt of this state  
15 and they shall contain on the face thereof a statement to such effect.

16 Sec. 37. Section 39-2215, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18 39-2215 (1) There is hereby created in the state treasury a special  
19 fund to be known as the Highway Trust Fund.

20 (2) Except as provided in subsection (4) of this section, all ~~All~~  
21 funds credited to the Highway Trust Fund pursuant to sections 66-489.02,  
22 66-499, 66-4,140, 66-4,147, 66-6,108, and 66-6,109.02, and related  
23 penalties and interest, shall be allocated as provided in such sections.

24 (3) All sums of money credited to the Highway Trust Fund pursuant to  
25 subdivision (2)(c) of section 77-27,132 shall only be allocated to the  
26 Highway Cash Fund and shall not be used for the purposes described in  
27 subsection (4) of this section.

28 (4) The State Treasurer shall monthly credit, from those portions of  
29 the Highway Trust Fund otherwise allocated to the Highway Cash Fund, to  
30 the State Highway Capital Improvement Fund an amount equal to the sums of  
31 money credited to the Highway Trust Fund by subdivision (2)(c) of section

1 77-27,132, but in no event less than seventy million dollars annually.  
2 Such credit shall occur prior to allocating funds from the Highway Trust  
3 Fund to the Highway Cash Fund. Such credited funds shall only be derived  
4 from revenue closely related to the use of highways, including, but not  
5 limited to, motor vehicle fuel taxes, diesel fuel taxes, compressed fuel  
6 taxes, and alternative fuel fees related to highway use retained by the  
7 state, all motor vehicle registration fees retained by the state other  
8 than those fees credited to the State Recreation Road Fund, and other  
9 highway-user taxes, fees, and penalties imposed by state law. The  
10 remainder of such funds shall thereafter be credited to the Highway Cash  
11 Fund.

12 ~~(5)~~ (3) All other motor vehicle fuel taxes, diesel fuel taxes,  
13 compressed fuel taxes, and alternative fuel fees related to highway use  
14 retained by the state, all motor vehicle registration fees retained by  
15 the state other than those fees credited to the State Recreation Road  
16 Fund pursuant to subdivision (3) of section 60-3,156, and other highway-  
17 user taxes imposed by state law and allocated to the Highway Trust Fund,  
18 except for the proceeds of the sales and use taxes derived from motor  
19 vehicles, trailers, and semitrailers credited to the fund pursuant to  
20 section 77-27,132, are hereby irrevocably pledged for the terms of the  
21 bonds issued prior to January 1, 1988, to the payment of the principal,  
22 interest, and redemption premium, if any, of such bonds as they mature  
23 and become due at maturity or prior redemption and for any reserves  
24 therefor and shall, as received by the State Treasurer, be deposited in  
25 the fund for such purpose.

26 ~~(6)~~ (4) Of the money in the fund specified in subsection ~~(5)~~ (3) of  
27 this section which is not required for the use specified in such  
28 subsection, (a) an amount to be determined annually by the Legislature  
29 through the appropriations process may be transferred to the Motor Fuel  
30 Tax Enforcement and Collection Cash Fund for use as provided in section  
31 66-739 on a monthly or other less frequent basis as determined by the

1 appropriation language, (b) an amount to be determined annually by the  
2 Legislature through the appropriations process shall be transferred to  
3 the License Plate Cash Fund as certified by the Director of Motor  
4 Vehicles, and (c) the remaining money may be used for the purchase for  
5 retirement of the bonds issued prior to January 1, 1988, in the open  
6 market.

7 (7) ~~(5)~~ The State Treasurer shall monthly transfer, from the  
8 proceeds of the sales and use taxes credited to the Highway Trust Fund  
9 and any money remaining in the fund after the requirements of subsections  
10 (2) through (6) ~~(4)~~ of this section are satisfied, thirty thousand  
11 dollars to the Grade Crossing Protection Fund.

12 (8) ~~(6)~~ Except as provided in subsection (9) ~~(7)~~ of this section,  
13 the balance of the Highway Trust Fund shall be allocated fifty-three and  
14 one-third percent, less the amount provided for in section 39-847.01, to  
15 the Department of Transportation, twenty-three and one-third percent,  
16 less the amount provided for in section 39-847.01, to the various  
17 counties for road purposes, and twenty-three and one-third percent to the  
18 various municipalities for street purposes. If bonds are issued pursuant  
19 to subsection (2) of section 39-2223, the portion allocated to the  
20 department shall be credited monthly to the Highway Restoration and  
21 Improvement Bond Fund, and if no bonds are issued pursuant to such  
22 subsection, the portion allocated to the department shall be credited  
23 monthly to the Highway Cash Fund. The portions allocated to the counties  
24 and municipalities shall be credited monthly to the Highway Allocation  
25 Fund and distributed monthly as provided by law. Vehicles accorded  
26 prorated registration pursuant to section 60-3,198 shall not be included  
27 in any formula involving motor vehicle registrations used to determine  
28 the allocation and distribution of state funds for highway purposes to  
29 political subdivisions.

30 (9) ~~(7)~~ If it is determined by December 20 of any year that a county  
31 will receive from its allocation of state-collected highway revenue and



1 from any funds relinquished to it by municipalities within its boundaries  
2 an amount in such year which is less than such county received in state-  
3 collected highway revenue in calendar year 1969, based upon the 1976 tax  
4 rates for highway-user fuels and registration fees, the department shall  
5 notify the State Treasurer that an amount equal to the sum necessary to  
6 provide such county with funds equal to such county's 1969 highway  
7 allocation for such year shall be transferred to such county from the  
8 Highway Trust Fund. Such makeup funds shall be matched by the county as  
9 provided in sections 39-2501 to 39-2510. The balance remaining in the  
10 fund after such transfer shall then be reallocated as provided in  
11 subsection (8) ~~(6)~~ of this section.

12 (10) ~~(8)~~ The State Treasurer shall disburse the money in the Highway  
13 Trust Fund as directed by resolution of the commission. All disbursements  
14 from the fund shall be made by electronic funds transfer by the Director  
15 of Administrative Services. Any money in the fund available for  
16 investment shall be invested by the state investment officer pursuant to  
17 the Nebraska Capital Expansion Act and the Nebraska State Funds  
18 Investment Act and the earnings, if any, credited to the fund.

19 Sec. 38. (1) If bonds are issued pursuant to subsection (3) of  
20 section 39-2223, seventy million dollars of the funds annually retained  
21 by the state and allocated to the State Highway Capital Improvement Fund  
22 pursuant to subsection (4) of section 39-2215 shall be hereby irrevocably  
23 pledged for the terms of the bonds to the payment of the principal,  
24 interest, and redemption premium, if any, of such bonds as they mature  
25 and become due at maturity or prior redemption and for any reserves  
26 therefor and shall, as received by the State Treasurer, be deposited  
27 directly in the State Highway Capital Improvement Fund for such purpose.  
28 Of the money in the State Highway Capital Improvement Fund not required  
29 for such purpose, such remaining money may be used as prescribed in  
30 section 39-2704.

31 (2) The State Treasurer shall disburse the money in the State

1 Highway Capital Improvement Fund as directed by resolution of the  
2 commission. All disbursements from the State Highway Capital Improvement  
3 Fund shall be made upon warrants drawn by the Director of Administrative  
4 Services. Any money in the State Highway Capital Improvement Fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
7 State Funds Investment Act.

8       Sec. 39. Section 39-2216, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10       39-2216 The Legislature hereby irrevocably pledges and agrees with  
11 the holders of the bonds issued under the Nebraska Highway Bond Act that  
12 so long as such bonds remain outstanding and unpaid it shall not repeal,  
13 diminish, or apply to any other purposes the motor vehicle fuel taxes,  
14 diesel fuel taxes, compressed fuel taxes, and alternative fuel fees  
15 related to highway use, motor vehicle registration fees, and such other  
16 highway-user taxes which may be imposed by state law and allocated to the  
17 fund, the State Highway Capital Improvement Fund, or the ~~or~~ bond fund, as  
18 the case may be, if to do so would result in fifty percent of the amount  
19 deposited in the fund, the State Highway Capital Improvement Fund, or the  
20 ~~or~~ bond fund in each year being less than the amount equal to the maximum  
21 annual principal and interest requirements of such bonds.

22       Sec. 40. Section 39-2222, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24       39-2222 Sections 39-2201 to 39-2226 and sections 29 to 31 and 38 of  
25 this act shall be known and may be cited as the Nebraska Highway Bond  
26 Act.

27       Sec. 41. Section 39-2223, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       39-2223 (1) Under the authority granted by Article XIII, section 1,  
30 of the Constitution of Nebraska, the Legislature hereby authorizes the  
31 issuance of bonds in the principal amount of twenty million dollars in

1 1969 and in the principal amount of twenty million dollars on or before  
2 June 30, 1977, with the proceeds thereof to be used for the construction  
3 of highways in this state, the Legislature expressly finding that the  
4 need for such construction requires such action. Such bonds shall in all  
5 respects comply with the provisions of Article XIII, section 1, of the  
6 Constitution of Nebraska.

7 (2) Under the authority granted by Article XIII, section 1, of the  
8 Constitution of Nebraska, the Legislature hereby authorizes after July 1,  
9 1988, the issuance of bonds in a principal amount to be determined by the  
10 commission, not to exceed fifty million dollars. The outstanding  
11 principal amount of such bonds may exceed such limit if and to the extent  
12 that the commission determines that the issuance of advance refunding  
13 bonds under section 39-2226 in a principal amount greater than the bonds  
14 to be refunded would reduce the aggregate bond principal and interest  
15 requirements payable from the bond fund. The proceeds of such issues  
16 shall be used exclusively (a) for the construction, resurfacing,  
17 reconstruction, rehabilitation, and restoration of highways in this  
18 state, the Legislature expressly finding that the need for such  
19 construction and reconstruction work and the vital importance of the  
20 highway system to the welfare and safety of all Nebraskans requires such  
21 action, or (b) to eliminate or alleviate cash-flow problems resulting  
22 from the receipt of federal funds. Such bonds shall in all respects  
23 comply with the provisions of Article XIII, section 1, of the  
24 Constitution of Nebraska.

25 (3) Under the authority granted by Article XIII, section 1, of the  
26 Constitution of Nebraska, the Legislature hereby authorizes after July 1,  
27 2023, in addition to the authority granted in subsections (1) and (2) of  
28 this section, the issuance of bonds in one or more series in an aggregate  
29 principal amount to be determined by the commission, not to exceed four  
30 hundred fifty million dollars. The outstanding principal amount of such  
31 bonds may exceed such limit if and to the extent that the commission

1 determines that the issuance of advance refunding bonds under section  
2 39-2226 in a principal amount greater than the bonds to be refunded would  
3 reduce the aggregate bond principal and interest requirements payable  
4 from the State Highway Capital Improvement Fund. The proceeds of such  
5 issues shall be used exclusively for purposes of the Build Nebraska Act,  
6 the Legislature expressly finding that the need for such construction and  
7 reconstruction work and the vital importance of the highway system to the  
8 welfare and safety of all Nebraskans requires such action. Such bonds  
9 shall in all respects comply with the provisions of Article XIII, section  
10 1, of the Constitution of Nebraska.

11       Sec. 42. Section 39-2224, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13       39-2224 (1) The proceeds of the sale of bonds authorized by  
14 subsection (1) of section 39-2223 are hereby appropriated to the Highway  
15 Cash Fund of the Department of Transportation, for the biennium ending  
16 June 30, 1977, for expenditure for the construction of highways.

17       (2) The proceeds of the sale of bonds authorized by subsection (2)  
18 of section 39-2223 are hereby appropriated to the Highway Cash Fund of  
19 the Department of Transportation for expenditure for highway  
20 construction, resurfacing, reconstruction, rehabilitation, and  
21 restoration and for the elimination or alleviation of cash-flow problems  
22 resulting from the receipt of federal funds.

23       (3) The proceeds of the sale of bonds authorized by subsection (3)  
24 of section 39-2223 are hereby appropriated to the State Highway Capital  
25 Improvement Fund of the Department of Transportation for use pursuant to  
26 the Build Nebraska Act.

27       Sec. 43. Section 39-2703, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       39-2703 (1) The State Highway Capital Improvement Fund is created.  
30 The fund shall consist of money credited to the fund pursuant to  
31 subsection (4) of section 39-2215, proceeds of bonds issued pursuant to

1 subsection (3) of section 39-2223, section 77-27,132 and any other money  
2 as determined by the Legislature.

3 (2) The department may create or direct the creation of accounts  
4 within the fund as the department determines to be appropriate and useful  
5 in administering the fund.

6 (3) Any money in the fund available for investment shall be invested  
7 by the state investment officer pursuant to the Nebraska Capital  
8 Expansion Act and the Nebraska State Funds Investment Act. Investment  
9 earnings from investment of money in the fund shall be credited to the  
10 fund.

11 Sec. 44. Section 39-2704, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 39-2704 (1) The money credited to the fund pursuant to subsection  
14 (4) of section 39-2215 shall be used for repayment of bonds issued  
15 pursuant to subsection (3) of section 39-2223. If any of the money  
16 credited to the fund pursuant to subsection (4) of section 39-2215  
17 exceeds the amount of the annual principal and interest requirements for  
18 such bonds which are issued, such money shall be used as follows:

19 (a) ~~(1)~~ At least twenty-five percent of the money ~~credited to the~~  
20 ~~fund pursuant to section 77-27,132~~ each fiscal year shall be used, as  
21 determined by the department, for construction of the expressway system  
22 and federally designated high priority corridors; and

23 (b) ~~(2)~~ The remaining money ~~credited to the fund pursuant to section~~  
24 ~~77-27,132~~ each fiscal year shall be used to pay for surface  
25 transportation projects of the highest priority as determined by the  
26 department.

27 (2) The proceeds of bonds issued pursuant to subsection (3) of  
28 section 39-2223 which are credited to the fund shall be used as follows:

29 (a) At least seventy-five percent of the proceeds from such bonds  
30 shall be used, as determined by the department, for construction of the  
31 expressway system and federally designated high priority corridors; and

1           (b) The remaining proceeds shall be used to pay for surface  
2 transportation projects of the highest priority as determined by the  
3 department.

4           Sec. 45. Section 66-4,100, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6           66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund  
7 are hereby created. If bonds are issued pursuant to subsection (2) of  
8 section 39-2223, the balance of the share of the Highway Trust Fund  
9 allocated to the Department of Transportation and deposited into the  
10 Highway Restoration and Improvement Bond Fund as provided in subsection  
11 (8) ~~(6)~~ of section 39-2215 and the balance of the money deposited in the  
12 Highway Restoration and Improvement Bond Fund as provided in section  
13 39-2215.01 shall be transferred by the State Treasurer, on or before the  
14 last day of each month, to the Highway Cash Fund. If no bonds are issued  
15 pursuant to subsection (2) of section 39-2223, the share of the Highway  
16 Trust Fund allocated to the Department of Transportation shall be  
17 transferred by the State Treasurer on or before the last day of each  
18 month to the Highway Cash Fund.

19           The Legislature may direct the State Treasurer to transfer funds  
20 from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds  
21 shall be expended by the department (1) for acquiring real estate, road  
22 materials, equipment, and supplies to be used in the construction,  
23 reconstruction, improvement, and maintenance of state highways, (2) for  
24 the construction, reconstruction, improvement, and maintenance of state  
25 highways, including grading, drainage, structures, surfacing, roadside  
26 development, landscaping, and other incidentals necessary for proper  
27 completion and protection of state highways as the department shall,  
28 after investigation, find and determine shall be for the best interests  
29 of the highway system of the state, either independent of or in  
30 conjunction with federal-aid money for highway purposes, (3) for the  
31 share of the department of the cost of maintenance of state aid bridges,

1 (4) for planning studies in conjunction with federal highway funds for  
2 the purpose of analyzing traffic problems and financial conditions and  
3 problems relating to state, county, township, municipal, federal, and all  
4 other roads in the state and for incidental costs in connection with the  
5 federal-aid grade crossing program for roads not on state highways, (5)  
6 for tests and research by the department or proportionate costs of  
7 membership, tests, and research of highway organizations when  
8 participated in by the highway departments of other states, (6) for the  
9 payment of expenses and costs of the Board of Examiners for County  
10 Highway and City Street Superintendents as set forth in section 39-2310,  
11 (7) for support of the public transportation assistance program  
12 established under section 13-1209 and the intercity bus system assistance  
13 program established under section 13-1213, and (8) for purchasing from  
14 political or governmental subdivisions or public corporations, pursuant  
15 to section 39-1307, any federal-aid transportation funds available to  
16 such entities.

17 Any money in the Highway Cash Fund and the Roads Operations Cash  
18 Fund not needed for current operations of the department shall, as  
19 directed by the Director-State Engineer to the State Treasurer, be  
20 invested by the state investment officer pursuant to the Nebraska Capital  
21 Expansion Act and the Nebraska State Funds Investment Act, subject to  
22 approval by the board of each investment. All income received as a result  
23 of such investment shall be placed in the Highway Cash Fund.

24 Transfers may be made from the Roads Operations Cash Fund to the  
25 General Fund at the direction of the Legislature through June 30, 2019.  
26 The State Treasurer shall transfer seven million five hundred thousand  
27 dollars from the Roads Operations Cash Fund to the General Fund on or  
28 before June 30, 2018, on such date as directed by the budget  
29 administrator of the budget division of the Department of Administrative  
30 Services. The State Treasurer shall transfer seven million five hundred  
31 thousand dollars from the Roads Operations Cash Fund to the General Fund

1 on or after July 1, 2018, but on or before June 30, 2019, on such date as  
2 directed by the budget administrator of the budget division of the  
3 Department of Administrative Services.

4 Sec. 46. Section 77-1344, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 77-1344 (1) Agricultural or horticultural land which has an actual  
7 value as defined in section 77-112 reflecting purposes or uses other than  
8 agricultural or horticultural purposes or uses shall be assessed as  
9 provided in subsection (3) of section 77-201 if the land meets the  
10 qualifications of this subsection and an application for such special  
11 valuation is filed and approved pursuant to section 77-1345. In order for  
12 the land to qualify for special valuation, ~~all of the following criteria~~  
13 ~~shall be met: (a) The land must be located outside the corporate~~  
14 ~~boundaries of any sanitary and improvement district, city, or village~~  
15 ~~except as provided in subsection (2) of this section; and (b) the land~~  
16 ~~must be agricultural or horticultural land and must consist of five acres~~  
17 ~~or more. If the land consists of five contiguous acres or less, the owner~~  
18 ~~or lessee of the land must also provide an Internal Revenue Service~~  
19 ~~Schedule F documenting a profit or loss from farming for two out of the~~  
20 ~~last three years in order for such land to qualify for special valuation.~~

21 ~~(2) Special valuation may be applicable to agricultural or~~  
22 ~~horticultural land included within the corporate boundaries of a city or~~  
23 ~~village if:~~

24 ~~(a) The land is subject to a conservation or preservation easement~~  
25 ~~as provided in the Conservation and Preservation Easements Act and the~~  
26 ~~governing body of the city or village approves the agreement creating the~~  
27 ~~easement;~~

28 ~~(b) The land is subject to air installation compatible use zone~~  
29 ~~regulations; or~~

30 ~~(c) The land is within a flood plain.~~

31 ~~(2) (3) The eligibility of land for the special valuation provisions~~



1 of this section shall be determined each year as of January 1. If the  
2 land so qualified becomes disqualified on or before December 31 of that  
3 year, it shall continue to receive the special valuation until January 1  
4 of the year following.

5 ~~(3) (4)~~ The special valuation placed on such land by the county  
6 assessor under this section shall be subject to equalization by the  
7 county board of equalization and the Tax Equalization and Review  
8 Commission.

9 Sec. 47. Section 77-1347, Revised Statutes Cumulative Supplement,  
10 2022, is amended to read:

11 77-1347 Upon approval of an application, the county assessor shall  
12 value the land as provided in section 77-1344 until the land becomes  
13 disqualified for such valuation by:

14 (1) Written notification by the applicant or his or her successor in  
15 interest to the county assessor to remove such special valuation;

16 (2) Inclusion ~~Except as provided in subsection (2) of section~~  
17 ~~77-1344, inclusion~~ of the land within the corporate boundaries of any  
18 sanitary and improvement district, city, or village, except that this  
19 subdivision shall not apply on or after January 1, 2023; or

20 (3) The land no longer qualifying as agricultural or horticultural  
21 land. ~~;~~

22 ~~(4) For land that consists of five contiguous acres or less, the~~  
23 ~~owner or lessee of the land not being able to provide an Internal Revenue~~  
24 ~~Service Schedule F documenting a profit or loss from farming for two out~~  
25 ~~of the last three years.~~

26 Sec. 48. Section 77-1403, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 77-1403 (1) Unless otherwise permitted under section 529A, the owner  
29 of an account shall be the designated beneficiary of the account, except  
30 that if the designated beneficiary of the account is a minor or has a  
31 custodian or other fiduciary appointed for the purposes of managing such

1 beneficiary's financial affairs, a custodian or fiduciary for such  
2 designated beneficiary may serve as the account owner if such form of  
3 ownership is permitted or not prohibited under section 529A.

4 (2) Unless otherwise permitted under section 529A, the designated  
5 beneficiary of an account shall be a resident of the state or of a  
6 contracting state. The State Treasurer shall determine residency of  
7 Nebraska residents for such purpose in such manner as may be required or  
8 permissible under section 529A or, in the absence of any guidance under  
9 section 529A, by such other means as the State Treasurer shall consider  
10 advisable for purposes of satisfying the requirements of section 529A.

11 (3) To the extent permitted by federal law, upon the death of a  
12 designated beneficiary of an account, the owner of the account or the  
13 personal representative of the designated beneficiary may have the  
14 balance of the account transferred to another account under the program  
15 specified by the owner of the account, the designated beneficiary, or the  
16 estate of the designated beneficiary. If the balance of the account on  
17 the date of death is less than or equal to five thousand dollars, the  
18 owner of the account or the personal representative of the designated  
19 beneficiary may also have the balance of the account distributed to an  
20 individual or individuals specified by the designated beneficiary, the  
21 owner of the account, or the personal representative of the designated  
22 beneficiary.

23 (4) At the time an account is established under the program and  
24 prior to any transfer or distribution pursuant to subsection (3) of this  
25 section, the State Treasurer shall notify the owner of the account, the  
26 designated beneficiary, and the estate of the designated beneficiary, if  
27 applicable, of the potential tax consequences of transferring or  
28 distributing funds pursuant to subsection (3) of this section.

29 (5) Upon the death of a designated beneficiary and after the  
30 Department of Health and Human Services has received approval from the  
31 Centers for Medicare and Medicaid Services of the United States

1 Department of Health and Human Services:

2 (a) The state shall not seek recovery of any amount remaining in the  
3 account of the designated beneficiary for any amount of medical  
4 assistance received by the designated beneficiary or his or her spouse or  
5 dependent under the medical assistance program pursuant to the Medical  
6 Assistance Act after the establishment of the account; and

7 (b) The state shall not file a claim for the payment under  
8 subdivision (f) of section 529A of the Internal Revenue Code, as amended.

9 Sec. 49. Section 77-1631, Revised Statutes Cumulative Supplement,  
10 2022, is amended to read:

11 77-1631 For purposes of the Property Tax Request Act:

12 (1) Allowable growth percentage means a percentage equal to the sum  
13 of (a) two percent plus (b) the political subdivision's real growth  
14 percentage;

15 (2) Excess value means an amount equal to the assessed value of the  
16 real property included in a tax increment financing project minus the  
17 redevelopment project valuation for such real property;

18 (3) Property tax request means the total amount of property taxes  
19 requested to be raised for a political subdivision through the levy  
20 imposed pursuant to section 77-1601, excluding the amount to be levied  
21 for the payment of principal or interest on bonds issued or authorized to  
22 be issued by a school district;

23 (4) Real growth percentage means the percentage obtained by dividing  
24 (a) the political subdivision's real growth value by (b) the political  
25 subdivision's total real property valuation from the prior year;

26 (5) Real growth value means and includes:

27 (a) The increase in a political subdivision's real property  
28 valuation from the prior year to the current year due to (i) improvements  
29 to real property as a result of new construction and additions to  
30 existing buildings, (ii) any other improvements to real property which  
31 increase the value of such property, (iii) annexation of real property by

1 the political subdivision, and (iv) a change in the use of real property;  
2 and

3 (b) The annual increase in the excess value for any tax increment  
4 financing project located in the political subdivision;

5 (6) Redevelopment project valuation has the same meaning as in  
6 section 18-2103; and

7 (7) Tax increment financing project means a redevelopment project as  
8 defined in section 18-2103 that is financed through the division of taxes  
9 as provided in section 18-2147.

10 Sec. 50. Section 77-1633, Revised Statutes Cumulative Supplement,  
11 2022, is amended to read:

12 77-1633 (1) For purposes of this section, political subdivision  
13 means any county, city, school district, or community college.

14 (2) If any political subdivision seeks to increase its property tax  
15 request by more than the allowable growth percentage, such political  
16 subdivision may do so if:

17 (a) A public hearing is held and notice of such hearing is provided  
18 in compliance with subsection (3) of this section; and

19 (b) The governing body of such political subdivision passes a  
20 resolution or an ordinance that complies with subsection (4) of this  
21 section.

22 (3)(a) Each political subdivision within a county that seeks to  
23 increase its property tax request by more than the allowable growth  
24 percentage shall participate in a joint public hearing. Each such  
25 political subdivision shall designate one representative to attend the  
26 joint public hearing on behalf of the political subdivision. If a  
27 political subdivision includes area in more than one county, the  
28 political subdivision shall be deemed to be within the county in which  
29 the political subdivision's principal headquarters are located. At such  
30 hearing, there shall be no items on the agenda other than discussion on  
31 each political subdivision's intent to increase its property tax request

1 by more than the allowable growth percentage.

