A BILL FOR AN ACT relating to law; to amend sections 9-433, 13-509, 77-2783, 77-2785, 77-5902, 77-5904, 79-1016, 81-1201.15, 81-1201.20, and 81-12,156, Reissue Revised Statutes of Nebraska, and sections 58-708, 69-2710.01, 77-1333, 77-1359, 77-1832, 77-1833, 77-1837.01, 77-2503, 77-2506, 77-2604, 77-2604.01, 77-2701, 77-2756, 77-27,238, 77-3510, 77-3517, 77-4212, 77-5725, 77-5903, 77-5905, 77-6302, 77-6306, 77-6307, and 81-12,153, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to lotteries and raffles, certifying taxable values, the use of funds under the Nebraska Affordable Housing Act, cigarette sales reports, rent-restricted housing projects, assessment of agricultural land and horticultural land, service of notice when applying for a tax deed, laws governing certain tax sale certificates, affordable housing tax credits, statements on income taxes withheld, mathematical and clerical errors in income tax returns, employer tax credits, homestead exemption forms and lists, accrual of interest on denied and reduced homestead exemptions, tobacco product tax returns, property tax credits, property tax exemptions under the Nebraska Advantage Act, confidentiality requirements, taxable valuations for school districts, and economic development projects; to provide for a report regarding certain amendments to the Internal Revenue Code; to eliminate provisions relating to distressed areas in the Nebraska Advantage Microenterprise Tax Credit Act, the Angel Investment Tax Credit Act, and the Business Innovation Act; to eliminate the Low-Income Home Energy Conservation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 66-1013, 66-1017, 66-1018, 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, 66-1015, 66-1016, and 66-1019.01, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

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

Section 1. Section 9-433, Reissue Revised Statutes of Nebraska, is amended to read:

9-433 (1) Except as provided in subsection (2) of this section, any county or incorporated municipality may, by resolution or ordinance, tax, regulate, control, or prohibit any lottery or raffle within the boundaries of such county or the corporate limits of such incorporated municipality. No county may impose a tax or otherwise regulate, control, or prohibit any lottery within the corporate limits of an incorporated municipality. Any tax imposed pursuant to this subsection shall be remitted to the general fund of the county or incorporated municipality imposing such tax.

(2) No licensed organization may conduct a lottery or raffle and no person may engage in lottery or raffle activity within the boundaries of any Class 6 or Class 7 county as classified under section 23-1114.01 or within the corporate limits of any city of the metropolitan or primary class until specific authorization has been granted by ordinance or resolution of the city or county to conduct a lottery, raffle, or related activity. Any ordinance or resolution that provides specific authorization for a lottery, raffle, or related activity may tax, regulate, or otherwise control such lottery, raffle, or related activity.

(3) Nothing in this section shall be construed to authorize any lottery or raffle not otherwise authorized under Nebraska law.

Sec. 2. Section 13-509, Reissue Revised Statutes of Nebraska, is amended to read:

13-509 (1) On or before August 20 of each year, the county assessor shall certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable real and personal property subject to the applicable levy. The certification shall be provided to the governing body or board (a) by mail if requested by the governing body or board, (b) electronically, or (c) by listing such certification on the county assessor’s web site.

(2) Current taxable value for real property shall mean the value established by the county assessor and equalized by the county board of equalization and the Tax Equalization and Review Commission. Current taxable value for tangible personal property shall mean the net book value reported by the taxpayer and certified by the county assessor.

(3) The valuation of any real and personal property annexed by a political subdivision on or after August 1 shall be considered in the taxable valuation of the annexing political subdivision the following year.

Sec. 3. Section 58-708, Revised Statutes Cumulative Supplement, 2016, is amended to read:

58-708 (1) During each calendar year in which funds are available from the Affordable Housing Trust Fund for use by the Department of Economic Development, the department shall make its best efforts to allocate an amount of funds, not less than thirty percent of such funds to each
congressional district. The department shall announce a grant and loan application period of at least ninety days duration for all projects. In selecting projects to receive trust fund assistance, the department shall develop a qualified allocation plan and give first priority to financially viable projects that serve the lowest income occupants for the longest period of time. The qualified allocation plan shall:

(a) Set forth selection criteria to be used to determine housing priorities of the housing trust fund which are appropriate to local conditions, including the community's immediate need for affordable housing, proposed increases in home ownership, private dollars leveraged, level of local government support and participation, and repayment, in part or in whole, of financial assistance awarded by the fund; and

(b) Give first priority in allocating trust fund assistance among selected projects to those projects which are located in whole or in part within an enterprise zone designated pursuant to the Enterprise Zone Act, serve the lowest income occupant, and are obligated to serve qualified occupants for the longest period of time.