2 (b) At least one elected official from each participating political  
3 subdivision shall attend the joint public hearing. An elected official  
4 may be the designated representative from a participating political  
5 subdivision. The presence of a quorum or the participation of elected  
6 officials at the joint public hearing does not constitute a meeting as  
7 defined by section 84-1409 of the Open Meetings Act.

8 (c) ~~(b)~~ The joint public hearing shall be held on or after September  
9 14 ~~17~~ and prior to September 24 ~~29~~ and before any of the participating  
10 political subdivisions file their adopted budget statement pursuant to  
11 section 13-508.

12 (d) ~~(c)~~ The joint public hearing shall be held after 6 p.m. local  
13 time on the relevant date.

14 (e) ~~(d)~~ The joint public hearing shall be organized by the county  
15 clerk or his or her designee. At the joint public hearing, the designated  
16 representative of each political subdivision shall give a brief  
17 presentation on the political subdivision's intent to increase its  
18 property tax request by more than the allowable growth percentage and the  
19 effect of such request on the political subdivision's budget. The  
20 presentation shall include:

21 (i) The name of the political subdivision;

22 (ii) The amount of the property tax request; and

23 (iii) The following statements:

24 (A) The total assessed value of property differs from last year's  
25 total assessed value by ..... percent;

26 (B) The tax rate which would levy the same amount of property taxes  
27 as last year, when multiplied by the new total assessed value of  
28 property, would be \$..... per \$100 of assessed value;

29 (C) The (name of political subdivision) proposes to adopt a property  
30 tax request that will cause its tax rate to be \$..... per \$100 of  
31 assessed value;

1 (D) Based on the proposed property tax request and changes in other  
2 revenue, the total operating budget of (name of political subdivision)  
3 will exceed last year's by ..... percent; and

4 (E) To obtain more information regarding the increase in the  
5 property tax request, citizens may contact the (name of political  
6 subdivision) at (telephone number and email address of political  
7 subdivision).

8 (f) ~~(e)~~ Any member of the public shall be allowed to speak at the  
9 joint public hearing and shall be given a reasonable amount of time to do  
10 so.

11 (g) ~~(f)~~ Notice of the joint public hearing shall be provided:

12 (i) By sending a postcard to all affected property taxpayers. The  
13 postcard shall be sent to the name and address to which the property tax  
14 statement is mailed;

15 (ii) By posting notice of the hearing on the home page of the  
16 relevant county's website, except that this requirement shall only apply  
17 if the county has a population of more than ten ~~twenty-five~~ thousand  
18 inhabitants; and

19 (iii) By publishing notice of the hearing in a legal newspaper in or  
20 of general circulation in the relevant county.

21 (h) ~~(g)~~ Each political subdivision that participates in the joint  
22 public hearing shall electronically send the information prescribed in  
23 subdivision (3)(i) ~~(3)(h)~~ of this section to the county assessor ~~clerk~~ by  
24 September 4 ~~5~~. The county clerk shall notify ~~transmit the information to~~  
25 the county assessor of the date, time, and location of the joint public  
26 hearing ~~no later than September 4~~ ~~10~~. The county clerk shall notify each  
27 participating political subdivision of the date, time, and location of  
28 the joint public hearing. The county assessor shall send the information  
29 required to be included on the postcards pursuant to subdivision (3)(i)  
30 ~~(3)(h)~~ of this section to a printing service designated by the county  
31 board. The initial cost for printing the postcards shall be paid from the

1 county general fund. Such postcards shall be mailed at least seven  
2 calendar days before the joint public hearing. The cost of creating and  
3 mailing the postcards, including staff time, materials, and postage,  
4 shall be charged proportionately to the political subdivisions  
5 participating in the joint public hearing based on the total number of  
6 parcels in each participating political subdivision. Each participating  
7 political subdivision shall also maintain a prominently displayed and  
8 easily accessible link on the home page of the political subdivision's  
9 website to the political subdivision's proposed budget, except that this  
10 requirement shall not apply if the political subdivision is a county with  
11 a population of less than ten thousand inhabitants, a city with a  
12 population of less than one thousand inhabitants, or, for joint public  
13 hearings prior to January 1, 2024, a school district.

14 (i) ~~(h)~~ The postcard sent under this subsection and the notice  
15 posted on the county's website, if required under subdivision (3)(g)(ii)  
16 ~~(3)(f)(ii)~~ of this section, and published in the newspaper shall include  
17 the date, time, and location for the joint public hearing, a listing of  
18 and telephone number for each political subdivision that will be  
19 participating in the joint public hearing, and the amount of each  
20 participating political subdivision's property tax request. The postcard  
21 shall also contain the following information:

22 (i) The following words in capitalized type at the top of the  
23 postcard: NOTICE OF PROPOSED TAX INCREASE;

24 (ii) The name of the county that will hold the joint public hearing,  
25 which shall appear directly underneath the capitalized words described in  
26 subdivision (3)(i)(i) ~~(3)(h)(i)~~ of this section;

27 (iii) The following statement: The following political subdivisions  
28 are proposing a revenue increase which would result in an overall  
29 increase in property taxes in (insert current tax year). THE ACTUAL TAX  
30 ON YOUR PROPERTY MAY INCREASE OR DECREASE. This notice contains estimates  
31 of the tax on your property as a result of this revenue increase. These

1 estimates are calculated on the basis of the proposed (insert current tax  
2 year) data. The actual tax on your property may vary from these  
3 estimates.

4 (iv) The parcel number for the property;

5 (v) The name of the property owner and the address of the property;

6 (vi) The property's assessed value in the previous tax year;

7 (vii) The amount of property taxes due in the previous tax year for  
8 each participating political subdivision;

9 (viii) The property's assessed value for the current tax year;

10 (ix) The amount of property taxes due for the current tax year for  
11 each participating political subdivision;

12 (x) The change in the amount of property taxes due for each  
13 participating political subdivision from the previous tax year to the  
14 current tax year; and

15 (xi) The following statement: To obtain more information regarding  
16 the tax increase, citizens may contact the political subdivision at the  
17 telephone number provided in this notice.

18 (4) After the joint public hearing required in subsection (3) of  
19 this section, the governing body of each participating political  
20 subdivision shall pass an ordinance or resolution to set such political  
21 subdivision's property tax request. If the political subdivision is  
22 increasing its property tax request over the amount from the prior year,  
23 including any increase in excess of the allowable growth percentage, then  
24 such ordinance or resolution shall include, but not be limited to, the  
25 following information:

26 (a) The name of the political subdivision;

27 (b) The amount of the property tax request;

28 (c) The following statements:

29 (i) The total assessed value of property differs from last year's  
30 total assessed value by ..... percent;

31 (ii) The tax rate which would levy the same amount of property taxes



1 as last year, when multiplied by the new total assessed value of  
2 property, would be \$..... per \$100 of assessed value;

3 (iii) The (name of political subdivision) proposes to adopt a  
4 property tax request that will cause its tax rate to be \$..... per \$100  
5 of assessed value; and

6 (iv) Based on the proposed property tax request and changes in other  
7 revenue, the total operating budget of (name of political subdivision)  
8 will exceed last year's by ..... percent; and

9 (d) The record vote of the governing body in passing such resolution  
10 or ordinance.

11 (5) Any resolution or ordinance setting a property tax request under  
12 this section shall be certified and forwarded to the county clerk on or  
13 before October 15 of the year for which the tax request is to apply.

14 (6) The county clerk, or his or her designee, shall prepare a report  
15 which shall include:

16 (a) The ~~the~~ names of the designated representatives of the political  
17 subdivisions participating in the joint public hearing; ~~and~~

18 (b) The ~~the~~ name and address of each individual who spoke at the  
19 joint public hearing, unless the address requirement is waived to protect  
20 the security of the individual, and the name of any organization  
21 represented by each such individual; -

22 (c) The name of each political subdivision that participated in the  
23 joint public hearing;

24 (d) The real growth value and real growth percentage for each  
25 participating political subdivision;

26 (e) The amount each participating political subdivision seeks to  
27 increase its property tax request in excess of the allowable growth  
28 percentage; and

29 (f) The number of individuals who signed in to attend the joint  
30 public hearing.

31 Such report shall be delivered to the political subdivisions

1 participating in the joint public hearing within ten days after such  
2 hearing.

3 Sec. 51. Section 77-1701, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 77-1701 (1) The county treasurer shall be ex officio county  
6 collector of all taxes levied within the county. The county board shall  
7 designate a county official to mail or otherwise deliver a statement of  
8 the amount of taxes due and a notice that special assessments are due, to  
9 the last-known address of the person, firm, association, or corporation  
10 against whom such taxes or special assessments are assessed or to the  
11 lending institution or other party responsible for paying such taxes or  
12 special assessments. Such statement shall clearly indicate, for each  
13 political subdivision, the levy rate and the amount of taxes due as the  
14 result of principal or interest payments on bonds issued by the political  
15 subdivision and shall show such rate and amount separate from any other  
16 levy. ~~When Beginning with tax year 2000, when~~ taxes on real property are  
17 delinquent for a prior year, the county treasurer shall indicate this  
18 information on the current year tax statement in bold letters. The  
19 information provided shall inform the taxpayer that delinquent taxes and  
20 interest are due for the prior year or years and shall indicate the  
21 specific year or years for which such taxes and interest remain unpaid.  
22 The language shall read "Back Taxes and Interest Due For", followed by  
23 numbers to indicate each year for which back taxes and interest are due  
24 and a statement indicating that failure to pay the back taxes and  
25 interest may result in the loss of the real property. Failure to receive  
26 such statement or notice shall not relieve the taxpayer from any  
27 liability to pay such taxes or special assessments and any interest or  
28 penalties accrued thereon. In any county in which a city of the  
29 metropolitan class is located, all statements of taxes shall also include  
30 notice that special assessments for cutting weeds, removing litter, and  
31 demolishing buildings are due.

1 (2) Notice that special assessments are due shall not be required  
2 for special assessments levied by sanitary and improvement districts  
3 organized under Chapter 31, article 7, except that such notice may be  
4 provided by the county at the discretion of the county board or by the  
5 sanitary and improvement district with the approval of the county board.

6 (3) A statement of the amount of taxes due and a notice that special  
7 assessments are due shall not be required to be mailed or otherwise  
8 delivered pursuant to subsection (1) of this section if the total amount  
9 of the taxes and special assessments due is less than two dollars.  
10 Failure to receive the statement or notice shall not relieve the taxpayer  
11 from any liability to pay the taxes or special assessments but shall  
12 relieve the taxpayer from any liability for interest or penalties. Taxes  
13 and special assessments of less than two dollars shall be added to the  
14 amount of taxes and special assessments due in subsequent years and shall  
15 not be considered delinquent until the total amount is two dollars or  
16 more.

17 Sec. 52. Section 77-1802, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 77-1802 The county treasurer shall, not less than four nor more than  
20 six weeks prior to the first Monday of March in each year, make out a  
21 list of all real property subject to sale and the amount of all  
22 delinquent taxes against each item with an accompanying notice stating  
23 that so much of such property described in the list as may be necessary  
24 for that purpose will, on the first Monday of March next thereafter, be  
25 sold by such county treasurer at public auction at his or her office for  
26 the taxes, interest, and costs thereon. In making such list, the county  
27 treasurer shall describe the property as it is described on the tax list  
28 and shall include the name of the owner of record of the property, the  
29 property's parcel number, if any, and the property's street address, if  
30 any.

31 Sec. 53. Section 77-1818, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       77-1818 (1) The purchaser of any real property sold by the county  
3 treasurer for taxes shall be entitled to a certificate in writing,  
4 describing the real property so purchased, the sum paid, and the time  
5 when the purchaser will be entitled to a deed, which certificate shall be  
6 signed by the county treasurer in his or her official capacity and shall  
7 be presumptive evidence of the regularity of all prior proceedings. Each  
8 tax lien shall be shown on a single certificate. The purchaser acquires a  
9 perpetual lien of the tax on the real property, and if after the taxes  
10 become delinquent he or she subsequently pays any taxes levied on the  
11 property, whether levied for any year or years previous or subsequent to  
12 such sale, he or she shall have the same lien for them and may add them  
13 to the amount paid by him or her in the purchase.

14       (2) Upon issuance of the certificate, the purchaser shall notify, by  
15 personal service, the property owner of the real property that was sold  
16 for taxes at the address listed for such owner in the records of the  
17 county assessor. The notice shall (a) state that a certificate has been  
18 issued, (b) include a brief description of the property owner's legal  
19 rights to redeem the real property, (c) identify the real property by the  
20 street address listed in the records of the county assessor, (d) include  
21 the total amount of taxes, interest, and costs for which the property was  
22 sold and a recitation that interest and fees may accrue, and (e) include  
23 a prominent warning that failure to act may result in forfeiture of the  
24 property after three years. The purchaser shall prove such service of  
25 notice by affidavit, and such affidavit shall be filed with the  
26 application for the tax deed pursuant to section 77-1837. An  
27 administrative fee shall be allowed for any service of notice under this  
28 subsection. The administrative fee shall be equal to the greater of one  
29 hundred dollars or the actual cost incurred by the purchaser for such  
30 service of notice. The amount of such fee shall be noted by the county  
31 treasurer in the record opposite the real property described in the

1 notice and shall be collected by the county treasurer in case of  
2 redemption for the benefit of the holder of the certificate. The  
3 purchaser shall notify the county treasurer of the amount of such fee  
4 within thirty days after completion of the service of notice.

5       Sec. 54. Section 77-1824, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       77-1824 The owner or occupant of any real property sold for taxes or  
8 any person having a lien thereupon or interest therein may redeem the  
9 same. The right of redemption expires when the purchaser files an  
10 application for tax deed with the county treasurer. A redemption shall  
11 not be accepted by the county treasurer, or considered valid, unless  
12 received prior to the close of business on the day the application for  
13 the tax deed is received by the county treasurer. Redemption shall be  
14 accomplished by paying the county treasurer for the use of such purchaser  
15 or his or her heirs or assigns the sum mentioned in his or her  
16 certificate, with interest thereon at the rate specified in section  
17 45-104.01, as such rate may from time to time be adjusted by the  
18 Legislature, from the date of purchase to date of redemption, together  
19 with all other taxes subsequently paid, whether for any year or years  
20 previous or subsequent to the sale, and interest thereon at the same rate  
21 from date of such payment to date of redemption. The amount due for  
22 redemption shall include the issuance fee charged pursuant to section  
23 77-1823 and the administrative fee charged pursuant to subsection (2) of  
24 section 77-1818.

25       Sec. 55. Section 77-1837, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27       77-1837 (1) At any time within nine months after the expiration of  
28 three years after the date of sale of any real estate for taxes or  
29 special assessments, if such real estate has not been redeemed and the  
30 requirements of subsection (2) of this section have been met, the  
31 purchaser or his or her assignee may apply to the county treasurer for a

1 tax deed for the real estate described in such purchaser's or assignee's  
2 tax sale certificate. The county treasurer shall execute and deliver a  
3 deed of conveyance for the real estate described in such tax sale  
4 certificate if he or she has received the following:

5 (a) The tax sale certificate;

6 (b) The issuance fee for the tax deed and the fee of the notary  
7 public or other officer acknowledging the tax deed, as required under  
8 section 77-1823;

9 (c) The affidavit proving personal service of the notice required in  
10 subsection (2) of section 77-1818;

11 (d) ~~(e)~~ For any notice provided pursuant to section 77-1832, the  
12 affidavit proving service of notice, the copy of the notice, and the copy  
13 of the title search required under section 77-1833; and

14 (e) ~~(d)~~ For any notice provided by publication pursuant to section  
15 77-1834, the affidavit of the publisher, manager, or other employee of  
16 the newspaper, the copy of the notice, the affidavit of the purchaser or  
17 assignee, and the copy of the title search required under section  
18 77-1835.

19 (2) The purchaser or his or her assignee may apply for a tax deed  
20 under this section if one hundred ten percent of the assessed value of  
21 the real estate described in the tax sale certificate, less the amount  
22 that would be needed to redeem such real estate, is twenty-five thousand  
23 dollars or less. If such requirement is not met, the purchaser or his or  
24 her assignee shall foreclose the lien represented by the tax sale  
25 certificate pursuant to section 77-1902.

26 (3) ~~(2)~~ The failure of the county treasurer to issue the deed of  
27 conveyance if requested within the timeframe provided in subsection (1)  
28 of this section shall not impair the validity of such deed if there has  
29 otherwise been compliance with sections 77-1801 to 77-1863.

30 Sec. 56. Section 77-1838, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           77-1838 (1) The deed made by the county treasurer shall be under  
2 the official seal of office and acknowledged by the county treasurer  
3 before some officer authorized to take the acknowledgment of deeds. When  
4 so executed and acknowledged, it shall be recorded in the same manner as  
5 other conveyances of real estate. When recorded it shall vest in the  
6 grantee and his or her heirs and assigns the title of the property  
7 described in the deed, subject to any lien on real estate for special  
8 assessments levied by a sanitary and improvement district which special  
9 assessments have not been previously offered for sale by the county  
10 treasurer.

11           (2) Within thirty days after recording of the deed, the grantee  
12 shall pay the surplus to the previous owner of the property described in  
13 the deed. For purposes of this subsection, the surplus shall be  
14 calculated as follows:

15           (a) If the property has been sold since recording of the deed, the  
16 surplus shall be equal to the amount received from such sale, minus (i)  
17 the amount that would have been needed to redeem such property, (ii) the  
18 amount needed to pay all encumbrances on such property, and (iii) an  
19 administrative fee of five hundred dollars or reasonable attorney's fees  
20 in the event of judicial foreclosure, which may be retained by the  
21 grantee to offset the costs incurred in obtaining the deed; or

22           (b) If the property has not been sold since recording of the deed,  
23 the surplus shall be equal to the assessed value of such property, minus  
24 (i) the amount that would have been needed to redeem such property, (ii)  
25 the amount needed to pay all encumbrances on such property, and (iii) an  
26 administrative fee of five hundred dollars or reasonable attorney's fees  
27 in the event of judicial foreclosure, which may be retained by the  
28 grantee to offset the costs incurred in obtaining the deed.

29           Sec. 57. Section 77-2015, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31           77-2015 (1) Each petitioner in a proceeding to determine

1 ~~inheritance tax personal representative of an estate~~ shall, upon the  
2 ~~entry of an order determining inheritance tax, if any distribution of any~~  
3 ~~proceeds from an estate,~~ submit a report regarding inheritance taxes to  
4 the county treasurer of the county in which the inheritance tax  
5 determination was conducted. The report shall be submitted on a form  
6 prescribed by the Department of Revenue and shall include the following  
7 information: estate was administered.

8 (a) The amount of inheritance tax revenue generated under section  
9 77-2004 and the number of persons receiving property that was subject to  
10 tax under section 77-2004 and on which inheritance tax was assessed;

11 (b) The amount of inheritance tax revenue generated under section  
12 77-2005 and the number of persons receiving property that was subject to  
13 tax under section 77-2005 and on which inheritance tax was assessed;

14 (c) The amount of inheritance tax revenue generated under section  
15 77-2006 and the number of persons receiving property that was subject to  
16 tax under section 77-2006 and on which inheritance tax was assessed; and

17 (d) The number of persons who do not reside in this state and who  
18 received any property that was subject to tax under section 77-2004,  
19 77-2005, or 77-2006 and on which inheritance tax was assessed.

20 (2) ~~The On or before July 1, 2023, and on or before July 1 of each~~  
21 ~~year thereafter,~~ the county treasurer of each county shall compile and  
22 submit a report regarding inheritance taxes generated from January 1,  
23 2023, through June 30, 2023, to the Department of Revenue on or before  
24 August 1, 2023. Beginning July 1, 2023, the county treasurer of each  
25 county shall compile and submit a report regarding annual inheritance  
26 taxes generated from July 1 of each year through June 30 of the next  
27 year, to the Department of Revenue on or before August 1, 2024, and on or  
28 before August 1 of each year thereafter. The reports shall be submitted  
29 on a form prescribed by the Department of Revenue and shall include the  
30 following information:

31 (a) (1) The amount of inheritance tax revenue generated under



1 section 77-2004 and the number of persons receiving property that was  
2 subject to tax under section 77-2004 and on which inheritance tax was  
3 assessed;

4 (b) ~~(2)~~ The amount of inheritance tax revenue generated under  
5 section 77-2005 and the number of persons receiving property that was  
6 subject to tax under section 77-2005 and on which inheritance tax was  
7 assessed;

8 (c) ~~(3)~~ The amount of inheritance tax revenue generated under  
9 section 77-2006 and the number of persons receiving property that was  
10 subject to tax under section 77-2006 and on which inheritance tax was  
11 assessed; and

12 (d) ~~(4)~~ The number of persons who do not reside in this state and  
13 who received any property that was subject to tax under section 77-2004,  
14 77-2005, or 77-2006 and on which inheritance tax was assessed.

15 (3) On or before September 1, 2023, and on or before September 1 of  
16 each year thereafter, the Department of Revenue shall compile and  
17 aggregate such treasurer reports received from each county and make each  
18 county report and a statewide aggregate of such county reports available  
19 to the public on the Department of Revenue's website.

20 Sec. 58. Section 77-2701, Revised Statutes Cumulative Supplement,  
21 2022, is amended to read:

22 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,  
23 77-27,236, and 77-27,238 to 77-27,240 and sections 62, 66, and 77 of this  
24 act shall be known and may be cited as the Nebraska Revenue Act of 1967.

25 Sec. 59. Section 77-2701.02, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 77-2701.02 Pursuant to section 77-2715.01:

28 (1) Until July 1, 1998, the rate of the sales tax levied pursuant to  
29 section 77-2703 shall be five percent;

30 (2) Commencing July 1, 1998, and until July 1, 1999, the rate of the  
31 sales tax levied pursuant to section 77-2703 shall be four and one-half

1 percent;

2 (3) Commencing July 1, 1999, and until the start of the first  
3 calendar quarter after July 20, 2002, the rate of the sales tax levied  
4 pursuant to section 77-2703 shall be five percent;~~and~~

5 (4) Commencing on the start of the first calendar quarter after July  
6 20, 2002, the rate of the sales tax levied pursuant to section 77-2703  
7 shall be five and one-half percent; and -

8 (5) Commencing July 1, 2023, the rate of the sales tax levied  
9 pursuant to section 77-2703 shall be five and one-half percent, except  
10 that such rate shall be two and three-quarters percent on transactions  
11 occurring within a good life district as defined in section 11 of this  
12 act.

13 Sec. 60. Section 77-2701.04, Revised Statutes Cumulative Supplement,  
14 2022, is amended to read:

15 77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and  
16 77-27,239 and sections 62 and 66 of this act, unless the context  
17 otherwise requires, the definitions found in sections 77-2701.05 to  
18 77-2701.55 and section 62 of this act shall be used.

19 Sec. 61. Section 77-2701.41, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21 77-2701.41 Taxpayer means any person subject to a tax imposed by  
22 sections 77-2701 to 77-2713 and sections 62 and 66 of this act.

23 Sec. 62. Buyer-based exemption means an exemption based on who  
24 purchases the product. An exemption that is available to all individuals  
25 shall not be considered a buyer-based exemption.

26 Sec. 63. Section 77-2704.12, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 77-2704.12 (1) Sales and use taxes shall not be imposed on the gross  
29 receipts from the sale, lease, or rental of and the storage, use, or  
30 other consumption in this state of purchases by (a) any nonprofit  
31 organization created exclusively for religious purposes, (b) any

1 nonprofit organization providing services exclusively to the blind, (c)  
2 any nonprofit private educational institution established under sections  
3 79-1601 to 79-1607, (d) any accredited, nonprofit, privately controlled  
4 college or university with its primary campus physically located in  
5 Nebraska, (e) any nonprofit (i) hospital, (ii) health clinic when one or  
6 more hospitals or the parent corporations of the hospitals own or control  
7 the health clinic for the purpose of reducing the cost of health services  
8 or when the health clinic receives federal funds through the United  
9 States Public Health Service for the purpose of serving populations that  
10 are medically underserved, (iii) skilled nursing facility, (iv)  
11 intermediate care facility, (v) assisted-living facility, (vi)  
12 intermediate care facility for persons with developmental disabilities,  
13 (vii) nursing facility, (viii) home health agency, (ix) hospice or  
14 hospice service, (x) respite care service, (xi) mental health substance  
15 use treatment center licensed under the Health Care Facility Licensure  
16 Act, or (xii) center for independent living as defined in 29 U.S.C. 796a,  
17 (f) any nonprofit licensed residential child-caring agency, (g) any  
18 nonprofit licensed child-placing agency, ~~or~~ (h) any nonprofit  
19 organization certified by the Department of Health and Human Services to  
20 provide community-based services for persons with developmental  
21 disabilities, or (i) any nonprofit organization certified or contracted  
22 by a regional behavioral health authority or the Division of Behavioral  
23 Health of the Department of Health and Human Services to provide  
24 community-based mental health or substance use services.

25 (2) Any organization listed in subsection (1) of this section shall  
26 apply for an exemption on forms provided by the Tax Commissioner. The  
27 application shall be approved and a numbered certificate of exemption  
28 received by the applicant organization in order to be exempt from the  
29 sales and use tax.

30 (3) The appointment of purchasing agents shall be recognized for the  
31 purpose of altering the status of the construction contractor as the

1 ultimate consumer of building materials which are physically annexed to  
2 the structure and which subsequently belong to the owner of the  
3 organization or institution. The appointment of purchasing agents shall  
4 be in writing and occur prior to having any building materials annexed to  
5 real estate in the construction, improvement, or repair. The contractor  
6 who has been appointed as a purchasing agent may apply for a refund of or  
7 use as a credit against a future use tax liability the tax paid on  
8 inventory items annexed to real estate in the construction, improvement,  
9 or repair of a project for a licensed not-for-profit institution.

10 (4) Any organization listed in subsection (1) of this section which  
11 enters into a contract of construction, improvement, or repair upon  
12 property annexed to real estate without first issuing a purchasing agent  
13 authorization to a contractor or repairperson prior to the building  
14 materials being annexed to real estate in the project may apply to the  
15 Tax Commissioner for a refund of any sales and use tax paid by the  
16 contractor or repairperson on the building materials physically annexed  
17 to real estate in the construction, improvement, or repair.

18 (5) Any person purchasing, storing, using, or otherwise consuming  
19 building materials in the performance of any construction, improvement,  
20 or repair by or for any institution enumerated in subsection (1) of this  
21 section which is licensed upon completion although not licensed at the  
22 time of construction or improvement, which building materials are annexed  
23 to real estate and which subsequently belong to the owner of the  
24 institution, shall pay any applicable sales or use tax thereon. Upon  
25 becoming licensed and receiving a numbered certificate of exemption, the  
26 institution organized not for profit shall be entitled to a refund of the  
27 amount of taxes so paid in the performance of such construction,  
28 improvement, or repair and shall submit whatever evidence is required by  
29 the Tax Commissioner sufficient to establish the total sales and use tax  
30 paid upon the building materials physically annexed to real estate in the  
31 construction, improvement, or repair.

1           Sec. 64. Section 77-2704.15, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3           77-2704.15 (1)(a) Sales and use taxes shall not be imposed on the  
4 gross receipts from the sale, lease, or rental of and the storage, use,  
5 or other consumption in this state of purchases by the state, including  
6 public educational institutions recognized or established under the  
7 provisions of Chapter 85, or by any county, township, city, village,  
8 rural or suburban fire protection district, city airport authority,  
9 county airport authority, joint airport authority, drainage district  
10 organized under sections 31-401 to 31-450, sanitary drainage district  
11 organized under sections 31-501 to 31-553, land bank created under the  
12 Nebraska Municipal Land Bank Act, natural resources district, county  
13 agricultural society, elected county fair board, housing agency as  
14 defined in section 71-1575 except for purchases for any commercial  
15 operation that does not exclusively benefit the residents of an  
16 affordable housing project, cemetery created under section 12-101, or  
17 joint entity or agency formed by any combination of two or more counties,  
18 townships, cities, villages, or other exempt governmental units pursuant  
19 to the Interlocal Cooperation Act, the Integrated Solid Waste Management  
20 Act, or the Joint Public Agency Act, except for purchases for use in the  
21 business of furnishing gas, water, electricity, or heat, or by any  
22 irrigation or reclamation district, the irrigation division of any public  
23 power and irrigation district, or public schools or learning communities  
24 established under Chapter 79.

25           (b) For purposes of this subsection, purchases by the state or by a  
26 governmental unit listed in subdivision (a) of this subsection include  
27 purchases by any a nonprofit corporation under a lease-purchase  
28 agreement, financing lease, or other instrument which provides for  
29 transfer of title to the property to the state or governmental unit upon  
30 payment of all amounts due thereunder. If any a nonprofit corporation  
31 will be making purchases under a lease-purchase agreement, financing

1 lease, or other instrument as part of a project with a total estimated  
2 cost that exceeds the threshold amount, then such purchases shall qualify  
3 for an exemption under this section only if the question of proceeding  
4 with such project has been submitted at a primary, general, or special  
5 election held within the governmental unit that will be a party to the  
6 lease-purchase agreement, financing lease, or other instrument and has  
7 been approved by the voters of such governmental unit or the governmental  
8 unit's expenditure towards the project is paid in whole or in part with  
9 redevelopment bonds. For purposes of this subdivision, (i) project means  
10 the acquisition of real property or the construction of a public building  
11 and (ii) threshold amount means the greater of fifty thousand dollars or  
12 six-tenths of one percent of the total actual value of real and personal  
13 property of the governmental unit that will be a party to the lease-  
14 purchase agreement, financing lease, or other instrument as of the end of  
15 the governmental unit's prior fiscal year.

16 (2) The appointment of purchasing agents shall be recognized for the  
17 purpose of altering the status of the construction contractor as the  
18 ultimate consumer of building materials which are physically annexed to  
19 the structure and which subsequently belong to the state or the  
20 governmental unit. The appointment of purchasing agents shall be in  
21 writing and occur prior to having any building materials annexed to real  
22 estate in the construction, improvement, or repair. The contractor who  
23 has been appointed as a purchasing agent may apply for a refund of or use  
24 as a credit against a future use tax liability the tax paid on inventory  
25 items annexed to real estate in the construction, improvement, or repair  
26 of a project for the state or a governmental unit.

27 (3) Any governmental unit listed in subsection (1) of this section,  
28 except the state, which enters into a contract of construction,  
29 improvement, or repair upon property annexed to real estate without first  
30 issuing a purchasing agent authorization to a contractor or repairperson  
31 prior to the building materials being annexed to real estate in the

1 project may apply to the Tax Commissioner for a refund of any sales and  
2 use tax paid by the contractor or repairperson on the building materials  
3 physically annexed to real estate in the construction, improvement, or  
4 repair.

5 Sec. 65. Section 77-2704.36, Revised Statutes Cumulative Supplement,  
6 2022, is amended to read:

7 77-2704.36 (1) Sales and use tax shall not be imposed on the gross  
8 receipts from the sale, lease, or rental of:

9 (a) Depreciable agricultural machinery and equipment purchased,  
10 leased, or rented on or after January 1, 1993, for use in commercial  
11 agriculture; or

12 (b) Net wrap, baling wire, and twine purchased for use in commercial  
13 agriculture.

14 (2) For purposes of this section:

15 (a)(i) Agricultural machinery and equipment means tangible personal  
16 property that is used directly in (A) cultivating or harvesting a crop,  
17 (B) raising or caring for animal life, (C) protecting the health and  
18 welfare of animal life, including fans, curtains, and climate control  
19 equipment within livestock buildings, or (D) collecting or processing an  
20 agricultural product on a farm or ranch, regardless of the degree of  
21 attachment to any real property; and

22 (ii) Agricultural machinery and equipment includes, but is not  
23 limited to, header trailers, head haulers, header transports, and seed  
24 tender trailers and excludes any current tractor model as defined in  
25 section 2-2701.01 not permitted for sale in Nebraska pursuant to sections  
26 2-2701 to 2-2711; ~~and~~

27 (b) Baling wire means wire used in the baling of livestock feed or  
28 bedding;

29 (c) ~~(b)~~ Net wrap means plastic wrap used in the baling of livestock  
30 feed or bedding; and hay-

31 (d) Twine means a strong string of two or more strands twisted

1 together used in the baling of livestock feed or bedding.

2 Sec. 66. (1) This section applies on and after July 1, 2026.

3 (2) The appointment of purchasing agents shall be recognized for the  
4 purpose of permitting a construction contractor to purchase materials tax  
5 free based on the buyer-based exemption of the contractor's client for  
6 items that are physically annexed to the structure and which subsequently  
7 belong to the client who is eligible for the buyer-based exemption. The  
8 appointment of purchasing agents shall be in writing and occur prior to  
9 having any buyer-based tax-exempt items annexed to real estate in the  
10 construction, improvement, or repair. The contractor who has been  
11 appointed as a purchasing agent may purchase the materials tax free or  
12 may apply for a refund of or use as a credit against a future use tax  
13 liability the tax paid on inventory items annexed to real estate in the  
14 construction, improvement, or repair of a project that belongs to the  
15 client who is eligible for the buyer-based exemption.

16 (3) A client described in subsection (2) of this section which  
17 enters into a contract of construction, improvement, or repair with  
18 respect to buyer-based tax-exempt items annexed to real estate without  
19 first issuing a purchasing agent authorization to a construction  
20 contractor prior to such items being annexed to real estate in the  
21 project may apply to the Tax Commissioner for a refund of any sales and  
22 use tax paid by the contractor on such items physically annexed to real  
23 estate in the construction, improvement, or repair.

24 Sec. 67. Section 77-2711, Revised Statutes Cumulative Supplement,  
25 2022, is amended to read:

26 77-2711 (1)(a) The Tax Commissioner shall enforce sections  
27 77-2701.04 to 77-2713 and sections 62 and 66 of this act and may  
28 prescribe, adopt, and enforce rules and regulations relating to the  
29 administration and enforcement of such sections.

30 (b) The Tax Commissioner may prescribe the extent to which any  
31 ruling or regulation shall be applied without retroactive effect.



1           (2) The Tax Commissioner may employ accountants, auditors,  
2 investigators, assistants, and clerks necessary for the efficient  
3 administration of the Nebraska Revenue Act of 1967 and may delegate  
4 authority to his or her representatives to conduct hearings, prescribe  
5 regulations, or perform any other duties imposed by such act.

6           (3)(a) Every seller, every retailer, and every person storing,  
7 using, or otherwise consuming in this state property purchased from a  
8 retailer shall keep such records, receipts, invoices, and other pertinent  
9 papers in such form as the Tax Commissioner may reasonably require.

10          (b) Every such seller, retailer, or person shall keep such records  
11 for not less than three years from the making of such records unless the  
12 Tax Commissioner in writing sooner authorized their destruction.

13          (4) The Tax Commissioner or any person authorized in writing by him  
14 or her may examine the books, papers, records, and equipment of any  
15 person selling property and any person liable for the use tax and may  
16 investigate the character of the business of the person in order to  
17 verify the accuracy of any return made or, if no return is made by the  
18 person, to ascertain and determine the amount required to be paid. In the  
19 examination of any person selling property or of any person liable for  
20 the use tax, an inquiry shall be made as to the accuracy of the reporting  
21 of city and county sales and use taxes for which the person is liable  
22 under the Local Option Revenue Act or sections 13-319, 13-324, 13-2813,  
23 and 77-6403 and the accuracy of the allocation made between the various  
24 counties, cities, villages, and municipal counties of the tax due. The  
25 Tax Commissioner may make or cause to be made copies of resale or  
26 exemption certificates and may pay a reasonable amount to the person  
27 having custody of the records for providing such copies.

28          (5) The taxpayer shall have the right to keep or store his or her  
29 records at a point outside this state and shall make his or her records  
30 available to the Tax Commissioner at all times.

31          (6) In administration of the use tax, the Tax Commissioner may

1 require the filing of reports by any person or class of persons having in  
2 his, her, or their possession or custody information relating to sales of  
3 property, the storage, use, or other consumption of which is subject to  
4 the tax. The report shall be filed when the Tax Commissioner requires and  
5 shall set forth the names and addresses of purchasers of the property,  
6 the sales price of the property, the date of sale, and such other  
7 information as the Tax Commissioner may require.

8 (7) It shall be a Class I misdemeanor for the Tax Commissioner or  
9 any official or employee of the Tax Commissioner, the State Treasurer, or  
10 the Department of Administrative Services to make known in any manner  
11 whatever the business affairs, operations, or information obtained by an  
12 investigation of records and activities of any retailer or any other  
13 person visited or examined in the discharge of official duty or the  
14 amount or source of income, profits, losses, expenditures, or any  
15 particular thereof, set forth or disclosed in any return, or to permit  
16 any return or copy thereof, or any book containing any abstract or  
17 particulars thereof to be seen or examined by any person not connected  
18 with the Tax Commissioner. Nothing in this section shall be construed to  
19 prohibit (a) the delivery to a taxpayer, his or her duly authorized  
20 representative, or his or her successors, receivers, trustees, executors,  
21 administrators, assignees, or guarantors, if directly interested, of a  
22 certified copy of any return or report in connection with his or her tax,  
23 (b) the publication of statistics so classified as to prevent the  
24 identification of particular reports or returns and the items thereof,  
25 (c) the inspection by the Attorney General, other legal representative of  
26 the state, or county attorney of the reports or returns of any taxpayer  
27 when either (i) information on the reports or returns is considered by  
28 the Attorney General to be relevant to any action or proceeding  
29 instituted by the taxpayer or against whom an action or proceeding is  
30 being considered or has been commenced by any state agency or the county  
31 or (ii) the taxpayer has instituted an action to review the tax based

1 thereon or an action or proceeding against the taxpayer for collection of  
2 tax or failure to comply with the Nebraska Revenue Act of 1967 is being  
3 considered or has been commenced, (d) the furnishing of any information  
4 to the United States Government or to states allowing similar privileges  
5 to the Tax Commissioner, (e) the disclosure of information and records to  
6 a collection agency contracting with the Tax Commissioner pursuant to  
7 sections 77-377.01 to 77-377.04, (f) the disclosure to another party to a  
8 transaction of information and records concerning the transaction between  
9 the taxpayer and the other party, (g) the disclosure of information  
10 pursuant to section 77-27,195, 77-5731, 77-6837, 77-6839, or 77-6928, or  
11 (h) the disclosure of information to the Department of Labor necessary  
12 for the administration of the Employment Security Law, the Contractor  
13 Registration Act, or the Employee Classification Act.

14 (8) Notwithstanding the provisions of subsection (7) of this  
15 section, the Tax Commissioner may permit the Postal Inspector of the  
16 United States Postal Service or his or her delegates to inspect the  
17 reports or returns of any person filed pursuant to the Nebraska Revenue  
18 Act of 1967 when information on the reports or returns is relevant to any  
19 action or proceeding instituted or being considered by the United States  
20 Postal Service against such person for the fraudulent use of the mails to  
21 carry and deliver false and fraudulent tax returns to the Tax  
22 Commissioner with the intent to defraud the State of Nebraska or to evade  
23 the payment of Nebraska state taxes.

24 (9) Notwithstanding the provisions of subsection (7) of this  
25 section, the Tax Commissioner may permit other tax officials of this  
26 state to inspect the tax returns, reports, and applications filed under  
27 sections 77-2701.04 to 77-2713 and sections 62 and 66 of this act, but  
28 such inspection shall be permitted only for purposes of enforcing a tax  
29 law and only to the extent and under the conditions prescribed by the  
30 rules and regulations of the Tax Commissioner.

31 (10) Notwithstanding the provisions of subsection (7) of this

1 section, the Tax Commissioner may, upon request, provide the county board  
2 of any county which has exercised the authority granted by section  
3 81-3716 with a list of the names and addresses of the hotels located  
4 within the county for which lodging sales tax returns have been filed or  
5 for which lodging sales taxes have been remitted for the county's County  
6 Visitors Promotion Fund under the Nebraska Visitors Development Act.

7 The information provided by the Tax Commissioner shall indicate only  
8 the names and addresses of the hotels located within the requesting  
9 county for which lodging sales tax returns have been filed for a  
10 specified period and the fact that lodging sales taxes remitted by or on  
11 behalf of the hotel have constituted a portion of the total sum remitted  
12 by the state to the county for a specified period under the provisions of  
13 the Nebraska Visitors Development Act. No additional information shall be  
14 revealed.

15 (11)(a) Notwithstanding the provisions of subsection (7) of this  
16 section, the Tax Commissioner shall, upon written request by the Auditor  
17 of Public Accounts or the office of Legislative Audit, make tax returns  
18 and tax return information open to inspection by or disclosure to the  
19 Auditor of Public Accounts or employees of the office of Legislative  
20 Audit for the purpose of and to the extent necessary in making an audit  
21 of the Department of Revenue pursuant to section 50-1205 or 84-304.  
22 Confidential tax returns and tax return information shall be audited only  
23 upon the premises of the Department of Revenue. All audit workpapers  
24 pertaining to the audit of the Department of Revenue shall be stored in a  
25 secure place in the Department of Revenue.

26 (b) No employee of the Auditor of Public Accounts or the office of  
27 Legislative Audit shall disclose to any person, other than another  
28 Auditor of Public Accounts or office employee whose official duties  
29 require such disclosure, any return or return information described in  
30 the Nebraska Revenue Act of 1967 in a form which can be associated with  
31 or otherwise identify, directly or indirectly, a particular taxpayer.

1 (c) Any person who violates the provisions of this subsection shall  
2 be guilty of a Class I misdemeanor. For purposes of this subsection,  
3 employee includes a former Auditor of Public Accounts or office of  
4 Legislative Audit employee.

5 (12) For purposes of this subsection and subsections (11) and (14)  
6 of this section:

7 (a) Disclosure means the making known to any person in any manner a  
8 tax return or return information;

9 (b) Return information means:

10 (i) A taxpayer's identification number and (A) the nature, source,  
11 or amount of his or her income, payments, receipts, deductions,  
12 exemptions, credits, assets, liabilities, net worth, tax liability, tax  
13 withheld, deficiencies, overassessments, or tax payments, whether the  
14 taxpayer's return was, is being, or will be examined or subject to other  
15 investigation or processing or (B) any other data received by, recorded  
16 by, prepared by, furnished to, or collected by the Tax Commissioner with  
17 respect to a return or the determination of the existence or possible  
18 existence of liability or the amount of liability of any person for any  
19 tax, penalty, interest, fine, forfeiture, or other imposition or offense;  
20 and

21 (ii) Any part of any written determination or any background file  
22 document relating to such written determination; and

23 (c) Tax return or return means any tax or information return or  
24 claim for refund required by, provided for, or permitted under sections  
25 77-2701 to 77-2713 and sections 62 and 66 of this act which is filed with  
26 the Tax Commissioner by, on behalf of, or with respect to any person and  
27 any amendment or supplement thereto, including supporting schedules,  
28 attachments, or lists which are supplemental to or part of the filed  
29 return.

30 (13) Notwithstanding the provisions of subsection (7) of this  
31 section, the Tax Commissioner shall, upon request, provide any

1 municipality which has adopted the local option sales tax under the Local  
2 Option Revenue Act with a list of the names and addresses of the  
3 retailers which have collected the local option sales tax for the  
4 municipality. The request may be made annually and shall be submitted to  
5 the Tax Commissioner on or before June 30 of each year. The information  
6 provided by the Tax Commissioner shall indicate only the names and  
7 addresses of the retailers. The Tax Commissioner may provide additional  
8 information to a municipality so long as the information does not include  
9 any data detailing the specific revenue, expenses, or operations of any  
10 particular business.

11 (14)(a) Notwithstanding the provisions of subsection (7) of this  
12 section, the Tax Commissioner shall, upon written request, provide an  
13 individual certified under subdivision (b) of this subsection  
14 representing a municipality which has adopted the local option sales and  
15 use tax under the Local Option Revenue Act with confidential sales and  
16 use tax returns and sales and use tax return information regarding  
17 taxpayers that possess a sales tax permit and the amounts remitted by  
18 such permitholders at locations within the boundaries of the requesting  
19 municipality or with confidential business use tax returns and business  
20 use tax return information regarding taxpayers that file a Nebraska and  
21 Local Business Use Tax Return and the amounts remitted by such taxpayers  
22 at locations within the boundaries of the requesting municipality. Any  
23 written request pursuant to this subsection shall provide the Department  
24 of Revenue with no less than ten business days to prepare the sales and  
25 use tax returns and sales and use tax return information requested. The  
26 individual certified under subdivision (b) of this subsection shall  
27 review such returns and return information only upon the premises of the  
28 department, except that such limitation shall not apply if the certifying  
29 municipality has an agreement in effect under the Nebraska Advantage  
30 Transformational Tourism and Redevelopment Act. In such case, the  
31 individual certified under subdivision (b) of this subsection may request

1 that copies of such returns and return information be sent to him or her  
2 by electronic transmission, secured in a manner as determined by the Tax  
3 Commissioner.

4 (b) Each municipality that seeks to request information under  
5 subdivision (a) of this subsection shall certify to the Department of  
6 Revenue one individual who is authorized by such municipality to make  
7 such request and review the documents described in subdivision (a) of  
8 this subsection. The individual may be a municipal employee or an  
9 individual who contracts with the requesting municipality to provide  
10 financial, accounting, or other administrative services.

11 (c) No individual certified by a municipality pursuant to  
12 subdivision (b) of this subsection shall disclose to any person any  
13 information obtained pursuant to a review under this subsection. An  
14 individual certified by a municipality pursuant to subdivision (b) of  
15 this subsection shall remain subject to this subsection after he or she  
16 (i) is no longer certified or (ii) is no longer in the employment of or  
17 under contract with the certifying municipality.

18 (d) Any person who violates the provisions of this subsection shall  
19 be guilty of a Class I misdemeanor.

20 (e) The Department of Revenue shall not be held liable by any person  
21 for an impermissible disclosure by a municipality or any agent or  
22 employee thereof of any information obtained pursuant to a review under  
23 this subsection.

24 (15) In all proceedings under the Nebraska Revenue Act of 1967, the  
25 Tax Commissioner may act for and on behalf of the people of the State of  
26 Nebraska. The Tax Commissioner in his or her discretion may waive all or  
27 part of any penalties provided by the provisions of such act or interest  
28 on delinquent taxes specified in section 45-104.02, as such rate may from  
29 time to time be adjusted.

30 (16)(a) The purpose of this subsection is to set forth the state's  
31 policy for the protection of the confidentiality rights of all

1 participants in the system operated pursuant to the streamlined sales and  
2 use tax agreement and of the privacy interests of consumers who deal with  
3 model 1 sellers.

4 (b) For purposes of this subsection:

5 (i) Anonymous data means information that does not identify a  
6 person;

7 (ii) Confidential taxpayer information means all information that is  
8 protected under a member state's laws, regulations, and privileges; and

9 (iii) Personally identifiable information means information that  
10 identifies a person.

11 (c) The state agrees that a fundamental precept for model 1 sellers  
12 is to preserve the privacy of consumers by protecting their anonymity.  
13 With very limited exceptions, a certified service provider shall perform  
14 its tax calculation, remittance, and reporting functions without  
15 retaining the personally identifiable information of consumers.

16 (d) The governing board of the member states in the streamlined  
17 sales and use tax agreement may certify a certified service provider only  
18 if that certified service provider certifies that:

19 (i) Its system has been designed and tested to ensure that the  
20 fundamental precept of anonymity is respected;

21 (ii) Personally identifiable information is only used and retained  
22 to the extent necessary for the administration of model 1 with respect to  
23 exempt purchasers;

24 (iii) It provides consumers clear and conspicuous notice of its  
25 information practices, including what information it collects, how it  
26 collects the information, how it uses the information, how long, if at  
27 all, it retains the information, and whether it discloses the information  
28 to member states. Such notice shall be satisfied by a written privacy  
29 policy statement accessible by the public on the website of the certified  
30 service provider;

31 (iv) Its collection, use, and retention of personally identifiable



1 information is limited to that required by the member states to ensure  
2 the validity of exemptions from taxation that are claimed by reason of a  
3 consumer's status or the intended use of the goods or services purchased;  
4 and

5 (v) It provides adequate technical, physical, and administrative  
6 safeguards so as to protect personally identifiable information from  
7 unauthorized access and disclosure.

8 (e) The state shall provide public notification to consumers,  
9 including exempt purchasers, of the state's practices relating to the  
10 collection, use, and retention of personally identifiable information.

11 (f) When any personally identifiable information that has been  
12 collected and retained is no longer required for the purposes set forth  
13 in subdivision (16)(d)(iv) of this section, such information shall no  
14 longer be retained by the member states.

15 (g) When personally identifiable information regarding an individual  
16 is retained by or on behalf of the state, it shall provide reasonable  
17 access by such individual to his or her own information in the state's  
18 possession and a right to correct any inaccurately recorded information.

19 (h) If anyone other than a member state, or a person authorized by  
20 that state's law or the agreement, seeks to discover personally  
21 identifiable information, the state from whom the information is sought  
22 should make a reasonable and timely effort to notify the individual of  
23 such request.

24 (i) This privacy policy is subject to enforcement by the Attorney  
25 General.

26 (j) All other laws and regulations regarding the collection, use,  
27 and maintenance of confidential taxpayer information remain fully  
28 applicable and binding. Without limitation, this subsection does not  
29 enlarge or limit the state's authority to:

30 (i) Conduct audits or other reviews as provided under the agreement  
31 and state law;

1 (ii) Provide records pursuant to the federal Freedom of Information  
2 Act, disclosure laws with governmental agencies, or other regulations;

3 (iii) Prevent, consistent with state law, disclosure of confidential  
4 taxpayer information;

5 (iv) Prevent, consistent with federal law, disclosure or misuse of  
6 federal return information obtained under a disclosure agreement with the  
7 Internal Revenue Service; and

8 (v) Collect, disclose, disseminate, or otherwise use anonymous data  
9 for governmental purposes.

10 Sec. 68. Section 77-2713, Revised Statutes Cumulative Supplement,  
11 2022, is amended to read:

12 77-2713 (1) Any person required under the provisions of sections  
13 77-2701.04 to 77-2713 and sections 62 and 66 of this act to collect,  
14 account for, or pay over any tax imposed by the Nebraska Revenue Act of  
15 1967 who willfully fails to collect or truthfully account for or pay over  
16 such tax and any person who willfully attempts in any manner to evade any  
17 tax imposed by such provisions of such act or the payment thereof shall,  
18 in addition to other penalties provided by law, be guilty of a Class IV  
19 felony.