(2) The department shall fund in order of priority as many applications as will (a) utilize available funds less actual administrative costs of the department in administering the program. In administering the program the department may contract for services or directly provide funds to other governmental entities or instrumentalities.

(3) The department may recapture any funds which were allocated to a qualified recipient for an eligible project through an award agreement if such funds were not utilized for eligible costs within the time of performance under the agreement and are therefore no longer obligated to the project. The recaptured funds shall be credited to the Affordable Housing Trust Fund.

Sec. 4. Section 69-2710.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

69-2710.01 (1) Any person that during a month acquired, purchased, sold, possessed, transferred, transported, or caused to be transported in or into this state cigarettes of a tobacco product manufacturer or brand family that was not in the directory at the time shall, within fifteen days following the end of that month, file a report on a form and in the manner prescribed by the Tax Commissioner and certify to the state that the report is complete and accurate. The report shall contain, in addition to any further information that the Tax Commissioner may reasonably require to assist the Tax Commissioner in enforcing sections 69-2701 to 69-2711 and 77-2601 to 77-2622 and the Tobacco Products Tax Act, the following information:

(a) The total number of those cigarettes, in each case identifying by name and number of cigarettes (i) the manufacturers of those cigarettes, (ii) the brand families of those cigarettes, (iii) in the case of a sale or transfer, the name and address of the recipient of those cigarettes, (iv) in the case of an acquisition or purchase, the name and address of the seller or sender of those cigarettes, and (v) the other states in whose directory the manufacturer and brand family of those cigarettes were listed at the time and whose stamps the person is authorized to affix; and

(b) In the case of acquisition, purchase, or possession, the details of the person's subsequent sale or transfer of those cigarettes, identifying by name and number of cigarettes (i) the manufacturers of those cigarettes, (ii) the brand families of those cigarettes, (iii) the date of the sale or transfer, (iii) the name and address of the recipient, (iv) the number of stamps of each other state that the person affixed to the packages containing those cigarettes during that month, (v) the total number of cigarettes contained in the packages to which it affixed each respective other state's stamp, and (vi) a certification that it reported each sale or transfer to the taxing authority of the other state by fifteen days following the end of the month in which the sale or transfer was made and attaching a copy of all such reports. If the subsequent sale or transfer is from this state into another state in packages not bearing a stamp of the other state, the report shall also contain the information described in subdivision (2)(c) of section 77-2604.01.

(2) Reports under this section shall be in addition to reports under sections 69-2768, 77-2604, and 77-2604.01.

Sec. 5. Section 77-1333, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-1333 (1) For purposes of this section, rent-restricted housing project means a project consisting of five or more houses or residential units that has received an allocation of federal low-income housing tax credits under section 42 of the Internal Revenue Code from the Nebraska Investment Finance Authority or its successor agency and, for the year of assessment, is a project as defined in section 58-219 involving rental housing as defined in section 58-220.

(2) The Legislature finds that:

(a) The provision of safe, decent, and affordable housing to all residents of the State of Nebraska is a matter of public concern and represents a legitimate and compelling state need, affecting the general welfare of all residents;

(b) Rent-restricted housing projects effectively provide safe, decent, and affordable housing for residents of Nebraska;

(c) Such projects are restricted by federal law as to the rents paid by the tenants thereof;

(d) Of all the professionally accepted mass appraisal methodologies, which
include the sales comparison approach, the income approach, and the cost approach, the utilization of the income-approach methodology results in the most accurate determination of the actual value of such projects.

(e) This section is intended to (i) further the provision of safe, decent, and affordable housing to all residents of Nebraska and (ii) comply with Article VIII, section 1, of the Constitution of Nebraska, which empowers the Legislature to prescribe standards and methods for the determination of value of real property at uniform and proportionate values.

(3) Except as otherwise provided in this section, the county assessor shall utilize an income-approach calculation to determine the actual value of a rent-restricted housing project when determining the assessed valuation to place on the property for each assessment year. The income-approach calculation shall be consistent with this section and any rules and regulations adopted and promulgated by the Tax Commissioner and shall comply with professionally accepted mass appraisal techniques.