20 (2) Any person who willfully aids or assists in, procures, counsels,  
21 or advises the preparation or presentation of a false or fraudulent  
22 return, affidavit, claim, or document under or in connection with any  
23 matter arising under sections 77-2701.04 to 77-2713 and sections 62 and  
24 66 of this act shall, whether or not such falsity or fraud is with the  
25 knowledge or consent of the person authorized or required to present such  
26 return, affidavit, claim, or document, be guilty of a Class IV felony.

27 (3) A person who engages in business as a retailer in this state  
28 without a permit or permits or after a permit has been suspended and each  
29 officer of any corporation which so engages in business shall be guilty  
30 of a Class IV misdemeanor. Each day of such operation shall constitute a  
31 separate offense.

1 (4) Any person who gives a resale certificate to the seller for  
2 property which he or she knows, at the time of purchase, is purchased for  
3 the purpose of use rather than for the purpose of resale, lease, or  
4 rental by him or her in the regular course of business shall be guilty of  
5 a Class IV misdemeanor.

6 (5) Any violation of the provisions of sections 77-2701.04 to  
7 77-2713 and sections 62 and 66 of this act, except as otherwise provided,  
8 shall be a Class IV misdemeanor.

9 (6) Any prosecution under sections 77-2701.04 to 77-2713 and  
10 sections 62 and 66 of this act shall be instituted within three years  
11 after the commission of the offense. If such offense is the failure to do  
12 an act required by any of such sections to be done before a certain date,  
13 a prosecution for such offense may be commenced not later than three  
14 years after such date. The failure to do any act required by sections  
15 77-2701.04 to 77-2713 and sections 62 and 66 of this act shall be deemed  
16 an act committed in part at the principal office of the Tax Commissioner.  
17 Any prosecution under the provisions of the Nebraska Revenue Act of 1967  
18 may be conducted in any county where the person or corporation to whose  
19 liability the proceeding relates resides or has a place of business or in  
20 any county in which such criminal act is committed. The Attorney General  
21 shall have concurrent jurisdiction with the county attorney in the  
22 prosecution of any offenses under the provisions of the Nebraska Revenue  
23 Act of 1967.

24 Sec. 69. Section 77-2715.07, Revised Statutes Cumulative Supplement,  
25 2022, is amended to read:

26 77-2715.07 (1) There shall be allowed to qualified resident  
27 individuals as a nonrefundable credit against the income tax imposed by  
28 the Nebraska Revenue Act of 1967:

29 (a) A credit equal to the federal credit allowed under section 22 of  
30 the Internal Revenue Code; and

31 (b) A credit for taxes paid to another state as provided in section

1 77-2730.

2 (2) There shall be allowed to qualified resident individuals against  
3 the income tax imposed by the Nebraska Revenue Act of 1967:

4 (a) For returns filed reporting federal adjusted gross incomes of  
5 greater than twenty-nine thousand dollars, a nonrefundable credit equal  
6 to twenty-five percent of the federal credit allowed under section 21 of  
7 the Internal Revenue Code of 1986, as amended, except that for taxable  
8 years beginning or deemed to begin on or after January 1, 2015, such  
9 nonrefundable credit shall be allowed only if the individual would have  
10 received the federal credit allowed under section 21 of the code after  
11 adding back in any carryforward of a net operating loss that was deducted  
12 pursuant to such section in determining eligibility for the federal  
13 credit;

14 (b) For returns filed reporting federal adjusted gross income of  
15 twenty-nine thousand dollars or less, a refundable credit equal to a  
16 percentage of the federal credit allowable under section 21 of the  
17 Internal Revenue Code of 1986, as amended, whether or not the federal  
18 credit was limited by the federal tax liability. The percentage of the  
19 federal credit shall be one hundred percent for incomes not greater than  
20 twenty-two thousand dollars, and the percentage shall be reduced by ten  
21 percent for each one thousand dollars, or fraction thereof, by which the  
22 reported federal adjusted gross income exceeds twenty-two thousand  
23 dollars, except that for taxable years beginning or deemed to begin on or  
24 after January 1, 2015, such refundable credit shall be allowed only if  
25 the individual would have received the federal credit allowed under  
26 section 21 of the code after adding back in any carryforward of a net  
27 operating loss that was deducted pursuant to such section in determining  
28 eligibility for the federal credit;

29 (c) A refundable credit as provided in section 77-5209.01 for  
30 individuals who qualify for an income tax credit as a qualified beginning  
31 farmer or livestock producer under the Beginning Farmer Tax Credit Act

1 for all taxable years beginning or deemed to begin on or after January 1,  
2 2006, under the Internal Revenue Code of 1986, as amended;

3 (d) A refundable credit for individuals who qualify for an income  
4 tax credit under the Angel Investment Tax Credit Act, the Nebraska  
5 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research  
6 and Development Act, or the Volunteer Emergency Responders Incentive Act;  
7 and

8 (e) A refundable credit equal to ten percent of the federal credit  
9 allowed under section 32 of the Internal Revenue Code of 1986, as  
10 amended, except that for taxable years beginning or deemed to begin on or  
11 after January 1, 2015, such refundable credit shall be allowed only if  
12 the individual would have received the federal credit allowed under  
13 section 32 of the code after adding back in any carryforward of a net  
14 operating loss that was deducted pursuant to such section in determining  
15 eligibility for the federal credit.

16 (3) There shall be allowed to all individuals as a nonrefundable  
17 credit against the income tax imposed by the Nebraska Revenue Act of  
18 1967:

19 (a) A credit for personal exemptions allowed under section  
20 77-2716.01;

21 (b) A credit for contributions to certified community betterment  
22 programs as provided in the Community Development Assistance Act. Each  
23 partner, each shareholder of an electing subchapter S corporation, each  
24 beneficiary of an estate or trust, or each member of a limited liability  
25 company shall report his or her share of the credit in the same manner  
26 and proportion as he or she reports the partnership, subchapter S  
27 corporation, estate, trust, or limited liability company income;

28 (c) A credit for investment in a biodiesel facility as provided in  
29 section 77-27,236;

30 (d) A credit as provided in the New Markets Job Growth Investment  
31 Act;

1 (e) A credit as provided in the Nebraska Job Creation and Mainstreet  
2 Revitalization Act;

3 (f) A credit to employers as provided in sections 77-27,238 and  
4 77-27,240;~~and~~

5 (g) A credit as provided in the Affordable Housing Tax Credit Act;  
6 and -

7 (h) A credit to grocery store retailers, restaurants, and  
8 agricultural producers as provided in section 77 of this act.

9 (4) There shall be allowed as a credit against the income tax  
10 imposed by the Nebraska Revenue Act of 1967:

11 (a) A credit to all resident estates and trusts for taxes paid to  
12 another state as provided in section 77-2730;

13 (b) A credit to all estates and trusts for contributions to  
14 certified community betterment programs as provided in the Community  
15 Development Assistance Act; and

16 (c) A refundable credit for individuals who qualify for an income  
17 tax credit as an owner of agricultural assets under the Beginning Farmer  
18 Tax Credit Act for all taxable years beginning or deemed to begin on or  
19 after January 1, 2009, under the Internal Revenue Code of 1986, as  
20 amended. The credit allowed for each partner, shareholder, member, or  
21 beneficiary of a partnership, corporation, limited liability company, or  
22 estate or trust qualifying for an income tax credit as an owner of  
23 agricultural assets under the Beginning Farmer Tax Credit Act shall be  
24 equal to the partner's, shareholder's, member's, or beneficiary's portion  
25 of the amount of tax credit distributed pursuant to subsection (6) of  
26 section 77-5211.

27 (5)(a) For all taxable years beginning on or after January 1, 2007,  
28 and before January 1, 2009, under the Internal Revenue Code of 1986, as  
29 amended, there shall be allowed to each partner, shareholder, member, or  
30 beneficiary of a partnership, subchapter S corporation, limited liability  
31 company, or estate or trust a nonrefundable credit against the income tax

1 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the  
2 partner's, shareholder's, member's, or beneficiary's portion of the  
3 amount of franchise tax paid to the state under sections 77-3801 to  
4 77-3807 by a financial institution.

5 (b) For all taxable years beginning on or after January 1, 2009,  
6 under the Internal Revenue Code of 1986, as amended, there shall be  
7 allowed to each partner, shareholder, member, or beneficiary of a  
8 partnership, subchapter S corporation, limited liability company, or  
9 estate or trust a nonrefundable credit against the income tax imposed by  
10 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,  
11 member's, or beneficiary's portion of the amount of franchise tax paid to  
12 the state under sections 77-3801 to 77-3807 by a financial institution.

13 (c) Each partner, shareholder, member, or beneficiary shall report  
14 his or her share of the credit in the same manner and proportion as he or  
15 she reports the partnership, subchapter S corporation, limited liability  
16 company, or estate or trust income. If any partner, shareholder, member,  
17 or beneficiary cannot fully utilize the credit for that year, the credit  
18 may not be carried forward or back.

19 (6) There shall be allowed to all individuals nonrefundable credits  
20 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
21 provided in section 77-3604 and refundable credits against the income tax  
22 imposed by the Nebraska Revenue Act of 1967 as provided in section  
23 77-3605.

24 (7)(a) For taxable years beginning or deemed to begin on or after  
25 January 1, 2020, and before January 1, 2026, under the Internal Revenue  
26 Code of 1986, as amended, a nonrefundable credit against the income tax  
27 imposed by the Nebraska Revenue Act of 1967 in the amount of five  
28 thousand dollars shall be allowed to any individual who purchases a  
29 residence during the taxable year if such residence:

30 (i) Is located within an area that has been declared an extremely  
31 blighted area under section 18-2101.02;

1 (ii) Is the individual's primary residence; and

2 (iii) Was not purchased from a family member of the individual or a  
3 family member of the individual's spouse.

4 (b) The credit provided in this subsection shall be claimed for the  
5 taxable year in which the residence is purchased. If the individual  
6 cannot fully utilize the credit for such year, the credit may be carried  
7 forward to subsequent taxable years until fully utilized.

8 (c) No more than one credit may be claimed under this subsection  
9 with respect to a single residence.

10 (d) The credit provided in this subsection shall be subject to  
11 recapture by the Department of Revenue if the individual claiming the  
12 credit sells or otherwise transfers the residence or quits using the  
13 residence as his or her primary residence within five years after the end  
14 of the taxable year in which the credit was claimed.

15 (e) For purposes of this subsection, family member means an  
16 individual's spouse, child, parent, brother, sister, grandchild, or  
17 grandparent, whether by blood, marriage, or adoption.

18 (8) There shall be allowed to all individuals refundable credits  
19 against the income tax imposed by the Nebraska Revenue Act of 1967 as  
20 provided in the Nebraska Biodiesel Tax Credit Act, the Nebraska Higher  
21 Blend Tax Credit Act, the Nebraska Property Tax Incentive Act, and the  
22 Renewable Chemical Production Tax Credit Act.

23 (9)(a) For taxable years beginning or deemed to begin on or after  
24 January 1, 2022, under the Internal Revenue Code of 1986, as amended, a  
25 refundable credit against the income tax imposed by the Nebraska Revenue  
26 Act of 1967 shall be allowed to the parent of a stillborn child if:

27 (i) A fetal death certificate is filed pursuant to subsection (1) of  
28 section 71-606 for such child;

29 (ii) Such child had advanced to at least the twentieth week of  
30 gestation; and

31 (iii) Such child would have been a dependent of the individual



1 claiming the credit.

2 (b) The amount of the credit shall be two thousand dollars.

3 (c) The credit shall be allowed for the taxable year in which the  
4 stillbirth occurred.

5 Sec. 70. Section 77-2716, Revised Statutes Cumulative Supplement,  
6 2022, is amended to read:

7 77-2716 (1) The following adjustments to federal adjusted gross  
8 income or, for corporations and fiduciaries, federal taxable income shall  
9 be made for interest or dividends received:

10 (a)(i) There shall be subtracted interest or dividends received by  
11 the owner of obligations of the United States and its territories and  
12 possessions or of any authority, commission, or instrumentality of the  
13 United States to the extent includable in gross income for federal income  
14 tax purposes but exempt from state income taxes under the laws of the  
15 United States; and

16 (ii) There shall be subtracted interest received by the owner of  
17 obligations of the State of Nebraska or its political subdivisions or  
18 authorities which are Build America Bonds to the extent includable in  
19 gross income for federal income tax purposes;

20 (b) There shall be subtracted that portion of the total dividends  
21 and other income received from a regulated investment company which is  
22 attributable to obligations described in subdivision (a) of this  
23 subsection as reported to the recipient by the regulated investment  
24 company;

25 (c) There shall be added interest or dividends received by the owner  
26 of obligations of the District of Columbia, other states of the United  
27 States, or their political subdivisions, authorities, commissions, or  
28 instrumentalities to the extent excluded in the computation of gross  
29 income for federal income tax purposes except that such interest or  
30 dividends shall not be added if received by a corporation which is a  
31 regulated investment company;

1 (d) There shall be added that portion of the total dividends and  
2 other income received from a regulated investment company which is  
3 attributable to obligations described in subdivision (c) of this  
4 subsection and excluded for federal income tax purposes as reported to  
5 the recipient by the regulated investment company; and

6 (e)(i) Any amount subtracted under this subsection shall be reduced  
7 by any interest on indebtedness incurred to carry the obligations or  
8 securities described in this subsection or the investment in the  
9 regulated investment company and by any expenses incurred in the  
10 production of interest or dividend income described in this subsection to  
11 the extent that such expenses, including amortizable bond premiums, are  
12 deductible in determining federal taxable income.

13 (ii) Any amount added under this subsection shall be reduced by any  
14 expenses incurred in the production of such income to the extent  
15 disallowed in the computation of federal taxable income.

16 (2) There shall be allowed a net operating loss derived from or  
17 connected with Nebraska sources computed under rules and regulations  
18 adopted and promulgated by the Tax Commissioner consistent, to the extent  
19 possible under the Nebraska Revenue Act of 1967, with the laws of the  
20 United States. For a resident individual, estate, or trust, the net  
21 operating loss computed on the federal income tax return shall be  
22 adjusted by the modifications contained in this section. For a  
23 nonresident individual, estate, or trust or for a partial-year resident  
24 individual, the net operating loss computed on the federal return shall  
25 be adjusted by the modifications contained in this section and any  
26 carryovers or carrybacks shall be limited to the portion of the loss  
27 derived from or connected with Nebraska sources.

28 (3) There shall be subtracted from federal adjusted gross income for  
29 all taxable years beginning on or after January 1, 1987, the amount of  
30 any state income tax refund to the extent such refund was deducted under  
31 the Internal Revenue Code, was not allowed in the computation of the tax

1 due under the Nebraska Revenue Act of 1967, and is included in federal  
2 adjusted gross income.

3 (4) Federal adjusted gross income, or, for a fiduciary, federal  
4 taxable income shall be modified to exclude the portion of the income or  
5 loss received from a small business corporation with an election in  
6 effect under subchapter S of the Internal Revenue Code or from a limited  
7 liability company organized pursuant to the Nebraska Uniform Limited  
8 Liability Company Act that is not derived from or connected with Nebraska  
9 sources as determined in section 77-2734.01.

10 (5) There shall be subtracted from federal adjusted gross income or,  
11 for corporations and fiduciaries, federal taxable income dividends  
12 received or deemed to be received from corporations which are not subject  
13 to the Internal Revenue Code.

14 (6) There shall be subtracted from federal taxable income a portion  
15 of the income earned by a corporation subject to the Internal Revenue  
16 Code of 1986 that is actually taxed by a foreign country or one of its  
17 political subdivisions at a rate in excess of the maximum federal tax  
18 rate for corporations. The taxpayer may make the computation for each  
19 foreign country or for groups of foreign countries. The portion of the  
20 taxes that may be deducted shall be computed in the following manner:

21 (a) The amount of federal taxable income from operations within a  
22 foreign taxing jurisdiction shall be reduced by the amount of taxes  
23 actually paid to the foreign jurisdiction that are not deductible solely  
24 because the foreign tax credit was elected on the federal income tax  
25 return;

26 (b) The amount of after-tax income shall be divided by one minus the  
27 maximum tax rate for corporations in the Internal Revenue Code; and

28 (c) The result of the calculation in subdivision (b) of this  
29 subsection shall be subtracted from the amount of federal taxable income  
30 used in subdivision (a) of this subsection. The result of such  
31 calculation, if greater than zero, shall be subtracted from federal

1 taxable income.

2 (7) Federal adjusted gross income shall be modified to exclude any  
3 amount repaid by the taxpayer for which a reduction in federal tax is  
4 allowed under section 1341(a)(5) of the Internal Revenue Code.

5 (8)(a) Federal adjusted gross income or, for corporations and  
6 fiduciaries, federal taxable income shall be reduced, to the extent  
7 included, by income from interest, earnings, and state contributions  
8 received from the Nebraska educational savings plan trust created in  
9 sections 85-1801 to 85-1817 and any account established under the  
10 achieving a better life experience program as provided in sections  
11 77-1401 to 77-1409.

12 (b) Federal adjusted gross income or, for corporations and  
13 fiduciaries, federal taxable income shall be reduced by any contributions  
14 as a participant in the Nebraska educational savings plan trust or  
15 contributions to an account established under the achieving a better life  
16 experience program made for the benefit of a beneficiary as provided in  
17 sections 77-1401 to 77-1409, to the extent not deducted for federal  
18 income tax purposes, but not to exceed five thousand dollars per married  
19 filing separate return or ten thousand dollars for any other return. With  
20 respect to a qualified rollover within the meaning of section 529 of the  
21 Internal Revenue Code from another state's plan, any interest, earnings,  
22 and state contributions received from the other state's educational  
23 savings plan which is qualified under section 529 of the code shall  
24 qualify for the reduction provided in this subdivision. For contributions  
25 by a custodian of a custodial account including rollovers from another  
26 custodial account, the reduction shall only apply to funds added to the  
27 custodial account after January 1, 2014.

28 (c) For taxable years beginning or deemed to begin on or after  
29 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
30 federal adjusted gross income shall be reduced, to the extent included in  
31 the adjusted gross income of an individual, by the amount of any

1 contribution made by the individual's employer into an account under the  
2 Nebraska educational savings plan trust owned by the individual, not to  
3 exceed five thousand dollars per married filing separate return or ten  
4 thousand dollars for any other return.

5 (d) Federal adjusted gross income or, for corporations and  
6 fiduciaries, federal taxable income shall be increased by:

7 (i) The amount resulting from the cancellation of a participation  
8 agreement refunded to the taxpayer as a participant in the Nebraska  
9 educational savings plan trust to the extent previously deducted under  
10 subdivision (8)(b) of this section; and

11 (ii) The amount of any withdrawals by the owner of an account  
12 established under the achieving a better life experience program as  
13 provided in sections 77-1401 to 77-1409 for nonqualified expenses to the  
14 extent previously deducted under subdivision (8)(b) of this section.

15 (9)(a) For income tax returns filed after September 10, 2001, for  
16 taxable years beginning or deemed to begin before January 1, 2006, under  
17 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
18 income or, for corporations and fiduciaries, federal taxable income shall  
19 be increased by eighty-five percent of any amount of any federal bonus  
20 depreciation received under the federal Job Creation and Worker  
21 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
22 under section 168(k) or section 1400L of the Internal Revenue Code of  
23 1986, as amended, for assets placed in service after September 10, 2001,  
24 and before December 31, 2005.

25 (b) For a partnership, limited liability company, cooperative,  
26 including any cooperative exempt from income taxes under section 521 of  
27 the Internal Revenue Code of 1986, as amended, limited cooperative  
28 association, subchapter S corporation, or joint venture, the increase  
29 shall be distributed to the partners, members, shareholders, patrons, or  
30 beneficiaries in the same manner as income is distributed for use against  
31 their income tax liabilities.

1 (c) For a corporation with a unitary business having activity both  
2 inside and outside the state, the increase shall be apportioned to  
3 Nebraska in the same manner as income is apportioned to the state by  
4 section 77-2734.05.

5 (d) The amount of bonus depreciation added to federal adjusted gross  
6 income or, for corporations and fiduciaries, federal taxable income by  
7 this subsection shall be subtracted in a later taxable year. Twenty  
8 percent of the total amount of bonus depreciation added back by this  
9 subsection for tax years beginning or deemed to begin before January 1,  
10 2003, under the Internal Revenue Code of 1986, as amended, may be  
11 subtracted in the first taxable year beginning or deemed to begin on or  
12 after January 1, 2005, under the Internal Revenue Code of 1986, as  
13 amended, and twenty percent in each of the next four following taxable  
14 years. Twenty percent of the total amount of bonus depreciation added  
15 back by this subsection for tax years beginning or deemed to begin on or  
16 after January 1, 2003, may be subtracted in the first taxable year  
17 beginning or deemed to begin on or after January 1, 2006, under the  
18 Internal Revenue Code of 1986, as amended, and twenty percent in each of  
19 the next four following taxable years.

20 (10) For taxable years beginning or deemed to begin on or after  
21 January 1, 2003, and before January 1, 2006, under the Internal Revenue  
22 Code of 1986, as amended, federal adjusted gross income or, for  
23 corporations and fiduciaries, federal taxable income shall be increased  
24 by the amount of any capital investment that is expensed under section  
25 179 of the Internal Revenue Code of 1986, as amended, that is in excess  
26 of twenty-five thousand dollars that is allowed under the federal Jobs  
27 and Growth Tax Act of 2003. Twenty percent of the total amount of  
28 expensing added back by this subsection for tax years beginning or deemed  
29 to begin on or after January 1, 2003, may be subtracted in the first  
30 taxable year beginning or deemed to begin on or after January 1, 2006,  
31 under the Internal Revenue Code of 1986, as amended, and twenty percent

1 in each of the next four following tax years.

2 (11)(a) For taxable years beginning or deemed to begin before  
3 January 1, 2018, under the Internal Revenue Code of 1986, as amended,  
4 federal adjusted gross income shall be reduced by contributions, up to  
5 two thousand dollars per married filing jointly return or one thousand  
6 dollars for any other return, and any investment earnings made as a  
7 participant in the Nebraska long-term care savings plan under the Long-  
8 Term Care Savings Plan Act, to the extent not deducted for federal income  
9 tax purposes.

10 (b) For taxable years beginning or deemed to begin before January 1,  
11 2018, under the Internal Revenue Code of 1986, as amended, federal  
12 adjusted gross income shall be increased by the withdrawals made as a  
13 participant in the Nebraska long-term care savings plan under the act by  
14 a person who is not a qualified individual or for any reason other than  
15 transfer of funds to a spouse, long-term care expenses, long-term care  
16 insurance premiums, or death of the participant, including withdrawals  
17 made by reason of cancellation of the participation agreement, to the  
18 extent previously deducted as a contribution or as investment earnings.

19 (12) There shall be added to federal adjusted gross income for  
20 individuals, estates, and trusts any amount taken as a credit for  
21 franchise tax paid by a financial institution under sections 77-3801 to  
22 77-3807 as allowed by subsection (5) of section 77-2715.07.

23 (13)(a) For taxable years beginning or deemed to begin on or after  
24 January 1, 2015, and before January 1, 2025, under the Internal Revenue  
25 Code of 1986, as amended, federal adjusted gross income shall be reduced  
26 by the amount received as benefits under the federal Social Security Act  
27 which are included in the federal adjusted gross income if:

28 (i) For taxpayers filing a married filing joint return, federal  
29 adjusted gross income is fifty-eight thousand dollars or less; or

30 (ii) For taxpayers filing any other return, federal adjusted gross  
31 income is forty-three thousand dollars or less.

1 (b) For taxable years beginning or deemed to begin on or after  
2 January 1, 2020, and before January 1, 2025, under the Internal Revenue  
3 Code of 1986, as amended, the Tax Commissioner shall adjust the dollar  
4 amounts provided in subdivisions (13)(a)(i) and (ii) of this section by  
5 the same percentage used to adjust individual income tax brackets under  
6 subsection (3) of section 77-2715.03.

7 (c) For taxable years beginning or deemed to begin on or after  
8 January 1, 2021, and before January 1, 2025, under the Internal Revenue  
9 Code of 1986, as amended, a taxpayer may claim the reduction to federal  
10 adjusted gross income allowed under this subsection or the reduction to  
11 federal adjusted gross income allowed under subsection (14) of this  
12 section, whichever provides the greater reduction.

13 (14)(a) For taxable years beginning or deemed to begin on or after  
14 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
15 federal adjusted gross income shall be reduced by a percentage of the  
16 social security benefits that are received and included in federal  
17 adjusted gross income. The pertinent percentage shall be:

18 (i) Five percent for taxable years beginning or deemed to begin on  
19 or after January 1, 2021, and before January 1, 2022, under the Internal  
20 Revenue Code of 1986, as amended;

21 (ii) Forty percent for taxable years beginning or deemed to begin on  
22 or after January 1, 2022, and before January 1, 2023, under the Internal  
23 Revenue Code of 1986, as amended;

24 (iii) Sixty percent for taxable years beginning or deemed to begin  
25 on or after January 1, 2023, and before January 1, 2024, under the  
26 Internal Revenue Code of 1986, as amended;

27 (iv) Eighty percent for taxable years beginning or deemed to begin  
28 on or after January 1, 2024, and before January 1, 2025, under the  
29 Internal Revenue Code of 1986, as amended; and

30 (v) One hundred percent for taxable years beginning or deemed to  
31 begin on or after January 1, 2025, under the Internal Revenue Code of



1 1986, as amended.

2 (b) For purposes of this subsection, social security benefits means  
3 benefits received under the federal Social Security Act.

4 (c) For taxable years beginning or deemed to begin on or after  
5 January 1, 2021, and before January 1, 2025, under the Internal Revenue  
6 Code of 1986, as amended, a taxpayer may claim the reduction to federal  
7 adjusted gross income allowed under this subsection or the reduction to  
8 federal adjusted gross income allowed under subsection (13) of this  
9 section, whichever provides the greater reduction.

10 (15)(a) For taxable years beginning or deemed to begin on or after  
11 January 1, 2015, and before January 1, 2022, under the Internal Revenue  
12 Code of 1986, as amended, an individual may make a one-time election  
13 within two calendar years after the date of his or her retirement from  
14 the military to exclude income received as a military retirement benefit  
15 by the individual to the extent included in federal adjusted gross income  
16 and as provided in this subdivision. The individual may elect to exclude  
17 forty percent of his or her military retirement benefit income for seven  
18 consecutive taxable years beginning with the year in which the election  
19 is made or may elect to exclude fifteen percent of his or her military  
20 retirement benefit income for all taxable years beginning with the year  
21 in which he or she turns sixty-seven years of age.

22 (b) For taxable years beginning or deemed to begin on or after  
23 January 1, 2022, under the Internal Revenue Code of 1986, as amended, an  
24 individual may exclude one hundred percent of the military retirement  
25 benefit income received by such individual to the extent included in  
26 federal adjusted gross income.

27 (c) For purposes of this subsection, military retirement benefit  
28 means retirement benefits that are periodic payments attributable to  
29 service in the uniformed services of the United States for personal  
30 services performed by an individual prior to his or her retirement. The  
31 term includes retirement benefits described in this subdivision that are

1 reported to the individual on either:

2 (i) An Internal Revenue Service Form 1099-R received from the United  
3 States Department of Defense; or

4 (ii) An Internal Revenue Service Form 1099-R received from the  
5 United States Office of Personnel Management.

6 (16) For taxable years beginning or deemed to begin on or after  
7 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
8 federal adjusted gross income shall be reduced by the amount received as  
9 a Segal AmeriCorps Education Award, to the extent such amount is included  
10 in federal adjusted gross income.

11 (17) For taxable years beginning or deemed to begin on or after  
12 January 1, 2022, under the Internal Revenue Code of 1986, as amended,  
13 federal adjusted gross income shall be reduced by the amount received by  
14 or on behalf of a firefighter for cancer benefits under the Firefighter  
15 Cancer Benefits Act to the extent included in federal adjusted gross  
16 income.

17 (18) There shall be subtracted from the federal adjusted gross  
18 income of individuals any amount received by the individual as student  
19 loan repayment assistance under the Teach in Nebraska Today Act, to the  
20 extent such amount is included in federal adjusted gross income.

21 (19) For taxable years beginning or deemed to begin on or after  
22 January 1, 2023, under the Internal Revenue Code of 1986, as amended, a  
23 retired individual who was employed full time as a firefighter or  
24 certified law enforcement officer for at least twenty years and who is at  
25 least sixty years of age as of the end of the taxable year may reduce his  
26 or her federal adjusted gross income by the amount of health insurance  
27 premiums paid by such individual during the taxable year, to the extent  
28 such premiums were not already deducted in determining the individual's  
29 federal adjusted gross income.

30 Sec. 71. Section 77-2717, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:

1           77-2717 (1)(a)(i) For taxable years beginning or deemed to begin  
2 before January 1, 2014, the tax imposed on all resident estates and  
3 trusts shall be a percentage of the federal taxable income of such  
4 estates and trusts as modified in section 77-2716, plus a percentage of  
5 the federal alternative minimum tax and the federal tax on premature or  
6 lump-sum distributions from qualified retirement plans. The additional  
7 taxes shall be recomputed by (A) substituting Nebraska taxable income for  
8 federal taxable income, (B) calculating what the federal alternative  
9 minimum tax would be on Nebraska taxable income and adjusting such  
10 calculations for any items which are reflected differently in the  
11 determination of federal taxable income, and (C) applying Nebraska rates  
12 to the result. The federal credit for prior year minimum tax, after the  
13 recomputations required by the Nebraska Revenue Act of 1967, and the  
14 credits provided in the Nebraska Advantage Microenterprise Tax Credit Act  
15 and the Nebraska Advantage Research and Development Act shall be allowed  
16 as a reduction in the income tax due. A refundable income tax credit  
17 shall be allowed for all resident estates and trusts under the Angel  
18 Investment Tax Credit Act, the Nebraska Advantage Microenterprise Tax  
19 Credit Act, and the Nebraska Advantage Research and Development Act. A  
20 nonrefundable income tax credit shall be allowed for all resident estates  
21 and trusts as provided in the New Markets Job Growth Investment Act.

22           (ii) For taxable years beginning or deemed to begin on or after  
23 January 1, 2014, the tax imposed on all resident estates and trusts shall  
24 be a percentage of the federal taxable income of such estates and trusts  
25 as modified in section 77-2716, plus a percentage of the federal tax on  
26 premature or lump-sum distributions from qualified retirement plans. The  
27 additional taxes shall be recomputed by substituting Nebraska taxable  
28 income for federal taxable income and applying Nebraska rates to the  
29 result. The credits provided in the Nebraska Advantage Microenterprise  
30 Tax Credit Act and the Nebraska Advantage Research and Development Act  
31 shall be allowed as a reduction in the income tax due. A refundable

1 income tax credit shall be allowed for all resident estates and trusts  
2 under the Angel Investment Tax Credit Act, the Nebraska Advantage  
3 Microenterprise Tax Credit Act, the Nebraska Advantage Research and  
4 Development Act, the Nebraska Biodiesel Tax Credit Act, the Nebraska  
5 Higher Blend Tax Credit Act, the Nebraska Property Tax Incentive Act, and  
6 the Renewable Chemical Production Tax Credit Act. A nonrefundable income  
7 tax credit shall be allowed for all resident estates and trusts as  
8 provided in the Nebraska Job Creation and Mainstreet Revitalization Act,  
9 the New Markets Job Growth Investment Act, the School Readiness Tax  
10 Credit Act, the Affordable Housing Tax Credit Act, and sections 77-27,238  
11 and 77-27,240 and section 77 of this act.

12 (b) The tax imposed on all nonresident estates and trusts shall be  
13 the portion of the tax imposed on resident estates and trusts which is  
14 attributable to the income derived from sources within this state. The  
15 tax which is attributable to income derived from sources within this  
16 state shall be determined by multiplying the liability to this state for  
17 a resident estate or trust with the same total income by a fraction, the  
18 numerator of which is the nonresident estate's or trust's Nebraska income  
19 as determined by sections 77-2724 and 77-2725 and the denominator of  
20 which is its total federal income after first adjusting each by the  
21 amounts provided in section 77-2716. The federal credit for prior year  
22 minimum tax, after the recomputations required by the Nebraska Revenue  
23 Act of 1967, reduced by the percentage of the total income which is  
24 attributable to income from sources outside this state, and the credits  
25 provided in the Nebraska Advantage Microenterprise Tax Credit Act and the  
26 Nebraska Advantage Research and Development Act shall be allowed as a  
27 reduction in the income tax due. A refundable income tax credit shall be  
28 allowed for all nonresident estates and trusts under the Angel Investment  
29 Tax Credit Act, the Nebraska Advantage Microenterprise Tax Credit Act,  
30 the Nebraska Advantage Research and Development Act, the Nebraska  
31 Biodiesel Tax Credit Act, the Nebraska Higher Blend Tax Credit Act, the

1 Nebraska Property Tax Incentive Act, and the Renewable Chemical  
2 Production Tax Credit Act. A nonrefundable income tax credit shall be  
3 allowed for all nonresident estates and trusts as provided in the  
4 Nebraska Job Creation and Mainstreet Revitalization Act, the New Markets  
5 Job Growth Investment Act, the School Readiness Tax Credit Act, the  
6 Affordable Housing Tax Credit Act, and sections 77-27,238 and 77-27,240  
7 and section 77 of this act.

8 (2) In all instances wherein a fiduciary income tax return is  
9 required under the provisions of the Internal Revenue Code, a Nebraska  
10 fiduciary return shall be filed, except that a fiduciary return shall not  
11 be required to be filed regarding a simple trust if all of the trust's  
12 beneficiaries are residents of the State of Nebraska, all of the trust's  
13 income is derived from sources in this state, and the trust has no  
14 federal tax liability. The fiduciary shall be responsible for making the  
15 return for the estate or trust for which he or she acts, whether the  
16 income be taxable to the estate or trust or to the beneficiaries thereof.  
17 The fiduciary shall include in the return a statement of each  
18 beneficiary's distributive share of net income when such income is  
19 taxable to such beneficiaries.

20 (3) The beneficiaries of such estate or trust who are residents of  
21 this state shall include in their income their proportionate share of  
22 such estate's or trust's federal income and shall reduce their Nebraska  
23 tax liability by their proportionate share of the credits as provided in  
24 the Angel Investment Tax Credit Act, the Nebraska Advantage  
25 Microenterprise Tax Credit Act, the Nebraska Advantage Research and  
26 Development Act, the Nebraska Job Creation and Mainstreet Revitalization  
27 Act, the New Markets Job Growth Investment Act, the School Readiness Tax  
28 Credit Act, the Affordable Housing Tax Credit Act, the Nebraska Biodiesel  
29 Tax Credit Act, the Nebraska Higher Blend Tax Credit Act, the Nebraska  
30 Property Tax Incentive Act, the Renewable Chemical Production Tax Credit  
31 Act, and sections 77-27,238 and 77-27,240 and section 77 of this act.

1 There shall be allowed to a beneficiary a refundable income tax credit  
2 under the Beginning Farmer Tax Credit Act for all taxable years beginning  
3 or deemed to begin on or after January 1, 2001, under the Internal  
4 Revenue Code of 1986, as amended.

5 (4) If any beneficiary of such estate or trust is a nonresident  
6 during any part of the estate's or trust's taxable year, he or she shall  
7 file a Nebraska income tax return which shall include (a) in Nebraska  
8 adjusted gross income that portion of the estate's or trust's Nebraska  
9 income, as determined under sections 77-2724 and 77-2725, allocable to  
10 his or her interest in the estate or trust and (b) a reduction of the  
11 Nebraska tax liability by his or her proportionate share of the credits  
12 as provided in the Angel Investment Tax Credit Act, the Nebraska  
13 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research  
14 and Development Act, the Nebraska Job Creation and Mainstreet  
15 Revitalization Act, the New Markets Job Growth Investment Act, the School  
16 Readiness Tax Credit Act, the Affordable Housing Tax Credit Act, the  
17 Nebraska Biodiesel Tax Credit Act, the Nebraska Higher Blend Tax Credit  
18 Act, the Nebraska Property Tax Incentive Act, the Renewable Chemical  
19 Production Tax Credit Act, and sections 77-27,238 and 77-27,240 and  
20 section 77 of this act and shall execute and forward to the fiduciary, on  
21 or before the original due date of the Nebraska fiduciary return, an  
22 agreement which states that he or she will file a Nebraska income tax  
23 return and pay income tax on all income derived from or connected with  
24 sources in this state, and such agreement shall be attached to the  
25 Nebraska fiduciary return for such taxable year.

26 (5) In the absence of the nonresident beneficiary's executed  
27 agreement being attached to the Nebraska fiduciary return, the estate or  
28 trust shall remit a portion of such beneficiary's income which was  
29 derived from or attributable to Nebraska sources with its Nebraska return  
30 for the taxable year. For taxable years beginning or deemed to begin  
31 before January 1, 2013, the amount of remittance, in such instance, shall

1 be the highest individual income tax rate determined under section  
2 77-2715.02 multiplied by the nonresident beneficiary's share of the  
3 estate or trust income which was derived from or attributable to sources  
4 within this state. For taxable years beginning or deemed to begin on or  
5 after January 1, 2013, the amount of remittance, in such instance, shall  
6 be the highest individual income tax rate determined under section  
7 77-2715.03 multiplied by the nonresident beneficiary's share of the  
8 estate or trust income which was derived from or attributable to sources  
9 within this state. The amount remitted shall be allowed as a credit  
10 against the Nebraska income tax liability of the beneficiary.

11 (6) The Tax Commissioner may allow a nonresident beneficiary to not  
12 file a Nebraska income tax return if the nonresident beneficiary's only  
13 source of Nebraska income was his or her share of the estate's or trust's  
14 income which was derived from or attributable to sources within this  
15 state, the nonresident did not file an agreement to file a Nebraska  
16 income tax return, and the estate or trust has remitted the amount  
17 required by subsection (5) of this section on behalf of such nonresident  
18 beneficiary. The amount remitted shall be retained in satisfaction of the  
19 Nebraska income tax liability of the nonresident beneficiary.

20 (7) For purposes of this section, unless the context otherwise  
21 requires, simple trust shall mean any trust instrument which (a) requires  
22 that all income shall be distributed currently to the beneficiaries, (b)  
23 does not allow amounts to be paid, permanently set aside, or used in the  
24 tax year for charitable purposes, and (c) does not distribute amounts  
25 allocated in the corpus of the trust. Any trust which does not qualify as  
26 a simple trust shall be deemed a complex trust.

27 (8) For purposes of this section, any beneficiary of an estate or  
28 trust that is a grantor trust of a nonresident shall be disregarded and  
29 this section shall apply as though the nonresident grantor was the  
30 beneficiary.

31 Sec. 72. Section 77-2734.03, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 77-2734.03 (1)(a) For taxable years commencing prior to January 1,  
3 1997, any (i) insurer paying a tax on premiums and assessments pursuant  
4 to section 77-908 or 81-523, (ii) electric cooperative organized under  
5 the Joint Public Power Authority Act, or (iii) credit union shall be  
6 credited, in the computation of the tax due under the Nebraska Revenue  
7 Act of 1967, with the amount paid during the taxable year as taxes on  
8 such premiums and assessments and taxes in lieu of intangible tax.

9 (b) For taxable years commencing on or after January 1, 1997, any  
10 insurer paying a tax on premiums and assessments pursuant to section  
11 77-908 or 81-523, any electric cooperative organized under the Joint  
12 Public Power Authority Act, or any credit union shall be credited, in the  
13 computation of the tax due under the Nebraska Revenue Act of 1967, with  
14 the amount paid during the taxable year as (i) taxes on such premiums and  
15 assessments included as Nebraska premiums and assessments under section  
16 77-2734.05 and (ii) taxes in lieu of intangible tax.

17 (c) For taxable years commencing or deemed to commence prior to, on,  
18 or after January 1, 1998, any insurer paying a tax on premiums and  
19 assessments pursuant to section 77-908 or 81-523 shall be credited, in  
20 the computation of the tax due under the Nebraska Revenue Act of 1967,  
21 with the amount paid during the taxable year as assessments allowed as an  
22 offset against premium and related retaliatory tax liability pursuant to  
23 section 44-4233.

24 (2) There shall be allowed to corporate taxpayers a tax credit for  
25 contributions to community betterment programs as provided in the  
26 Community Development Assistance Act.

27 (3) There shall be allowed to corporate taxpayers a refundable  
28 income tax credit under the Beginning Farmer Tax Credit Act for all  
29 taxable years beginning or deemed to begin on or after January 1, 2001,  
30 under the Internal Revenue Code of 1986, as amended.

31 (4) The changes made to this section by Laws 2004, LB 983, apply to



1 motor fuels purchased during any tax year ending or deemed to end on or  
2 after January 1, 2005, under the Internal Revenue Code of 1986, as  
3 amended.

4 (5) There shall be allowed to corporate taxpayers refundable income  
5 tax credits under the Nebraska Advantage Microenterprise Tax Credit Act,  
6 the Nebraska Advantage Research and Development Act, the Nebraska  
7 Biodiesel Tax Credit Act, the Nebraska Higher Blend Tax Credit Act, the  
8 Nebraska Property Tax Incentive Act, and the Renewable Chemical  
9 Production Tax Credit Act.

10 (6) There shall be allowed to corporate taxpayers a nonrefundable  
11 income tax credit for investment in a biodiesel facility as provided in  
12 section 77-27,236.

13 (7) There shall be allowed to corporate taxpayers a nonrefundable  
14 income tax credit as provided in the Nebraska Job Creation and Mainstreet  
15 Revitalization Act, the New Markets Job Growth Investment Act, the School  
16 Readiness Tax Credit Act, the Affordable Housing Tax Credit Act, and  
17 sections 77-27,238 and 77-27,240 and section 77 of this act.

18 Sec. 73. Section 77-27,132, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 77-27,132 (1) There is hereby created a fund to be designated the  
21 Revenue Distribution Fund which shall be set apart and maintained by the  
22 Tax Commissioner. Revenue not required to be credited to the General Fund  
23 or any other specified fund may be credited to the Revenue Distribution  
24 Fund. Credits and refunds of such revenue shall be paid from the Revenue  
25 Distribution Fund. The balance of the amount credited, after credits and  
26 refunds, shall be allocated as provided by the statutes creating such  
27 revenue.

28 (2) The Tax Commissioner shall pay to a depository bank designated  
29 by the State Treasurer all amounts collected under the Nebraska Revenue  
30 Act of 1967. The Tax Commissioner shall present to the State Treasurer  
31 bank receipts showing amounts so deposited in the bank, and of the

1 amounts so deposited the State Treasurer shall:

2 (a) For transactions occurring on or after October 1, 2014, and  
3 before October 1, 2027, credit to the Game and Parks Commission Capital  
4 Maintenance Fund all of the proceeds of the sales and use taxes imposed  
5 pursuant to section 77-2703 on the sale or lease of motorboats as defined  
6 in section 37-1204, personal watercraft as defined in section 37-1204.01,  
7 all-terrain vehicles as defined in section 60-103, and utility-type  
8 vehicles as defined in section 60-135.01;

9 (b) Credit to the Highway Trust Fund all of the proceeds of the  
10 sales and use taxes derived from the sale or lease for periods of more  
11 than thirty-one days of motor vehicles, trailers, and semitrailers,  
12 except that the proceeds equal to any sales tax rate provided for in  
13 section 77-2701.02 that is in excess of five percent derived from the  
14 sale or lease for periods of more than thirty-one days of motor vehicles,  
15 trailers, and semitrailers shall be credited to the Highway Allocation  
16 Fund;

17 (c) For transactions occurring on or after July 1, 2013, and before  
18 July 1, 2042 ~~2033~~, of the proceeds of the sales and use taxes derived  
19 from transactions other than those listed in subdivisions (2)(a), ~~and~~  
20 (b), ~~and~~ (e) of this section from a sales tax rate of one-quarter of one  
21 percent, credit monthly eighty-five percent to the Highway Trust State  
22 ~~Highway Capital Improvement~~ Fund and fifteen percent to the Highway  
23 Allocation Fund; ~~and~~

24 (d) Of the proceeds of the sales and use taxes derived from  
25 transactions other than those listed in subdivisions (2)(a), ~~and~~ (b), ~~and~~  
26 (e) of this section, credit to the Property Tax Credit Cash Fund the  
27 amount certified under section 77-27,237, if any such certification is  
28 made; ~~and~~ -

29 (e) For transactions occurring on or after July 1, 2023, credit to  
30 the Department of Transportation Aeronautics Capital Improvement Fund all  
31 of the proceeds of the sales and use taxes imposed pursuant to section

1 77-2703 on the sale or lease of aircraft as defined in section 3-101.

2 The balance of all amounts collected under the Nebraska Revenue Act  
3 of 1967 shall be credited to the General Fund.

4 Sec. 74. Section 77-27,187.02, Revised Statutes Cumulative  
5 Supplement, 2022, is amended to read:

6 77-27,187.02 (1) To earn the incentives set forth in the Nebraska  
7 Advantage Rural Development Act, the taxpayer shall file an application  
8 for an agreement with the Tax Commissioner. There shall be no new  
9 applications for incentives filed under this section after December 31,  
10 2027.

11 (2) The application shall contain:

12 (a) A written statement describing the full expected employment or  
13 type of livestock production and the investment amount for a qualified  
14 business, as described in section 77-27,189, in this state;

15 (b) Sufficient documents, plans, and specifications as required by  
16 the Tax Commissioner to support the plan and to define a project; and

17 (c) An application fee of (i) one hundred dollars for an investment  
18 amount of less than twenty-five thousand dollars, (ii) two hundred fifty  
19 dollars for an investment amount of at least twenty-five thousand dollars  
20 but less than fifty thousand dollars, and (iii) five hundred dollars for  
21 an investment amount of fifty thousand dollars or more. The fee shall be  
22 remitted to the State Treasurer for credit to the Nebraska Incentives  
23 Fund. The application and all supporting information shall be  
24 confidential except for the name of the taxpayer, the location of the  
25 project, and the amounts of increased employment or investment.

26 (3)(a) The Tax Commissioner shall approve the application and  
27 authorize the total amount of credits expected to be earned as a result  
28 of the project if he or she is satisfied that the plan in the application  
29 defines a project that (i) meets the requirements established in section  
30 77-27,188 and such requirements will be reached within the required time  
31 period and (ii) for projects other than livestock modernization or

1 expansion projects, is located in an eligible county, city, or village.

2 ~~(b) For applications filed in calendar year 2015, the Tax~~  
3 ~~Commissioner shall not approve further applications once the expected~~  
4 ~~credits from the approved projects total one million dollars. For~~  
5 applications filed in calendar year 2016 and each year thereafter, the  
6 Tax Commissioner shall not approve further applications from applicants  
7 described in subsection (1) of section 77-27,188 once the expected  
8 credits from approved projects in this category total: For calendar years  
9 2016 through 2022, one million dollars; and for calendar year 2023 and  
10 each calendar year thereafter, two million dollars ~~from approved projects~~  
11 ~~from this category total one million dollars.~~ For applications filed in  
12 calendar year 2016 and each year thereafter, the Tax Commissioner shall  
13 not approve further applications from applicants described in subsection  
14 (2) of section 77-27,188 once the expected credits from approved projects  
15 in this category total: For calendar year 2016, five hundred thousand  
16 dollars; for calendar years 2017 and 2018, seven hundred fifty thousand  
17 dollars; for calendar years 2019, 2020, and 2021, one million dollars;  
18 and for calendar year 2022 and each calendar year thereafter, ten million  
19 dollars. Four hundred dollars of the application fee shall be refunded to  
20 the applicant if the application is not approved because the expected  
21 credits from approved projects exceed such amounts.

22 (c) Applications for benefits shall be considered separately and in  
23 the order in which they are received for the categories represented by  
24 subsections (1) and (2) of section 77-27,188.

25 (d) Applications shall be filed by November 1 and shall be complete  
26 by December 1 of each calendar year. Any application that is filed after  
27 November 1 or that is not complete on December 1 shall be considered to  
28 be filed during the following calendar year.

29 (4) After approval, the taxpayer and the Tax Commissioner shall  
30 enter into a written agreement. The taxpayer shall agree to complete the  
31 project, and the Tax Commissioner, on behalf of the State of Nebraska,

1 shall designate the approved plans of the taxpayer as a project and, in  
2 consideration of the taxpayer's agreement, agree to allow the taxpayer to  
3 use the incentives contained in the Nebraska Advantage Rural Development  
4 Act up to the total amount that were authorized by the Tax Commissioner  
5 at the time of approval. The application, and all supporting  
6 documentation, to the extent approved, shall be considered a part of the  
7 agreement. The agreement shall state:

8 (a) The levels of employment and investment required by the act for  
9 the project;

10 (b) The time period under the act in which the required level must  
11 be met;

12 (c) The documentation the taxpayer will need to supply when claiming  
13 an incentive under the act;

14 (d) The date the application was filed; and

15 (e) The maximum amount of credits authorized.

16 Sec. 75. Section 77-27,188, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18 77-27,188 (1) A refundable credit against the taxes imposed by the  
19 Nebraska Revenue Act of 1967 shall be allowed to any taxpayer who has an  
20 approved application pursuant to the Nebraska Advantage Rural Development  
21 Act, who is engaged in a qualified business as described in section  
22 77-27,189, and who after January 1, 2006:

23 (a)(i) Increases employment by two new equivalent employees and  
24 makes an increased investment of at least one hundred twenty-five  
25 thousand dollars prior to the end of the first taxable year after the  
26 year in which the application was submitted in (A) any county in this  
27 state with a population of fewer than fifteen thousand inhabitants,  
28 according to the most recent federal decennial census, (B) any village in  
29 this state, or (C) any area within the corporate limits of a city of the  
30 metropolitan class consisting of one or more contiguous census tracts, as  
31 determined by the most recent federal decennial census, which contain a

1 percentage of persons below the poverty line of greater than thirty  
2 percent, and all census tracts contiguous to such tract or tracts; or

3 (ii) Increases employment by five new equivalent employees and makes  
4 an increased investment of at least two hundred fifty thousand dollars  
5 prior to the end of the first taxable year after the year in which the  
6 application was submitted in any county in this state with a population  
7 of less than twenty-five thousand inhabitants, according to the most  
8 recent federal decennial census, or any city of the second class; and

9 (b) Pays a minimum qualifying wage of eight dollars and twenty-five  
10 cents per hour to the new equivalent employees for which tax credits are  
11 sought under the Nebraska Advantage Rural Development Act. The Department  
12 of Revenue shall adjust the minimum qualifying wages required for  
13 applications filed after January 1, 2004, and each January 1 thereafter,  
14 as follows: The current rural Nebraska average weekly wage shall be  
15 divided by the rural Nebraska average weekly wage for 2003; and the  
16 result shall be multiplied by the eight dollars and twenty-five cents  
17 minimum qualifying wage for 2003 and rounded to the nearest one cent. The  
18 amount of increase or decrease in the minimum qualifying wages for any  
19 year shall be the cumulative change in the rural Nebraska average weekly  
20 wage since 2003. For purposes of this subsection, rural Nebraska average  
21 weekly wage means the most recent average weekly wage paid by all  
22 employers in all counties with a population of less than twenty-five  
23 thousand inhabitants as reported by October 1 by the Department of Labor.