(4) The Rent-Restricted Housing Projects Valuation Committee is created. For administrative purposes only, the committee shall be within the Department of Revenue. The committee's purpose shall be to develop a market-derived capitalization rate to be used by county assessors in determining the assessed valuation for rent-restricted housing projects. The committee shall consist of the following four persons:

(a) A representative of county assessors appointed by the Tax Commissioner. Such representative shall be skilled in the valuation of property and shall hold a certificate issued under section 77-422;

(b) A representative of the low-income housing industry appointed by the Tax Commissioner. The appointment shall be based on a recommendation made by the Nebraska Commission on Housing and Homelessness;

(c) The Property Tax Administrator or a designee of the Property Tax Administrator who holds a certificate issued under section 77-422. Such person shall serve as the chairperson of the committee; and

(d) An appraiser from the private sector appointed by the Tax Commissioner. Such appraiser must hold either a valid credential as a certified general real property appraiser under the Real Property Appraiser Act or an MAI designation from the Appraisal Institute.

(5) The owner of a rent-restricted housing project shall file a statement electronically on a form prescribed by the Tax Commissioner with the Rent-Restricted Housing Projects Valuation Committee and the county assessor on or before July 1 of each year that details actual income and actual expenses for the prior year, a description of any land-use restrictions, a description of the terms of any mortgage loans, including loan amount, interest rate, and amortization period, and such other information as the committee or the county assessor may require for purposes of this section. The Department of Revenue, on behalf of the committee, shall forward such statements on or before August 15 of each year to the county assessor of each county in which a rent-restricted housing project is located.

(6) The Rent-Restricted Housing Projects Valuation Committee shall meet annually in November to examine the information on rent-restricted housing projects that was provided pursuant to subsection (5) of this section. The Department of Revenue shall electronically publish notice of such meeting no less than thirty days in advance. The committee shall also solicit information on the sale of any such rent-restricted housing projects and information on the yields generated to investors in rent-restricted housing projects. The committee shall, after reviewing all such information, calculate a market-derived capitalization rate on an annual basis using the band-of-investment technique or other generally accepted techniques used to derive capitalization rates depending upon the data available. The capitalization rate shall be a composite rate weighted by the proportions of total property investment represented by equity and debt, with equity weighted at eighty percent and debt weighted at twenty percent unless a substantially different market capital structure in that county or group of counties can be verified to the county assessor. The yield for equity shall be calculated using the data on investor returns gathered by the committee. The yield for debt shall be calculated using the data provided to the committee pursuant to subsection (5) of this section. If the committee determines that a particular county or group of counties requires a different capitalization rate than that calculated for the state pursuant to this subsection, then the committee may calculate an additional capitalization rate that will apply only to such county or group of counties.

(7) After the Rent-Restricted Housing Projects Valuation Committee has calculated the capitalization rate or rates under subsection (6) of this section, the committee shall provide such rate or rates and the information reviewed by the committee and used in calculating such rate or rates in an annual report. Such report shall be forwarded by the Tax Property Administrator to each county assessor in Nebraska no later than December 1 of each year for his or her use in determining the valuation of rent-restricted housing projects. The Department of Revenue shall publish the annual report electronically but may charge a fee for paper copies. The Tax Commissioner shall set the fee based on the reasonable cost of producing the report.

(8) Except as provided in subsections (9) through (11) of this section, each county assessor shall use the capitalization rate or rates contained in the report received under subsection (7) of this section and the actual income and actual expense data filed by owners of rent-restricted housing projects for the time period ending before August 1 of each year. The county assessor shall utilize an income-approach calculation. Any low-income housing tax credits authorized under section 42 of the Internal Revenue Code of 1986 shall be consistent with this section and any rules and regulations adopted and promulgated by the Tax Commissioner.
the Internal Revenue Code that were granted to owners of the project shall not be considered income for purposes of the calculation.

(b) If the actual income and actual expense data required to be filed for a rent-restricted housing project under subsection (5) of this section is not filed in a timely manner, the county assessor may use any method for determining actual value for such rent-restricted housing project that is consistent with professionally accepted mass appraisal methods described in section 77-112.

(10) If a county assessor, based on the facts and circumstances, believes that the income-approach calculation does not result in a valuation of a rent-restricted housing project at actual value, then the county assessor shall present such facts and circumstances to the county board of equalization. If the county board of equalization, based on such facts and circumstances and concurs with the county assessor, then the county board of equalization shall petition the Tax Equalization and Review Commission to consider an adjustment to the capitalization rate of such rent-restricted housing project. Petitions must be filed no later than January 31. The burden of proof is on the petitioning county board of equalization to show that failure to make a determination that a different methodology should be used would result in a value that is not equitable and in accordance with the law. At the hearing, the commission may receive testimony from any interested person. After a hearing, the commission shall, within the powers granted in section 77-5007, enter its order based on evidence presented to it at such hearing.