24 For purposes of this section, a teleworker working in Nebraska from  
25 his or her residence for a taxpayer shall be considered an employee of  
26 the taxpayer, and property of the taxpayer provided to the teleworker  
27 working in Nebraska from his or her residence shall be considered an  
28 investment. Teleworker includes an individual working on a per-item basis  
29 and an independent contractor working for the taxpayer so long as the  
30 taxpayer withholds Nebraska income tax from wages or other payments made  
31 to such teleworker. For purposes of calculating the number of new

1 equivalent employees when the teleworkers are paid on a per-item basis or  
2 are independent contractors, the total wages or payments made to all such  
3 new employees during the year shall be divided by the qualifying wage as  
4 determined in subdivision (b) of this subsection, with the result divided  
5 by two thousand eighty hours.

6 (2) A refundable credit against the taxes imposed by the Nebraska  
7 Revenue Act of 1967 shall be allowed to any taxpayer who (a) has an  
8 approved application pursuant to the Nebraska Advantage Rural Development  
9 Act, (b) is engaged in livestock production, and (c) ~~after January 1,~~  
10 ~~2007,~~ invests at least fifty thousand dollars for livestock modernization  
11 or expansion for applications filed before January 1, 2024, or at least  
12 ten thousand dollars for livestock modernization or expansion for  
13 applications filed on or after January 1, 2024.

14 (3) The amount of the credit allowed under subsection (1) of this  
15 section shall be three thousand dollars for each new equivalent employee  
16 and two thousand seven hundred fifty dollars for each fifty thousand  
17 dollars of increased investment. For applications filed before January 1,  
18 2016, the amount of the credit allowed under subsection (2) of this  
19 section shall be ten percent of the investment, not to exceed a credit of  
20 thirty thousand dollars. For applications filed on or after January 1,  
21 2016, and before April 20, 2022, the amount of the credit allowed under  
22 subsection (2) of this section shall be ten percent of the investment,  
23 not to exceed a credit of one hundred fifty thousand dollars per  
24 application. For applications filed on or after April 20, 2022, the  
25 amount of the credit allowed under subsection (2) of this section shall  
26 be ten percent of the investment, not to exceed a credit of five hundred  
27 thousand dollars per application. For each application, a taxpayer  
28 engaged in livestock production may qualify for a credit under either  
29 subsection (1) or (2) of this section, but cannot qualify for more than  
30 one credit per application.

31 (4) An employee of a qualified employee leasing company shall be

1 considered to be an employee of the client-lessee for purposes of this  
2 section if the employee performs services for the client-lessee. A  
3 qualified employee leasing company shall provide the Department of  
4 Revenue access to the records of employees leased to the client-lessee.

5 (5) The credit shall not exceed the amounts set out in the  
6 application and approved by the Tax Commissioner.

7 (6)(a) If a taxpayer who receives tax credits creates fewer jobs or  
8 less investment than required in the project agreement, the taxpayer  
9 shall repay the tax credits as provided in this subsection.

10 (b) If less than seventy-five percent of the required jobs in the  
11 project agreement are created, one hundred percent of the job creation  
12 tax credits shall be repaid. If seventy-five percent or more of the  
13 required jobs in the project agreement are created, no repayment of the  
14 job creation tax credits is necessary.

15 (c) If less than seventy-five percent of the required investment in  
16 the project agreement is created, one hundred percent of the investment  
17 tax credits shall be repaid. If seventy-five percent or more of the  
18 required investment in the project agreement is created, no repayment of  
19 the investment tax credits is necessary.

20 (7) For taxpayers who submitted applications for benefits under the  
21 Nebraska Advantage Rural Development Act before January 1, 2006,  
22 subsection (1) of this section, as such subsection existed immediately  
23 prior to such date, shall continue to apply to such taxpayers. The  
24 changes made by Laws 2005, LB 312, shall not preclude a taxpayer from  
25 receiving the tax incentives earned prior to January 1, 2006.

26 Sec. 76. Section 77-27,223, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 77-27,223 A county may raise revenue by levying and collecting a  
29 license or occupation tax on any person, partnership, limited liability  
30 company, corporation, or business engaged in the sale of admissions to  
31 recreational, cultural, entertainment, or concert events that are subject



1 to sales tax under sections 77-2701.04 to 77-2713 and sections 62 and 66  
2 of this act that occur outside any incorporated municipality, but within  
3 the boundary limits of the county. The tax shall be uniform in respect to  
4 the class upon which it is imposed. The tax shall be based upon a certain  
5 percentage of gross receipts from sales in the county of the person,  
6 partnership, limited liability company, corporation, or business, and may  
7 include sales of other goods and services at such locations and events,  
8 not to exceed one and one-half percent. A county may not impose the tax  
9 on sales that are within an incorporated city or village. No county shall  
10 levy and collect a license or occupation tax under this section unless  
11 approved by a majority of those voting on the question at a special,  
12 primary, or general election.

13 Sec. 77. (1) For purposes of this section:

14 (a) Agricultural producer means an individual or entity whose income  
15 is primarily attributable to crop or livestock production in the State of  
16 Nebraska;

17 (b) Department means the Department of Revenue;

18 (c) Food bank means an organization in this state that:

19 (i) Is exempt from federal income taxation under section 501(c)(3)  
20 of the Internal Revenue Code of 1986, as amended; and

21 (ii) Distributes food in ten or more counties in Nebraska and  
22 qualifies for the Emergency Food Assistance Program administered by the  
23 United States Department of Agriculture;

24 (d) Food pantry means an organization in this state that:

25 (i) Is exempt from federal income taxation under section 501(c)(3)  
26 of the Internal Revenue Code of 1986, as amended; and

27 (ii) Distributes emergency food supplies to low-income individuals  
28 in this state who would otherwise not have access to such food supplies;

29 (e) Food rescue means an organization in this state that:

30 (i) Is exempt from federal income taxation under section 501(c)(3)  
31 of the Internal Revenue Code of 1986, as amended; and

1        (ii) Accepts donations of food and delivers such food to food banks  
2 or food pantries so that such food may be distributed to low-income  
3 individuals in this state;

4        (f) Grocery store retailer means a retailer located in this state  
5 that is primarily engaged in business activities classified as code  
6 445110 under the North American Industry Classification System;

7        (g) Qualifying agricultural food donation means a donation made by  
8 an agricultural producer to a food bank, food pantry, or food rescue of  
9 fresh or frozen fruits, vegetables, eggs, dairy products, or meat  
10 products grown or produced in the State of Nebraska which meets all  
11 applicable quality and labeling standards, along with any other  
12 applicable requirements of the food bank, food pantry, or food rescue to  
13 which the qualifying agricultural food donation is made; and

14        (h) Restaurant means a business located in this state that is  
15 primarily engaged in business activities classified as code 722511,  
16 722513, 722514, or 722515 under the North American Industry  
17 Classification System.

18        (2) For taxable years beginning or deemed to begin on or after  
19 January 1, 2024, under the Internal Revenue Code of 1986, as amended, a  
20 credit against the income tax imposed by the Nebraska Revenue Act of 1967  
21 shall be allowed to:

22        (a) Any grocery store retailer or restaurant that donates food to a  
23 food bank, food pantry, or food rescue during the taxable year; and

24        (b) Any agricultural producer that makes a qualifying agricultural  
25 food donation to a food bank, food pantry, or food rescue during the  
26 taxable year.

27        (3) Subject to subsection (7) of this section, the credit provided  
28 in this section shall be a nonrefundable credit in an amount equal to  
29 fifty percent of the value of the food donations or qualifying  
30 agricultural food donations made during the taxable year, not to exceed  
31 two thousand five hundred dollars. Any amount of the credit that the

1 taxpayer is prohibited from claiming in a taxable year may be carried  
2 forward to any of the three subsequent taxable years.

3 (4) For purposes of this section, food donated by a grocery store  
4 retailer or restaurant shall be valued at its wholesale value. A  
5 qualifying agricultural food donation shall be valued at the prevailing  
6 market value of the product at the time of donation, plus the direct cost  
7 incurred by the agricultural producer for processing the product.

8 (5) To receive a credit under this section, a taxpayer shall submit  
9 an application to the department in a form and manner prescribed by the  
10 department. The application shall include the amount of food donated  
11 during the taxable year and any other information required by the  
12 department.

13 (6) If the department determines that an application is complete and  
14 that the taxpayer qualifies for credits, the department shall approve the  
15 application within the limits set forth in this section and shall certify  
16 the amount of credits approved to the taxpayer.

17 (7) The department may approve zero dollars of credits each year. If  
18 the amount of credits requested by qualified taxpayers in any year  
19 exceeds such limit, the department shall allocate credits proportionally  
20 based on the amounts requested so that the limit is not exceeded.

21 (8) A taxpayer shall claim the credit by attaching the tax credit  
22 certification received from the department under subsection (6) of this  
23 section to the taxpayer's tax return.

24 (9) Any amount relating to such food donations or qualifying  
25 agricultural food donations that was subtracted from the taxpayer's  
26 federal adjusted gross income or federal taxable income must be added  
27 back in the determination of Nebraska adjusted gross income or taxable  
28 income before the credit provided in this section may be claimed.

29 (10) No credit granted under this section shall be transferred,  
30 sold, or assigned. No taxpayer shall be eligible to receive a credit  
31 under this section if such taxpayer employs persons who are not

1 authorized to work in the United States under federal law. No taxpayer  
2 shall be able to claim more than one credit under this section for a  
3 single donation.

4 (11) A food bank, food pantry, or food rescue may accept or reject  
5 any food donated under this section for any reason. Any food that is  
6 rejected shall not qualify for a credit under this section.

7 (12) The department may adopt and promulgate rules and regulations  
8 to carry out this section.

9 Sec. 78. Section 77-2902, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 77-2902 For purposes of the Nebraska Job Creation and Mainstreet  
12 Revitalization Act:

13 (1) Department means the Department of Revenue;

14 (2) Eligible expenditure means any cost incurred for the improvement  
15 of historically significant real property located in the State of  
16 Nebraska, including, but not limited to, qualified rehabilitation  
17 expenditures as defined in section 47(c)(2) of the Internal Revenue Code  
18 of 1986, as amended, and the related regulations thereunder, if such  
19 improvement is in conformance with the standards;

20 (3) Historically significant real property means a building or an  
21 at-grade or above ground structure used for any purpose, except for a  
22 single-family detached residence, which, at the time of final approval of  
23 the work by the officer pursuant to section 77-2906, is:

24 (a) Individually listed in the National Register of Historic Places;

25 (b)(i) Located within a district listed in the National Register of  
26 Historic Places; and

27 (ii) Determined by the officer as being historically significant to  
28 such district;

29 (c)(i) Individually designated pursuant to a landmark ordinance or  
30 resolution enacted by a political subdivision of the state, which  
31 ordinance or resolution has been approved by the officer; and

1 (ii) Determined by the officer as being historically significant; or  
2 (d)(i) Located within a district designated pursuant to a  
3 preservation ordinance or resolution enacted by a county, city, or  
4 village of the state or political body comprised thereof providing for  
5 the rehabilitation, preservation, or restoration of historically  
6 significant real property, which ordinance or resolution has been  
7 approved by the officer; and

8 (ii) Determined by the officer as contributing to the historical  
9 significance or economic viability of such district ~~or to its economic~~  
10 ~~viability;~~

11 (4) Improvement means a rehabilitation, preservation, or restoration  
12 project that contributes to the basis, functionality, or value of the  
13 historically significant real property and has a total cost which equals  
14 or exceeds five thousand dollars; ~~the following:~~

15 ~~(a) For historically significant real property that is not located~~  
16 ~~in a city of the metropolitan or primary class, twenty-five thousand~~  
17 ~~dollars; or~~

18 ~~(b) For historically significant real property that is located in a~~  
19 ~~city of the metropolitan or primary class, the greater of (i) twenty-five~~  
20 ~~thousand dollars or (ii) twenty five percent of the historically~~  
21 ~~significant real property's assessed value;~~

22 (5) Officer means the State Historic Preservation Officer;

23 (6) Person means any natural person, political subdivision, limited  
24 liability company, partnership, private domestic or private foreign  
25 corporation, or domestic or foreign nonprofit corporation certified  
26 pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as  
27 amended;

28 (7) Placed in service means that either (a) a temporary or final  
29 certificate of occupancy has been issued for the improvement or (b) the  
30 improvement is sufficiently complete to allow for the intended use of the  
31 improvement; and

1 (8) Standards means (a) the Secretary of the Interior's Standards  
2 for the Treatment of Historic Properties as promulgated by the United  
3 States Department of the Interior or (b) specific standards for the  
4 rehabilitation, preservation, and restoration of historically significant  
5 real property contained in a duly adopted local preservation ordinance or  
6 resolution that has been approved by the officer pursuant to section  
7 77-2903.

8 Sec. 79. Section 77-2903, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 77-2903 For purposes of establishing standards under subdivision (8)  
11 (b) of section 77-2902, the officer shall approve a duly adopted local  
12 preservation ordinance or resolution if such ordinance or resolution  
13 meets the following requirements:

14 (1) The ordinance or resolution provides for specific standards and  
15 requirements regarding building exteriors that reflect the heritage,  
16 values, and character of the political subdivision adopting such  
17 ordinance or resolution; and

18 (2) The ordinance or resolution requires that any building to be  
19 rehabilitated, preserved, or restored shall have been originally  
20 constructed at least fifty years prior to the proposed rehabilitation,  
21 preservation, or restoration and the facade of such building shall not  
22 have undergone material structural alteration since its original  
23 construction, unless the rehabilitation, preservation, or restoration to  
24 be performed proposes to restore the facade to substantially its original  
25 condition.

26 Sec. 80. Section 77-2904, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 77-2904 (1) Any person incurring eligible expenditures may receive a  
29 nonrefundable credit against any income tax imposed by the Nebraska  
30 Revenue Act of 1967 or any tax imposed pursuant to sections 44-101 to  
31 44-165, 77-907 to 77-918, or 77-3801 to 77-3807 for the year the

1 historically significant real property is placed in service. ~~The amount~~  
2 ~~of the credit shall be equal to twenty percent of eligible expenditures~~  
3 ~~up to a maximum credit of one million dollars.~~

4 (2) For historically significant real property located in a county  
5 that includes a city of the metropolitan class or a city of the primary  
6 class, the credit shall be equal to twenty-five percent of eligible  
7 expenditures. For historically significant real property located in any  
8 other county, the credit shall be equal to thirty percent of eligible  
9 expenditures. In all cases, the maximum credit allocated to any one  
10 project shall be two million dollars.

11 (3) Any taxpayer that claims a tax credit shall not be required to  
12 pay any additional retaliatory tax under section 44-150 as a result of  
13 claiming such tax credit. Any tax credit claimed under this section shall  
14 be considered a payment of tax for purposes of subsection (1) of section  
15 77-2734.03.

16 (4) ~~(2)~~ To claim the credit authorized under this section, a person  
17 must first apply and receive an allocation of credits and application  
18 approval under section 77-2905 and then request and receive final  
19 approval under section 77-2906.

20 (5) ~~(3)~~ Interest shall not be allowed on any refund paid under the  
21 Nebraska Job Creation and Mainstreet Revitalization Act.

22 Sec. 81. Section 77-2905, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 77-2905 (1) Prior to commencing work on the historically significant  
25 real property, a person shall file an application for credits under the  
26 Nebraska Job Creation and Mainstreet Revitalization Act containing all  
27 required information with the officer on a form prescribed by the officer  
28 and shall include an application fee established by the officer pursuant  
29 to section 77-2907. ~~The officer shall not accept any application for~~  
30 ~~credits prior to January 1, 2015.~~ The application shall include plans and  
31 specifications, an estimate of the cost of the project prepared by a

1 licensed architect, licensed engineer, or licensed contractor, and a  
2 request for a specific amount of credits based on such estimate. The  
3 officer shall review the application and, within twenty-one days after  
4 receiving the application, shall determine whether the information  
5 contained therein is complete. The officer shall notify the applicant in  
6 writing of the determination within five business days after making the  
7 determination. If the officer fails to provide such notification as  
8 required, the application shall be deemed complete as of the twenty-first  
9 day after the application is received by the officer. If the officer  
10 determines the application is complete or if the application is deemed  
11 complete pursuant to this section, the officer shall reserve for the  
12 benefit of the applicant an allocation of credits in the amount specified  
13 in the application and determined by the officer to be reasonable and  
14 shall notify the applicant in writing of the amount of the allocation.  
15 The allocation does not entitle the applicant to an issuance of credits  
16 until the applicant complies with all other requirements of the Nebraska  
17 Job Creation and Mainstreet Revitalization Act for the issuance of  
18 credits. The date the officer determines the application is complete or  
19 the date the application is deemed complete pursuant to this section  
20 shall constitute the applicant's priority date for purposes of allocating  
21 credits under this section. For complete applications receiving an  
22 allocation under this section, the officer shall determine whether the  
23 application conforms to the standards, and, if so, the officer shall  
24 approve such application or approve such application with conditions. If  
25 the application does not conform to the standards, the officer shall deny  
26 such application. The officer shall promptly provide the person filing  
27 the application and the department with written notice of the officer's  
28 determination. If the officer does not provide a written notice of his or  
29 her determination within thirty days after the date the application is  
30 determined or deemed to be complete pursuant to this section, the  
31 application shall be deemed approved. The officer shall notify the



1 department of any applications that are deemed approved pursuant to this  
2 section. If the officer denies the application, the credits allocated to  
3 the applicant under this subsection shall be added to the annual amount  
4 available for allocation under subsection (2) of this section. Any denial  
5 of an application by the officer pursuant to this section may be  
6 appealed, and the appeal shall be in accordance with the Administrative  
7 Procedure Act.

8 (2) ~~For calendar years beginning before January 1, 2017, the total~~  
9 ~~amount of credits that may be allocated by the officer under this section~~  
10 ~~in any calendar year shall be limited to fifteen million dollars. For~~  
11 ~~calendar years beginning before January 1, 2024 on or after January 1,~~  
12 ~~2017, the total amount of credits that may be allocated by the officer~~  
13 ~~under this section in any calendar year shall be limited to fifteen~~  
14 ~~million dollars, of which four million dollars shall be reserved for~~  
15 ~~applications seeking an allocation of credits of less than one hundred~~  
16 ~~thousand dollars. For calendar years beginning on or after January 1,~~  
17 ~~2024, the total amount of credits that may be allocated by the officer~~  
18 ~~under this section in any calendar year shall be limited to two million~~  
19 ~~dollars. If the amount of credits allocated in any calendar year is less~~  
20 ~~than the maximum amount of credits available under this section for that~~  
21 ~~year fifteen million dollars, the unused amount shall be carried forward~~  
22 ~~to subsequent years and shall be available for allocation in subsequent~~  
23 ~~years until fully utilized, except as otherwise provided in section~~  
24 ~~77-2912. If the amount of credits reserved for applications seeking an~~  
25 ~~allocation of credits of less than one hundred thousand dollars is not~~  
26 ~~allocated by April 1 of any calendar year, such unallocated credits for~~  
27 ~~the calendar year shall be available for any application seeking an~~  
28 ~~allocation of credits based upon the applicant's priority date as~~  
29 ~~determined by the officer. The officer shall allocate credits based on~~  
30 ~~priority date, from earliest to latest. If the officer determines that~~  
31 ~~the complete applications for credits in any calendar year exceed the~~

1 maximum amount of credits available under this section for that year,  
2 only those applications with a priority date on or before the date on  
3 which the officer makes that determination may receive an allocation in  
4 that year, and the officer shall not make additional allocations until  
5 sufficient credits are available. If the officer suspends allocations of  
6 credits pursuant to this section, applications with priority dates on or  
7 before the date of such suspension shall retain their priority dates.  
8 Once additional credits are available for allocation, the officer shall  
9 once again allocate credits based on priority date, from earliest to  
10 latest, even if the priority dates are from a prior calendar year.

11 ~~(3) Prior to December 1 of any year, the holder of an allocation of~~  
12 ~~credits under this section who has not commenced the improvements in his~~  
13 ~~or her approved application shall notify the officer of his or her intent~~  
14 ~~to retain or release the allocation. Any released allocation shall be~~  
15 ~~added to the aggregate amount of credits available for allocation in the~~  
16 ~~following year. Any holder of an allocation who fails to timely notify~~  
17 ~~the officer of such intent shall be deemed to have released the~~  
18 ~~allocation.~~

19 (3) ~~(4)~~ The holder of an allocation of credits whose application was  
20 approved under this section shall start substantial work pursuant to the  
21 approved application within twenty-four months after receiving notice of  
22 approval of the application or, if no notice of approval is sent by the  
23 officer, within twenty-four months after the application is deemed  
24 approved pursuant to this section. Failure to comply with this subsection  
25 shall result in forfeiture of the allocation of credits received under  
26 this section. Any such forfeited allocation shall be added to the  
27 aggregate amount of credits available for allocation for the year in  
28 which the forfeiture occurred.

29 (4) ~~(5)~~ Notwithstanding subsection (1) of this section, the person  
30 applying for the credit under this section may, at its own risk, incur  
31 eligible expenditures up to six months prior to the submission of the

1 application required under subsection (1) of this section if such  
2 eligible expenditures are limited to architectural, engineering fees,  
3 accounting, and legal fees, and any costs generally related to the  
4 protection of the historically significant real property from  
5 deterioration.

6 Sec. 82. Section 77-2910, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 77-2910 (1) The Nebraska State Historical Society and the department  
9 may each adopt and promulgate rules and regulations to carry out the  
10 Nebraska Job Creation and Mainstreet Revitalization Act.

11 (2) The Nebraska State Historical Society and the department shall  
12 annually issue a joint report electronically to the Revenue Committee of  
13 the Legislature no later than December 31 of each year ~~, 2017~~. The report  
14 shall include, but not be limited to, (a) the total number of  
15 applications submitted under the Nebraska Job Creation and Mainstreet  
16 Revitalization Act, (b) the number of applications approved or  
17 conditionally approved, (c) the number of applications outstanding, if  
18 any, (d) the number of applications denied and the basis for denial, (e)  
19 the total amount of eligible expenditures approved, (f) the total amount  
20 of credits issued, claimed, and still available for use, (g) the total  
21 amount of fees collected, (h) the name and address location of each  
22 historically significant real property identified in each application,  
23 whether approved or denied, (i) the total amount of credits transferred,  
24 sold, and assigned and a certification of the ownership of the credits,  
25 (j) the total amount of credits claimed against each tax type by  
26 category, and (k) the total amount of credits recaptured, if any. No  
27 information shall be provided in the report that is protected by state or  
28 federal confidentiality laws.

29 Sec. 83. Section 77-2912, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 77-2912 There shall be no new applications filed under the Nebraska

1 Job Creation and Mainstreet Revitalization Act after December 31, 2030  
2 ~~2022~~. All applications and all credits pending or approved before such  
3 date shall continue in full force and effect, except that no credits  
4 shall be allocated under section 77-2905, issued under section 77-2906,  
5 or used on any tax return or similar filing after December 31, 2035 ~~2027~~.

6 Sec. 84. Section 77-3506, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8 77-3506 (1) All homesteads in this state shall be assessed for  
9 taxation the same as other property, except that there shall be exempt  
10 from taxation, on any homestead described in subsection (2) of this  
11 section, one hundred percent of the exempt amount.

12 (2) The exemption described in subsection (1) of this section shall  
13 apply to homesteads of:

14 (a) A veteran who was discharged or otherwise separated with a  
15 characterization of honorable or general (under honorable conditions),  
16 who is drawing compensation from the United States Department of Veterans  
17 Affairs because of one hundred percent service-connected permanent  
18 disability, and who is not eligible for total exemption under sections  
19 77-3526 to 77-3528;

20 (b) An ~~an~~ unremarried surviving spouse of such a veteran,  
21 described in subdivision (2)(a) of this section or a surviving spouse of  
22 such a veteran who remarries after attaining the age of fifty-seven  
23 years;

24 (c) A veteran who was discharged or otherwise separated with a  
25 characterization of honorable or general (under honorable conditions),  
26 who is drawing compensation from the United States Department of Veterans  
27 Affairs because of one hundred percent service-connected temporary  
28 disability, and who is not eligible for total exemption under sections  
29 77-3526 to 77-3528, an unremarried spouse of such a veteran, or a  
30 surviving spouse of such a veteran who remarries after attaining the age  
31 of fifty-seven years;

1           (d) ~~(b)~~ An unremarried surviving spouse of any veteran, including a  
2 veteran other than a veteran described in section 80-401.01, who was  
3 discharged or otherwise separated with a characterization of honorable or  
4 general (under honorable conditions) and who died because of a service-  
5 connected disability or a surviving spouse of such a veteran who  
6 remarries after attaining the age of fifty-seven years;

7           (e) ~~(e)~~ An unremarried surviving spouse of a serviceman or  
8 servicewoman, including a veteran other than a veteran described in  
9 section 80-401.01, whose death while on active duty was service-connected  
10 or a surviving spouse of such a serviceman or servicewoman who remarries  
11 after attaining the age of fifty-seven years; and

12           (f) ~~(d)~~ An unremarried surviving spouse of a serviceman or  
13 servicewoman who died while on active duty during the periods described  
14 in section 80-401.01 or a surviving spouse of such a serviceman or  
15 servicewoman who remarries after attaining the age of fifty-seven years.

16           (3) Application for exemption under subdivision (2)(a) of this  
17 section shall be required in every subsequent year evenly divisible by  
18 five and shall include certification of the status described in  
19 subdivision (2)(a) set forth in subsection (2) of this section from the  
20 United States Department of Veterans Affairs. Application for exemption  
21 under subdivision (2)(b), (c), (d), (e), or (f) of this section shall be  
22 required annually and shall include certification of the status described  
23 in subdivision (2)(b), (c), (d), (e), or (f) of this section from the  
24 United States Department of Veterans Affairs, except that such  
25 certification of status shall only be required in every subsequent year  
26 evenly divisible by five. Such certification shall not be required in  
27 succeeding years if no change in status has occurred, except that the  
28 county assessor or the Tax Commissioner may request such certification to  
29 verify that no change in status has occurred.

30           Sec. 85. Section 77-3512, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:

1           77-3512   (1) It shall be the duty of each owner who wants a  
2 homestead exemption under section 77-3506, 77-3507, or 77-3508 to file an  
3 application therefor with the county assessor of the county in which the  
4 homestead is located after February 1 and on or before June 30 of each  
5 year. ~~Failure to do so shall constitute a waiver of the exemption for~~  
6 ~~that year~~, except that:

7           (a) ~~(1)~~ The county board of the county in which the homestead is  
8 located may, by majority vote, extend the deadline for an applicant to on  
9 or before July 20. An extension shall not be granted to an applicant who  
10 received an extension in the immediately preceding year;

11           (b) ~~(2)~~ An owner may file a late application pursuant to section  
12 77-3514.01 if he or she includes documentation of a medical condition  
13 which impaired the owner's ability to file the application in a timely  
14 manner; ~~and~~

15           (c) ~~(3)~~ An owner may file a late application pursuant to section  
16 77-3514.01 if he or she includes a copy of the death certificate of a  
17 spouse who died during the year for which the exemption is requested; -

18           (d) A veteran qualifying for a homestead exemption under subdivision  
19 (2)(a) of section 77-3506 shall only be required to file an application  
20 in every subsequent year evenly divisible by five; and

21           (e) If a veteran who has been granted a homestead exemption under  
22 subdivision (2)(a) of section 77-3506 dies during the five-year exemption  
23 period, the surviving spouse of such veteran shall continue to receive  
24 such exemption for the remainder of the five-year exemption period. After  
25 the expiration of the five-year exemption period, the surviving spouse  
26 shall be required to file for an exemption under subdivision (2)(b) of  
27 section 77-3506 on an annual basis.

28           (2) Failure to file an application as required in subsection (1) of  
29 this section shall constitute a waiver of the exemption for the year in  
30 which the failure occurred.

31           Sec. 86. Section 77-3513, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 77-3513 The county assessor shall mail a notice on or before April 1  
3 to claimants who are the owners of a homestead which was granted an  
4 exemption under section 77-3506, 77-3507, or 77-3508 and who are required  
5 to refile for such exemption in the current ~~preceding~~ year unless the  
6 claimant has already filed the application for the current year or the  
7 county assessor has reason to believe there has been a change of  
8 circumstances so that the claimant no longer qualifies. The notice shall  
9 include the claimant's name, the application deadlines for the current  
10 year, a list of documents that must be filed with the application, and  
11 the county assessor's office address and telephone number.

12 Sec. 87. Section 77-3522, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 77-3522 (1) Any person who makes any false or fraudulent claim for  
15 exemption or any false statement or false representation of a material  
16 fact in support of such claim or any person who knowingly assists another  
17 in the preparation of any such false or fraudulent claim or enters into  
18 any collusion with another by the execution of a fictitious deed or other  
19 instrument for the purpose of obtaining unlawful exemption under sections  
20 77-3501 to 77-3529 shall be guilty of a Class II misdemeanor and shall be  
21 subject to a forfeiture of any such exemption for a period of two years  
22 from the date of conviction. Any person who shall make an oath or  
23 affirmation to any false or fraudulent application for homestead  
24 exemption knowing the same to be false or fraudulent shall be guilty of a  
25 Class I misdemeanor.

26 (2) In addition to the penalty provided in subsection (1) of this  
27 section, if any person (a) files a claim for exemption as provided in  
28 section 77-3506, 77-3507, or 77-3508 which is excessive due to  
29 misstatements by the owner filing such claim or (b) fails to notify the  
30 county assessor of a change in status of a veteran qualifying for a  
31 homestead exemption under subdivision (2)(a) of section 77-3506 which

1 affected all or a portion of the exemption period, including a change in  
2 rating, the death of the veteran, or a transfer of property not covered  
3 by section 77-3514, the claim may be disallowed in full and, if the claim  
4 has been allowed, an amount equal to the amount of taxes lawfully due  
5 during the applicable exemption period but not paid by reason of such  
6 unlawful and improper allowance of homestead exemption shall be due and  
7 shall upon entry of the amount thereof on the books of the county  
8 treasurer be a lien on such property until paid and a penalty and  
9 interest on such total sum as provided by statute on delinquent ad  
10 valorem taxes equal to the amount of taxes lawfully due but claimed for  
11 exemption shall be assessed. Any amount paid to satisfy a lien imposed  
12 pursuant to this subsection shall be paid to the county treasurer in the  
13 same manner that other property taxes are paid, and the county treasurer  
14 shall remit such amount to the State Treasurer for credit to the General  
15 Fund. Any penalty collected pursuant to this subsection shall be retained  
16 by the county in which such penalty is assessed.

17 (3) For any veteran claiming a homestead exemption under subdivision  
18 (2)(a) of section 77-3506, the county assessor may revoke such exemption  
19 back to the date on which the county assessor has reason to believe that  
20 the exemption was improper upon notice to the veteran of the revocation.  
21 The veteran may then provide evidence in favor of receiving the exemption  
22 to the county assessor, and the county assessor may revise any revocation  
23 based on such evidence. Any decision of the county assessor to revoke a  
24 homestead exemption under this subsection may be appealed to the county  
25 board of equalization within thirty days after the decision. The county  
26 board of equalization may reverse or modify the revocation if there is  
27 clear and convincing evidence that the veteran qualified for the  
28 exemption for a particular period of time.

29 (4) Any additional taxes or penalties imposed pursuant to this  
30 section may be appealed in the same manner as appeals are made under  
31 section 77-3519.



1           Sec. 88. Section 77-4001, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           77-4001 Sections 77-4001 to 77-4025 and sections 90 and 91 of this  
4 act shall be known and may be cited as the Tobacco Products Tax Act.

5           Sec. 89. Section 77-4002, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           77-4002 For purposes of the Tobacco Products Tax Act, unless the  
8 context otherwise requires, the definitions found in sections 77-4003 to  
9 77-4007 and sections 90 and 91 of this act shall be used.

10          Sec. 90. Consumable material means any liquid solution or other  
11 material containing nicotine that is depleted as an electronic nicotine  
12 delivery system is used.

13          Sec. 91. Electronic nicotine delivery system has the same meaning  
14 as in section 28-1418.01.

15          Sec. 92. Section 77-4007, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17          77-4007 Tobacco products shall mean (1) cigars, (2) cheroots, (3)  
18 stogies, (4) periques, (5) granulated, plug cut, crimp cut, ready rubbed,  
19 and other smoking tobacco, (6) snuff, (7) snuff flour, (8) cavendish, (9)  
20 plug and twist tobacco, (10) fine cut and other chewing tobacco, (11)  
21 shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, ~~and~~  
22 (12) other kinds and forms of tobacco, prepared in such manner as to be  
23 suitable for chewing or smoking in a pipe or otherwise or both for  
24 chewing and smoking, and (13) electronic nicotine delivery systems,  
25 except that tobacco products shall not mean cigarettes as defined in  
26 section 77-2601.

27          Sec. 93. Section 77-4008, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29          77-4008 (1)(a) A tax is hereby imposed upon the first owner of  
30 tobacco products to be sold in this state.

31          (b) The tax on snuff shall be forty-four cents per ounce and a

1 proportionate tax at the like rate on all fractional parts of an ounce.  
2 Such tax shall be computed based on the net weight as listed by the  
3 manufacturer.

4 (c) The tax on an electronic nicotine delivery system containing  
5 three milliliters or less of consumable material shall be five cents per  
6 milliliter of consumable material and a proportionate tax at the like  
7 rate on all fractional parts of a milliliter.

8 (d) The tax on an electronic nicotine delivery system containing  
9 more than three milliliters of consumable material shall be ten percent  
10 of (i) the purchase price of such electronic nicotine delivery system  
11 paid by the first owner or (ii) the price at which the first owner who  
12 made, manufactured, or fabricated the electronic nicotine delivery system  
13 sells the item to others.

14 (e) For electronic nicotine delivery systems in the possession of  
15 retail dealers for which tax has not been paid, the tax under this  
16 subsection shall be imposed at the earliest time the retail dealer: (i)  
17 Brings or causes to be brought into the state any electronic nicotine  
18 delivery system for sale; (ii) makes, manufactures, or fabricates any  
19 electronic nicotine delivery system in this state for sale in this state;  
20 or (iii) sells any electronic nicotine delivery system to consumers  
21 within this state.

22 (f) ~~(e)~~ The tax on tobacco products other than snuff and electronic  
23 nicotine delivery systems shall be twenty percent of (i) the purchase  
24 price of such tobacco products paid by the first owner or (ii) the price  
25 at which a first owner who made, manufactured, or fabricated the tobacco  
26 product sells the items to others.

27 (g) ~~(d)~~ The tax on tobacco products shall be in addition to all  
28 other taxes.

29 (2) Whenever any person who is licensed under section 77-4009  
30 purchases tobacco products from another person licensed under section  
31 77-4009, the seller shall be liable for the payment of the tax.

1           (3) Amounts collected pursuant to this section shall be used and  
2 distributed pursuant to section 77-4025.

3           Sec. 94. Section 77-4025, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           77-4025 (1) There is hereby created a cash fund in the Department  
6 of Revenue to be known as the Tobacco Products Administration Cash Fund.  
7 All revenue collected or received by the Tax Commissioner from the  
8 license fees and taxes imposed by the Tobacco Products Tax Act shall be  
9 remitted to the State Treasurer for credit to the Tobacco Products  
10 Administration Cash Fund, except that all such revenue relating to  
11 electronic nicotine delivery systems shall be remitted to the State  
12 Treasurer for credit to the General Fund.

13           (2) All costs required for administration of the Tobacco Products  
14 Tax Act shall be paid from the Tobacco Products Administration Cash Fund  
15 ~~such fund~~. Credits and refunds allowed under the act shall be paid from  
16 the Tobacco Products Administration Cash Fund. Any receipts, after  
17 credits and refunds, in excess of the amounts sufficient to cover the  
18 costs of administration may be transferred to the General Fund at the  
19 direction of the Legislature.

20           (3) Any money in the Tobacco Products Administration Cash Fund  
21 available for investment shall be invested by the state investment  
22 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act.

24           Sec. 95. Section 77-5803, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           77-5803 (1)(a) Except as provided in subdivision (1)(b) of this  
27 section, any business firm which makes expenditures in research and  
28 experimental activities as defined in section 174 of the Internal Revenue  
29 Code of 1986, as amended, in this state shall be allowed a research tax  
30 credit as provided in the Nebraska Advantage Research and Development  
31 Act. The credit amount under this subdivision shall equal fifteen percent

1 of the federal credit allowed under section 41 of the Internal Revenue  
2 Code of 1986, as amended, or as apportioned to this state under  
3 subsection (2) of this section. The credit shall be allowed for the first  
4 tax year it is claimed and for each tax year ~~the twenty tax years~~  
5 ~~immediately~~ following.

6 (b) Any business firm which makes expenditures in research and  
7 experimental activities as defined in section 174 of the Internal Revenue  
8 Code of 1986, as amended, on the campus of a college or university in  
9 this state or at a facility owned by a college or university in this  
10 state shall be allowed a research tax credit as provided in the Nebraska  
11 Advantage Research and Development Act. The credit amount under this  
12 subdivision shall equal thirty-five percent of the federal credit allowed  
13 under section 41 of the Internal Revenue Code of 1986, as amended, or as  
14 apportioned to this state under subsection (2) of this section. The  
15 credit shall be allowed for the first tax year it is claimed and for each  
16 tax year ~~the twenty tax years~~ ~~immediately~~ following.

17 (2) For any business firm doing business both within and without  
18 this state, the amount of the ~~federal~~ credit may be determined either by  
19 dividing the amount expended in research and experimental activities in  
20 this state in any tax year by the total amount expended in research and  
21 experimental activities or by apportioning the amount of the credit on  
22 the federal income tax return to the state based on the average of the  
23 property factor as determined in section 77-2734.12 and the payroll  
24 factor as determined in section 77-2734.13.

25 Sec. 96. Section 77-5806, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 77-5806 The Nebraska Advantage Research and Development Act shall be  
28 operative for all tax years beginning or deemed to begin on or after  
29 January 1, 2006, under the Internal Revenue Code of 1986, as amended. No  
30 business firm shall be allowed to first claim the credit for any tax year  
31 beginning or deemed to begin after December 31, 2033 ~~2022~~, under the

1 Internal Revenue Code of 1986, as amended.

2 Sec. 97. Section 77-5808, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 77-5808 (1) This subsection shall apply for tax years beginning or  
5 deemed to begin on or after January 1, 2009, and before January 1, 2023.  
6 The Tax Commissioner shall not approve or grant to any person any tax  
7 incentive under the Nebraska Advantage Research and Development Act  
8 unless the taxpayer provides evidence satisfactory to the Tax  
9 Commissioner that the taxpayer electronically verified the work  
10 eligibility status of all newly hired employees employed in Nebraska.  
11 ~~This section does not apply to any credit claimed in a tax year beginning~~  
12 ~~or deemed to begin before January 1, 2009, under the Internal Revenue~~  
13 ~~Code of 1986, as amended.~~

14 (2) This subsection shall apply for tax years beginning or deemed to  
15 begin on or after January 1, 2023. When calculating the research tax  
16 credit as provided in the Nebraska Advantage Research and Development  
17 Act, the qualified research expenses claimed in computing the federal  
18 credit allowed under section 41 of the Internal Revenue Code of 1986, as  
19 amended, shall be adjusted to the extent the taxpayer includes, in such  
20 qualified research expenses, compensation paid to an employee of such  
21 taxpayer hired during or after the first tax year for which the Nebraska  
22 Advantage Research and Development Act credit is claimed by such firm and  
23 to the extent such compensation is subject to Nebraska income tax. Such  
24 compensation, for the tax year in which the credit is being claimed,  
25 shall be deducted from the taxpayer's qualified research expenses unless  
26 such employee was verified as eligible to work in the United States using  
27 the federal E-Verify system within ninety days after the date of hire of  
28 such employee or such longer period as may be permitted under the rules  
29 of the federal E-Verify system. Such verification may be performed by the  
30 taxpayer or by someone on the taxpayer's behalf.

31 Sec. 98. Section 77-6702, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 77-6702 For purposes of the Nebraska Property Tax Incentive Act:

3 (1) Allowable growth percentage means the percentage increase, if  
4 any, in the total assessed value of all real property in the state from  
5 the prior year to the current year, as determined by the department,  
6 except that in no case shall the allowable growth percentage exceed five  
7 percent in any one year;

8 (2) Community college taxes means property taxes levied on real  
9 property in this state by a community college area, excluding the  
10 following:

11 (a) Any any property taxes levied for bonded indebtedness;

12 (b) Any and any property taxes levied as a result of an override of  
13 limits on property tax levies approved by voters pursuant to section  
14 77-3444; and

15 (c) Any property taxes that, as of the time of payment, were  
16 delinquent for five years or more;

17 (3) Department means the Department of Revenue;

18 (4) Eligible taxpayer means any individual, corporation,  
19 partnership, limited liability company, trust, estate, or other entity  
20 that pays school district taxes or community college taxes during a  
21 taxable year; and

22 (5) School district taxes means property taxes levied on real  
23 property in this state by a school district or multiple-district school  
24 system, excluding the following:

25 (a) Any any property taxes levied for bonded indebtedness;

26 (b) Any and any property taxes levied as a result of an override of  
27 limits on property tax levies approved by voters pursuant to section  
28 77-3444; and -

29 (c) Any property taxes that, as of the time of payment, were  
30 delinquent for five years or more.

31 Sec. 99. Section 77-6818, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 77-6818 (1) Qualified location means a location at which the  
3 majority of the business activities conducted are within one or more of  
4 the following NAICS codes or the following descriptions:

5 (a) Manufacturing - 31, 32, or 33, including pre-production  
6 services;

7 (b) Testing Laboratories - 541380;

8 (c) Rail Transportation - 482;

9 (d) Truck Transportation - 484;

10 (e) Insurance Carriers - 5241;

11 (f) Wired Telecommunications Carriers - 517311;

12 (g) Wireless Telecommunications Carriers (except Satellite) -  
13 517312;

14 (h) Telemarketing Bureaus and Other Contact Centers - 561422;

15 (i) Data Processing, Hosting, and Related Services - 518210;

16 (j) Computer Facilities Management Services - 541513;

17 (k) Warehousing and Storage - 4931;

18 (l) The administrative management of the taxpayer's activities,  
19 including headquarter facilities relating to such activities, or the  
20 administrative management of any of the activities of any business entity  
21 or entities in which the taxpayer or a group of its owners hold any  
22 direct or indirect ownership interest of at least ten percent, including  
23 headquarter facilities relating to such activities;

24 (m) Logistics Facilities - Portions of NAICS 488210, 488310, and  
25 488490 dealing with independently operated trucking terminals,  
26 independently operated railroad and railway terminals, and waterfront  
27 terminal and port facility operations;

28 (n) Services provided on aircraft brought into this state by an  
29 individual who is a resident of another state or any other person who has  
30 a business location in another state when the aircraft is not to be  
31 registered or based in this state and will not remain in this state more

1 than ten days after the service is completed;

2 (o) The conducting of research, development, or testing, or any  
3 combination thereof, for scientific, agricultural, animal husbandry, food  
4 product, industrial, or technology purposes;

5 (p) The production of electricity by using one or more sources of  
6 renewable energy to produce electricity for sale. For purposes of this  
7 subdivision, sources of renewable energy includes, but is not limited to,  
8 wind, solar, energy storage, geothermal, hydroelectric, biomass, nuclear,  
9 and transmutation of elements;

10 (q) Computer Systems Design and Related Services - 5415;

11 (r) The performance of financial services. For purposes of this  
12 subdivision, financial services includes only financial services provided  
13 by any financial institution subject to tax under Chapter 77, article 38,  
14 or any person or entity licensed by the Department of Banking and Finance  
15 or the federal Securities and Exchange Commission;

16 (s) Postharvest Crop Activities (except Cotton Ginning) - 115114;~~or~~

17 (t) The processing of tangible personal property. For purposes of  
18 this subdivision, processing means to subject to a particular method,  
19 system, or technique of preparation, handling, or other treatment  
20 designed to prepare tangible personal property for market, manufacture,  
21 or other commercial use which does not result in the transformation of  
22 such property into a substantially different character; or -

23 (u) Waste Treatment and Disposal - 5622.

24 (2)(a) Qualified location also includes any other business location  
25 if at least seventy-five percent of the revenue derived at the location  
26 is from sales to customers who are not related persons which are  
27 delivered or provided from the qualified location to a location that is  
28 not within Nebraska according to the sourcing rules in subsections (2)  
29 and (3) of section 77-2734.14. Intermediate sales to related persons are  
30 included as sales to customers delivered or provided to a location  
31 outside Nebraska if the related person delivers or provides the goods or



1 services to a location outside Nebraska. Even if a location meets the  
2 seventy-five percent requirement of this subdivision, such location shall  
3 not constitute a qualified location under this subdivision if the  
4 majority of the business activities conducted at such location are within  
5 any of the following NAICS codes or any combination thereof:

6 (i) Agriculture, Forestry, Fishing and Hunting - 11, excluding NAICS  
7 code 115114;

8 (ii) Transportation and Warehousing - 48-49;

9 (iii) Information - 51;

10 (iv) Utilities - 22;

11 (v) Mining, Quarrying, and Oil and Gas Extraction - 21;

12 (vi) Public Administration - 92; or

13 (vii) Construction - 23.

14 (b) The director may adopt and promulgate rules and regulations  
15 establishing an alternative method in circumstances in which subdivision  
16 (2)(a) of this section does not accurately reflect the out-of-state sales  
17 taking place at locations within Nebraska for a particular industry.

18 (3) The determination of the majority of the business activities  
19 shall be made based on the number of employees working in the respective  
20 business activities. The director may adopt and promulgate rules and  
21 regulations establishing an alternative method in circumstances in which  
22 other factors provide a better reflection of business activities.

23 (4) The delineation of the types of business activities which enable  
24 a location to constitute a qualified location is based on the state's  
25 intention to attract certain types of business activities and to  
26 responsibly accomplish the purposes of the Imagine Nebraska Act by  
27 directing the state's incentive capabilities towards business activities  
28 which, due to their national nature, could locate outside of Nebraska and  
29 which therefore would, through the use of incentives, be motivated to  
30 locate in Nebraska. By listing specific types of business activities in  
31 subsection (1) of this section, the state has determined such business

1 activities by their nature meet these objectives. By specifying the  
2 national nature of a taxpayer's revenue in subsection (2) of this  
3 section, the state has determined that certain other types of business  
4 activities can meet these objectives.

5       Sec. 100. The Department of Transportation Aeronautics Capital  
6 Improvement Fund is created. The fund shall consist of money credited to  
7 the fund pursuant to section 77-27,132, transfers authorized by the  
8 Legislature, and any gifts, grants, bequests, or donations to the fund.  
9 The fund shall be administered by the Department of Transportation and  
10 shall be used to build, repair, renovate, rehabilitate, restore, modify,  
11 or improve any infrastructure at any public-use airport licensed by the  
12 Division of Aeronautics of the Department of Transportation. Any money in  
13 the fund available for investment shall be invested by the state  
14 investment officer pursuant to the Nebraska Capital Expansion Act and the  
15 Nebraska State Funds Investment Act.

16       Sec. 101. Section 81-1229, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18       81-1229 (1) The director shall establish a workforce housing grant  
19 program to foster and support the development of workforce housing in  
20 rural communities.

21       (2) A nonprofit development organization may apply to the director  
22 for approval of a workforce housing grant for a workforce housing  
23 investment fund. The application shall be in a form and manner prescribed  
24 by the director. Through fiscal year 2026-27, grants shall be awarded by  
25 the director on a competitive basis until grant funds are no longer  
26 available. Grant maximums shall not exceed one million dollars to any one  
27 nonprofit development organization over a two-year period, with the  
28 cumulative amount for any single grantee to be determined by the  
29 department at the discretion of the director. An applicant shall provide  
30 matching funds of at least one-quarter ~~one-half~~ of the amount of  
31 workforce housing grant funds awarded. Unallocated workforce housing

1 grant funds held by the department shall be rolled to the next program  
2 year.

3 (3) Grants shall be awarded based upon:

4 (a) A demonstrated and ongoing housing need as identified by a  
5 recent housing study;

6 (b) A community or region that has a low unemployment rate and is  
7 having difficulty attracting workers and filling employment positions;

8 (c) A community or region that exhibits a demonstrated commitment to  
9 growing its housing stock;

10 (d) Projects that can reasonably be ready for occupancy in a period  
11 of twenty-four months; and

12 (e) A demonstrated ability to grow and manage a workforce housing  
13 investment fund.

14 (4) A nonprofit development organization shall:

15 (a) Invest or intend to invest in workforce housing eligible  
16 activities;

17 (b) Use any fees, interest, loan repayments, or other funds it  
18 received as a result of the administration of the grant to support  
19 qualified activities; and

20 (c) Have an active board of directors with expertise in development,  
21 construction, and finance that meets at least quarterly to approve all  
22 qualified investments made by the nonprofit development organization. A  
23 nonprofit development organization shall have a formal plan and proven  
24 expertise to invest unused workforce housing investment fund balances and  
25 shall have an annual review of all financial records conducted by an  
26 independent certified public accountant.

27 Sec. 102. Section 81-12,182, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29 81-12,182 (1) In order to be eligible to receive the matching funds  
30 allowed in the Nebraska Transformational Projects Act, the applicant  
31 shall file an application with the director, on a form developed by the

1 director, requesting an agreement.

2 (2) The application shall:

3 (a) Identify the project, including the qualified location of such  
4 project, and state that the applicant is pursuing a partnership with the  
5 federal government pursuant to Title VII, Subtitle C, section 740 of  
6 Public Law 116-92 for the project;

7 (b) State the estimated, projected amount of total new investment at  
8 the project, which shall not be less than one billion six hundred million  
9 dollars, including the estimated, projected amount of private dollars and  
10 matching funds;

11 (c) Include an independent assessment of the economic impact to  
12 Nebraska from the project and its construction, which shall be performed  
13 by a professional economist or economics firm which is not in the regular  
14 employ of the applicant. The assessment must show, to the reasonable  
15 satisfaction of the director, an economic impact to Nebraska of at least  
16 two billion seven hundred million dollars during the planning and  
17 construction period and at least four billion six hundred million dollars  
18 during the ten-year period beginning either when construction is  
19 commenced or when the application is approved;

20 (d) Include approval of the project and of submission of the  
21 application by the governing body of the applicant. Approval of the  
22 project may be subject to other federal, state, and local government  
23 approvals needed to complete the project and subject to obtaining the  
24 funding, financing, and donations needed for the project;

25 (e) State the E-Verify number or numbers that will be used by the  
26 applicant for employees at the qualified location as provided by the  
27 United States Citizenship and Immigration Services; and

28 (f) Contain a nonrefundable application fee of twenty-five thousand  
29 dollars. The fee shall be remitted to the State Treasurer for credit to  
30 the Nebraska Transformational Project Fund.

31 (3) An application must be complete to establish the date of the

1 application. An application shall be considered complete once it contains  
2 the items listed in subsection (2) of this section.

3 (4) Once satisfied that the application is complete and that the  
4 applicant is eligible to receive the matching funds allowed in the  
5 Nebraska Transformational Projects Act, the director shall approve the  
6 application.

7 (5) There shall be no new applications filed under this section  
8 after December 31, ~~2025~~ 2023. Any complete application filed on or before  
9 December 31, ~~2025~~ 2023, shall be considered by the director and approved  
10 if the location and applicant qualify for approval. Agreements may be  
11 executed with regard to any complete application filed on or before  
12 December 31, ~~2025~~ 2023.

13 Sec. 103. Section 81-12,245, Revised Statutes Cumulative Supplement,  
14 2022, is amended to read:

15 81-12,245 (1) The Department of Economic Development shall use any  
16 funds received from the federal Coronavirus Capital Projects Fund under  
17 the federal American Rescue Plan Act of 2021 as follows:

18 (a) No more than thirty-five million dollars to eligible projects  
19 that are located within a congressional district which contains a city of  
20 the metropolitan class. Within a city of the metropolitan class, grants  
21 shall be given to multipurpose community facilities;

22 (b) No less than forty million dollars to eligible projects that are  
23 located within a congressional district which contains a city of the  
24 primary class;

25 (c) No less than forty million dollars to eligible projects that are  
26 located within a congressional district which does not contain a city of  
27 the metropolitan class or a city of the primary class. Grants under this  
28 subdivision shall be awarded to eligible projects in cities of the second  
29 class and villages; and

30 (d) No more than five million dollars of such federal funds for the  
31 administration by the department of funds received from the federal

1 Coronavirus Capital Projects Fund under the federal American Rescue Plan  
2 Act of 2021.

3 (2) Any funds received from the federal Coronavirus Capital Projects  
4 Fund under the federal American Rescue Plan Act of 2021 utilized for  
5 eligible broadband infrastructure projects shall be administered in a  
6 manner consistent with the Nebraska Broadband Bridge Act, except that the  
7 matching funds requirement in section 86-1304 shall not apply to such  
8 federal funding for broadband projects.

9 (3) The department shall, beginning July 1, 2022, through July 15,  
10 2022, allow a qualified public or private entity to apply for a grant  
11 using funds received from the federal Coronavirus Capital Projects Fund  
12 under the federal American Rescue Plan Act of 2021. The department may  
13 open additional grant application periods as needed until all funds are  
14 allocated.

15 (4) Grants under subdivision (1)(a) of this section shall be  
16 restricted to eligible projects located within or adjacent to one or more  
17 qualified census tracts or economic redevelopment areas as defined in  
18 section 81-12,153 in a city of the metropolitan class ~~in qualified census~~  
19 ~~tracts~~. Priority for grants under subdivision (1)(a) of this section  
20 shall be given to a city of the metropolitan class in partnership with a  
21 nonprofit organization for eligible projects for the rehabilitation or  
22 expansion of existing multipurpose community facilities.

23 Sec. 104. Section 82-334, Revised Statutes Cumulative Supplement,  
24 2022, is amended to read:

25 82-334 (1) The Support the Arts Cash Fund is created. The fund shall  
26 consist of all money credited to the fund pursuant to section 60-3,252  
27 and all money transferred to the fund pursuant to section 13-3108.

28 (2) The Nebraska Arts Council shall administer and distribute the  
29 Support the Arts Cash Fund. The fund shall be expended by the Nebraska  
30 Arts Council (a) to provide aid to communities that designate a focus  
31 area of the city or village for arts and cultural development, (b) to

1 provide money for a competitive grant program that awards a grant to any  
2 creative district that meets the criteria for the competitive grant, if  
3 such program exists, (c) to provide money for the competitive grant  
4 program for cities of the first class, cities of the second class, and  
5 villages described in section 82-335, and (d) to defray costs directly  
6 related to the administration of the fund.

7 (3) All money transferred to the fund pursuant to section 13-3108  
8 shall be used for the competitive grant program for cities of the first  
9 class, cities of the second class, and villages described in section  
10 82-335.

11 (4) Any money in the fund available for investment shall be invested  
12 by the state investment officer pursuant to the Nebraska Capital  
13 Expansion Act and the Nebraska State Funds Investment Act.

14 Sec. 105. Section 82-335, Revised Statutes Cumulative Supplement,  
15 2022, is amended to read:

16 82-335 (1) The Nebraska Arts Council shall establish a competitive  
17 grant program to award grants to cities of the first class, cities of the  
18 second class, and villages as provided in this section. The grants shall  
19 be awarded from funds transferred to the Support the Arts Cash Fund  
20 pursuant to subdivision (9)(a) of section 13-3108.

21 (2) A city of the first class, city of the second class, or village  
22 is eligible for a grant under this section if:

23 (a) The city or village has a creative district within its  
24 boundaries that has a ten-year plan for integration of the arts intended  
25 to catalyze economic and workforce development initiatives in such city  
26 or village; and

27 (b) The city or village is not receiving state assistance under the  
28 Sports Arena Facility Financing Assistance Act.

29 (3) Priority in grant funding shall go to any city of the first  
30 class, city of the second class, or village described in subsection (2)  
31 of this section whose project includes the partnership of a city or

1 village convention and visitors bureau or county convention and visitors  
2 bureau.

3 (4) Grants under this section may fund capital assets, video  
4 projection mapping, and intangible video or audio artistic expression  
5 presentations. Grants shall not fund ongoing operational and personnel  
6 expenses of a political subdivision or nonprofit corporation, live  
7 performances, promotional or marketing efforts of the creative district,  
8 legal expenses, lobbying expenses, planning expenses, architectural  
9 expenses, or engineering expenses.

10 (5) Any assets acquired using grant funds shall be owned by the city  
11 of the first class, city of the second class, or village receiving such  
12 grant.

13 (6) Any grant awarded under this section shall be in an amount  
14 determined by the Nebraska Arts Council, which shall not be less than one  
15 ~~must be at least equal to one million five hundred thousand dollars.~~

16 (7) For purposes of this section, creative district means a creative  
17 district established pursuant to subdivision (5) of section 82-312.

18 Sec. 106. Section 85-1802, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 85-1802 For purposes of sections 85-1801 to 85-1817:

21 (1) Administrative fund means the College Savings Plan  
22 Administrative Fund created in section 85-1807;

23 (2) Beneficiary means the individual designated by a participation  
24 agreement to benefit from advance payments of qualified higher education  
25 expenses on behalf of the beneficiary;

26 (3) Benefits means the payment of qualified higher education  
27 expenses on behalf of a beneficiary or, in the case of a qualified  
28 education loan payment, on behalf of a beneficiary or the sibling of a  
29 beneficiary by the Nebraska educational savings plan trust;

30 (4) Eligible educational institution means an institution described  
31 in 20 U.S.C. 1088 which is eligible to participate in a program under



1 Title IV of the federal Higher Education Act of 1965;

2 (5) Expense fund means the College Savings Plan Expense Fund created  
3 in section 85-1807;

4 (6) Nebraska educational savings plan trust means the trust created  
5 in section 85-1804;

6 (7) Nonqualified withdrawal refers to (a) a distribution from an  
7 account to the extent it is not used to pay the qualified higher  
8 education expenses of the beneficiary or, in the case of a qualified  
9 education loan payment, to the extent it is not used to pay the qualified  
10 higher education expenses of the beneficiary or a sibling of the  
11 beneficiary or to the extent it does not constitute a rollover to a Roth  
12 individual retirement account as permitted by section 529 of the Internal  
13 Revenue Code, (b) a qualified rollover permitted by section 529 of the  
14 Internal Revenue Code where the funds are transferred to a qualified  
15 tuition program sponsored by another state or entity, or (c) a  
16 distribution from an account to pay the costs of attending kindergarten  
17 through grade twelve;

18 (8) Participant or account owner means an individual, an  
19 individual's legal representative, or any other legal entity authorized  
20 to establish a savings account under section 529 of the Internal Revenue  
21 Code who has entered into a participation agreement for the advance  
22 payment of qualified higher education expenses on behalf of a  
23 beneficiary. For purposes of section 77-2716, as to contributions by a  
24 custodian to a custodial account established pursuant to the Nebraska  
25 Uniform Transfers to Minors Act or similar law in another state, which  
26 account has been established under a participation agreement, participant  
27 includes the parent or guardian of a minor, which parent or guardian is  
28 also the custodian of the account;

29 (9) Participation agreement means an agreement between a participant  
30 and the Nebraska educational savings plan trust entered into under  
31 sections 85-1801 to 85-1817;

1           (10) Program fund means the College Savings Plan Program Fund  
2 created in section 85-1807;

3           (11) Qualified education loan payment means the payment of principal  
4 or interest on a qualified education loan as defined in 26 U.S.C. 221(d),  
5 as such section existed on January 1, 2022, of the beneficiary or a  
6 sibling of the beneficiary as described in 26 U.S.C. 152(d)(2)(B), as  
7 such section existed on January 1, 2022. For purposes of this  
8 subdivision, the aggregate total of qualified education loan payments for  
9 the qualified education loans of a single beneficiary or sibling shall  
10 not exceed ten thousand dollars for all taxable years combined. The  
11 aggregate total for qualified education loan payments for the qualified  
12 education loans of a sibling of a beneficiary shall be calculated with  
13 respect to such sibling and not with respect to the beneficiary and shall  
14 include all qualified education loan payments for loans of such sibling,  
15 including any qualified education loan payments for which such sibling is  
16 the beneficiary or the sibling of a beneficiary;

17           (12) Qualified higher education expenses means the certified costs  
18 of tuition and fees, books, supplies, and equipment required (a) for  
19 enrollment or attendance at an eligible educational institution or (b)  
20 for costs incurred on or after January 1, 2021, for participation in an  
21 apprenticeship program registered and certified with the United States  
22 Secretary of Labor under 29 U.S.C. 50, as such section existed on January  
23 1, 2021. Reasonable room and board expenses, based on the minimum amount  
24 applicable for the eligible educational institution during the period of  
25 enrollment, shall be included as qualified higher education expenses for  
26 those students enrolled on at least a half-time basis. In the case of a  
27 special needs beneficiary, expenses for special needs services incurred  
28 in connection with enrollment or attendance at an eligible educational  
29 institution shall be included as qualified higher education expenses.  
30 Expenses paid or incurred on or after January 1, 2022, for the purchase  
31 of computer technology or equipment or Internet access and related

1 services, subject to the limitations set forth in section 529 of the  
2 Internal Revenue Code, shall be included as qualified higher education  
3 expenses. Qualified higher education expenses includes qualified  
4 education loan payments. Qualified higher education expenses does not  
5 include any amounts in excess of those allowed by section 529 of the  
6 Internal Revenue Code;

7 (13) Section 529 of the Internal Revenue Code means such section of  
8 the code and the regulations interpreting such section; and

9 (14) Tuition and fees means the quarter or semester charges imposed  
10 to attend an eligible educational institution.

11 Sec. 107. Section 85-2601, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 85-2601 Sections 85-2601 to 85-2604 and sections 110, 112, and 113  
14 of this act shall be known and may be cited as the First Responder  
15 Recruitment and Retention Law Enforcement Education Act.

16 Sec. 108. Section 85-2602, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18 85-2602 For purposes of the First Responder Recruitment and  
19 Retention Law Enforcement Education Act:

20 (1) Associate degree program means a degree program at a community  
21 college, state college, or state university which typically requires  
22 completion of an organized program of study of at least sixty semester  
23 credit hours or an equivalent that can be shown to accomplish the same  
24 goal. Associate degree program does not include a baccalaureate degree  
25 program;

26 (2) Baccalaureate degree program means a degree program at a  
27 community college, state college, or state university which typically  
28 requires completion of an organized program of study of at least one  
29 hundred twenty semester credit hours or an equivalent that can be shown  
30 to accomplish the same goal;

31 (3) Community college means a public postsecondary educational

1 institution which is part of the community college system and includes  
2 all branches and campuses of such institution located within the State of  
3 Nebraska;

4 (4) Law enforcement officer means any person who is responsible for  
5 the prevention or detection of crime or the enforcement of the penal,  
6 traffic, or highway laws of the State of Nebraska or any political  
7 subdivision of the state for more than one hundred hours per year and who  
8 is authorized by law to make arrests;

9 (5) Law enforcement agency means a police department in a  
10 municipality, a sheriff's office, and the Nebraska State Patrol;

11 (6) Professional firefighter means a firefighter or firefighter-  
12 paramedic who is a member of a paid fire department of a municipality or  
13 a rural or suburban fire protection district in this state, including a  
14 municipality having a home rule charter or a municipal authority created  
15 pursuant to a home rule charter that has its own paid fire department,  
16 and for whom firefighting is a full-time career;

17 (7) (6) State college means a public postsecondary educational  
18 institution which is part of the Nebraska state college system and  
19 includes all branches and campuses of such institution located within the  
20 State of Nebraska;

21 (8) (7) State university means a public postsecondary educational  
22 institution which is part of the University of Nebraska and includes all  
23 branches and campuses of such institution located within the State of  
24 Nebraska; and

25 (9) (8) Tuition means the charges and cost of tuition as set by the  
26 governing body of a state university, state college, or community  
27 college.

28 Sec. 109. Section 85-2603, Revised Statutes Cumulative Supplement,  
29 2022, is amended to read:

30 85-2603 (1) A law enforcement officer shall be entitled to a waiver  
31 of one hundred percent of the resident tuition charges of any state

1 university, state college, or community college if the officer:

2 (a) Maintains satisfactory performance with his or her law  
3 enforcement agency;

4 (b) Meets all admission requirements of the state university, state  
5 college, or community college; ~~and~~

6 (c) Pursues studies leading to a degree that relates to a career in  
7 law enforcement from an associate degree program or a baccalaureate  
8 degree program; and -

9 (d) For an officer applying for a waiver after the operative date of  
10 this section, files with the Department of Revenue documentation showing  
11 proof of employment as a law enforcement officer and proof of residence  
12 in Nebraska each year such officer or such officer's legal dependent  
13 applies for and receives the tuition waiver.

14 The officer may receive the tuition waiver for up to five years if  
15 he or she otherwise continues to be eligible for participation.

16 (2) Any legal dependent of a law enforcement officer who maintains  
17 satisfactory performance with such law enforcement officer's law  
18 enforcement agency shall be entitled to a tuition waiver of one hundred  
19 percent of the resident tuition charges of any state university, state  
20 college, or community college for an associate or baccalaureate degree  
21 program if the legal dependent executes an agreement with the state in  
22 accordance with section 112 of this act. The legal dependent may receive  
23 the tuition waiver for up to five years if the law enforcement officer  
24 and the legal dependent continue to be eligible for participation. The  
25 five years of tuition waiver eligibility starts once the legal dependent  
26 applies for and receives the tuition waiver for the first time and is  
27 available to such legal dependent for the next consecutive five years.

28 (3) ~~(2)~~ The state university, state college, or community college  
29 shall waive one hundred percent of the officer's or the legal dependent's  
30 tuition remaining due after subtracting awarded federal financial aid  
31 grants and state scholarships and grants for an eligible law enforcement

1 officer or legal dependent during the time the officer or legal dependent  
2 is enrolled. To remain eligible, the officer or legal dependent must  
3 comply with all requirements of the institution for continued attendance  
4 and award of an associate degree or a baccalaureate degree.

5 ~~(4)~~ (3) An application for the tuition waiver shall include a  
6 verification of the law enforcement officer's satisfactory performance as  
7 a law enforcement officer. It shall be the responsibility of the officer  
8 to obtain a certificate of verification from his or her superior officer  
9 in such officer's law enforcement agency attesting to such officer's  
10 satisfactory performance. The officer shall include the certificate of  
11 verification when the officer or the officer's legal dependent is  
12 applying to the state university, state college, or community college in  
13 order to obtain tuition waiver upon initial enrollment.

14 ~~(5)~~ (4) Within forty-five days after receipt of a completed  
15 application, the state university, state college, or community college  
16 shall send written notice of the law enforcement officer's or legal  
17 dependent's eligibility or ineligibility for the tuition waiver. If the  
18 officer or legal dependent is determined not to be eligible for the  
19 tuition waiver, the notice shall include the reason or reasons for such  
20 determination and an indication that an appeal of the determination may  
21 be made pursuant to the Administrative Procedure Act.

22 Sec. 110. (1)(a) A professional firefighter shall be entitled to a  
23 waiver of one hundred percent of the resident tuition charges of any  
24 state university, state college, or community college if the professional  
25 firefighter:

26 (i) Maintains satisfactory performance with such firefighter's fire  
27 department;

28 (ii) Meets all admission requirements of the state university, state  
29 college, or community college;

30 (iii) Pursues studies leading to a degree in science or medicine  
31 that relates to a career in professional firefighting from an associate

1 degree program or a baccalaureate degree program; and

2 (iv) Files with the Department of Revenue documentation showing  
3 proof of employment as a professional firefighter and proof of residence  
4 in Nebraska each year such professional firefighter or such professional  
5 firefighter's legal dependent applies for and receives the tuition  
6 waiver.

7 (b) The professional firefighter may receive the tuition waiver for  
8 up to five years if such professional firefighter otherwise continues to  
9 be eligible for participation.

10 (2) Any legal dependent of a professional firefighter who maintains  
11 satisfactory performance with such professional firefighter's fire  
12 department shall be entitled to a tuition waiver of one hundred percent  
13 of the resident tuition charges of any state university, state college,  
14 or community college for an associate or baccalaureate degree program if  
15 the legal dependent executes an agreement with the state in accordance  
16 with section 112 of this act. The legal dependent may receive the tuition  
17 waiver for up to five years if the professional firefighter and the legal  
18 dependent continue to be eligible for participation. The five years of  
19 tuition waiver eligibility starts once the legal dependent applies for  
20 and receives the tuition waiver for the first time and is available to  
21 such legal dependent for the next consecutive five years.

22 (3) The state university, state college, or community college shall  
23 waive one hundred percent of the professional firefighter's or the legal  
24 dependent's tuition remaining due after subtracting awarded federal  
25 financial aid grants and state scholarships and grants for an eligible  
26 professional firefighter or legal dependent during the time the  
27 professional firefighter or legal dependent is enrolled. To remain  
28 eligible, the professional firefighter or legal dependent must comply  
29 with all requirements of the institution for continued attendance and  
30 award of an associate degree or baccalaureate degree.

31 (4) An application for the tuition waiver shall include a

1 verification of the professional firefighter's satisfactory performance  
2 as a professional firefighter. It shall be the responsibility of the  
3 professional firefighter to obtain a certificate of verification from the  
4 fire chief of such professional firefighter's fire department attesting  
5 to such professional firefighter's satisfactory performance. The  
6 professional firefighter shall include the certificate or verification  
7 when the professional firefighter or the professional firefighter's legal  
8 dependent is applying to the state university, state college, or  
9 community college in order to obtain tuition waiver upon initial  
10 enrollment.

11 (5) Within forty-five days after receipt of a completed application,  
12 the state university, state college, or community college shall send  
13 written notice of the professional firefighter's or legal dependent's  
14 eligibility or ineligibility for the tuition waiver. If the professional  
15 firefighter or legal dependent is determined not to be eligible for the  
16 tuition waiver, the notice shall include the reason or reasons for such  
17 determination and an indication that an appeal of the determination may  
18 be made pursuant to the Administrative Procedure Act.

19 Sec. 111. Section 85-2604, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21 85-2604 Each state university, state college, or community college  
22 shall adopt and promulgate the procedures, rules, and regulations  
23 necessary to carry out the First Responder Recruitment and Retention Law  
24 Enforcement Education Act.

25 Sec. 112. (1) Each legal dependent who is a tuition waiver  
26 recipient under the First Responder Recruitment and Retention Act shall  
27 execute an agreement with the state. Such agreement shall be exempt from  
28 the requirements of sections 73-501 to 73-510 and shall include the  
29 following terms, as appropriate:

30 (a) The tuition waiver recipient agrees to reside within the State  
31 of Nebraska for a period of five years following the use of the tuition



1 waiver;

2 (b) Each year during the five-year period following use of the  
3 tuition waiver the tuition waiver recipient agrees to file a tax return  
4 with the Department of Revenue to document that such recipient still  
5 resides in the State of Nebraska;

6 (c) If the tuition waiver recipient fails to annually file a tax  
7 return to prove residency in the State of Nebraska for the five-year  
8 period following the use of the tuition waiver or fails to remain a  
9 resident of Nebraska for the five-year period following the use of the  
10 tuition waiver, the tuition waiver recipient agrees to repay the  
11 community college, state college, or state university that such tuition  
12 waiver recipient attended the amount of tuition that was waived for such  
13 individual if the community college, state college, or state university  
14 requests such payment on the dates and in the amounts requested; and

15 (d) Any residency, filing, or payment obligation incurred by the  
16 tuition waiver recipient under the First Responder Recruitment and  
17 Retention Act is canceled in the event of the tuition recipient's total  
18 and permanent disability or death.

19 (2) The five-year residency requirement begins to run after use of  
20 the first tuition waiver and:

21 (a) Completion of the five-year tuition waiver eligibility;

22 (b) Completion of an undergraduate degree at a state college or  
23 state university;

24 (c) Completion of a two-year degree at a community college and  
25 notification by the tuition waiver recipient to the Department of Revenue  
26 that such recipient does not intend to pursue an undergraduate degree or  
27 additional two-year degree using tuition waivers pursuant to the First  
28 Responder Recruitment and Retention Act; or

29 (d) Notification by the tuition waiver recipient to the Department  
30 of Revenue that such recipient does not plan to use additional tuition  
31 waivers pursuant to the First Responder Recruitment and Retention Act.

1           Sec. 113. The Department of Revenue shall administer and enforce  
2 the First Responder Recruitment and Retention Act and may adopt and  
3 promulgate rules and regulations to carry out the First Responder  
4 Recruitment and Retention Act.

5           Sec. 114. Section 24, Legislative Bill 243, One Hundred Eighth  
6 Legislature, First Session, 2023, is amended to read:

7           Sec. 24. Sections 14, 15, 16, and 26 of this act become operative on  
8 July 1, 2023. ~~Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 28 of this act~~  
9 ~~become operative on January 1, 2024.~~ Sections 11, 12, 13, 17, 18, 19, 20,  
10 21, 22, 23, and 27 of this act become operative three calendar months  
11 after the adjournment of this legislative session. The other sections of  
12 this act become operative on their effective date.

13           Sec. 115. Sections 64 and 118 of this act become operative on July  
14 1, 2023. Sections 63, 65, and 120 of this act become operative on October  
15 1, 2023. Sections 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, and 121 of  
16 this act become operative on January 1, 2024. Sections 1, 2, 3, 4, 5, 6,  
17 7, 8, 48, 51, 52, 53, 54, 55, 56, 69, 70, 71, 72, 74, 75, 77, 78, 79, 80,  
18 81, 82, 83, 95, 96, 97, 98, 102, 106, 107, 108, 109, 110, 111, 112, 113,  
19 and 119 of this act become operative three calendar months after the  
20 adjournment of this legislative session. The other sections of this act  
21 become operative on their effective date.

22           Sec. 116. If any section in this act or any part of any section is  
23 declared invalid or unconstitutional, the declaration shall not affect  
24 the validity or constitutionality of the remaining portions.

25           Sec. 117. Original sections 13-2602, 13-2603, 13-2604, 13-2605,  
26 13-2609, 13-2610, 13-2611, 13-2612, 13-2706, 13-3102, 13-3103, 13-3104,  
27 13-3108, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222,  
28 39-2223, 39-2703, 39-2704, 66-4,100, and 77-2701.02, Reissue Revised  
29 Statutes of Nebraska, sections 39-2215, 39-2224, 77-1344, 77-1347,  
30 77-1631, 77-1633, 77-2015, 77-2701, 77-2701.04, 77-2701.41, 77-2711,  
31 77-2713, 77-27,132, 77-27,223, 77-6818, 81-1229, 81-12,245, 82-334, and

1 82-335, Revised Statutes Cumulative Supplement, 2022, and section 24,  
2 Legislative Bill 243, One Hundred Eighth Legislature, First Session,  
3 2023, are repealed.

4 Sec. 118. Original section 77-2704.15, Revised Statutes Cumulative  
5 Supplement, 2022, is repealed.

6 Sec. 119. Original sections 77-1701, 77-1818, 77-1824, 77-1838,  
7 77-2902, 77-2903, 77-2904, 77-2905, 77-2910, 77-2912, 77-5803, 77-5806,  
8 and 77-5808, Reissue Revised Statutes of Nebraska, and sections 77-1403,  
9 77-1802, 77-1837, 77-2715.07, 77-2716, 77-2717, 77-2734.03, 77-27,187.02,  
10 77-27,188, 77-6702, 81-12,182, 85-1802, 85-2601, 85-2602, 85-2603, and  
11 85-2604, Revised Statutes Cumulative Supplement, 2022, are repealed.

12 Sec. 120. Original sections 77-2704.12 and 77-2704.36, Revised  
13 Statutes Cumulative Supplement, 2022, are repealed.

14 Sec. 121. Original sections 77-3513, 77-3522, 77-4001, 77-4002,  
15 77-4007, 77-4008, and 77-4025, Reissue Revised Statutes of Nebraska, and  
16 sections 77-3506 and 77-3512, Revised Statutes Cumulative Supplement,  
17 2022, are repealed.

18 Sec. 122. Since an emergency exists, this act takes effect when  
19 passed and approved according to law.