(11) If the Tax Commissioner, based on the facts and circumstances, believes that the applicable capitalization rate set by the Rent-Restricted Housing Project Act to value a rent-restricted housing project does not result in a valuation at actual value for such rent-restricted housing project, then the Tax Commissioner shall petition the Tax Equalization and Review Commission to consider an adjustment to the capitalization rate of such rent-restricted housing project. Petitions must be filed no later than January 31. The burden of proof is on the Tax Commissioner to show that failure to make an adjustment to the capitalization rate employed would result in a value that is not equal to the rent-restricted housing project's actual value. At the hearing, the commission may receive testimony from any interested person. After a hearing, the commission shall, within the powers granted in section 77-5007, enter its order based on evidence presented to it at such hearing.

Sec. 7. Section 77-1359, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-1359 The Legislature finds and declares that agricultural land and horticultural land shall be a separate and distinct class of real property for purposes of assessment. The assessed value of agricultural land and horticultural land shall not be uniform and proportionate with all other real property, but the assessed value shall be uniform and proportionate within the class of agricultural land and horticultural land.

For purposes of this section and section 77-1363:

(1) Agricultural land and horticultural land means a parcel of land, exclusive of a building or enclosed structure located on the parcel, which is primarily used for agricultural or horticultural purposes, including wasteland lying in or adjacent to and in common ownership or management with other agricultural land and horticultural land;

(2) Agricultural or horticultural purposes includes the following uses of land:

(a) Land retained or protected for future agricultural or horticultural purposes under a conservation easement as provided in the Conservation and Preservation Easements Act except when the parcel or a portion thereof is being used for purposes other than agricultural or horticultural purposes;

(b) Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production; and

(c) Whether a parcel of land is primarily used for agricultural or horticultural purposes shall be determined without regard to whether some or all of the parcel is platted and subdivided into separate lots or developed with improvements consisting of streets, sidewalks, curbs, gutters, sewer lines, water lines, or utility lines:

(i) (3) Farm home site means land contiguous to a farm site which includes an inhabitable residence and improvements used for residential purposes and which is located outside of urban areas or outside a platted and zoned subdivision; and

(ii) (4) Farm site means the portion of land contiguous to land actively devoted to agriculture which includes improvements that are agricultural or horticultural in nature, including any uninhabitable or unimproved farm home site.

Sec. 8. Section 77-1832, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-1832 (1) Service of the notice provided by section 77-1831 shall be
made by:

(a) Personal, or residence, certified mail, or designated delivery service as described in Section 25-505.01 upon every person in actual possession or occupancy of the real property who qualifies as an owner-occupant under section 77-1824.01; or

(b) Certified mail service as described in section 25-505.01, return receipt requested, upon:

(i) The person in whose name the title to the real property appears of record who does not qualify as an owner-occupant under section 77-1824.01. The notice shall be sent to the name and address to which the property tax statement was mailed; and

(ii) Every person as described in section 25-505.01, return receipt requested, to the encumbancer's name and holder of such lien at the address appearing of record as shown in the encumbrance filed with the register of deeds.

(2) Personal or residence service shall be made by the county sheriff of the county where service is made or by a person authorized by section 25-597. The sheriff or other person serving the notice shall be entitled to the statutory fee prescribed in section 33-117. Within twenty days after the date of request for service of the notice, the person serving the notice and affidavit shall be filed with the register of deeds of the county.

(3)

(3) If the requirements of subsection (1) of this section are met, the sheriff or other person serving the notice and affidavit shall be entitled to the statutory fee prescribed in section 33-117. Within twenty days after the date of request for service of the notice, the person serving the notice and affidavit shall be filed with the register of deeds of the county. The affidavit shall be filed with the application for the tax deed in the record opposite the real property described in the notice and affidavit. The affidavit shall be filed under oath.

(4) The affidavit that a title search was conducted to determine those persons entitled to notice pursuant to such section. The notice shall be sent to the person with whom the notice was left, and the method of service or (b) the affidavit and for the failure to serve. Failure to make proof of service or delay in doing so does not affect the validity of the service.

Sec. 8. Section 77-1833, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-1833 The service of notice provided by section 77-1832 shall be proved by affidavit, and the notice and affidavit shall be filed and preserved in the office of the county treasurer. The purchaser or assignee shall also affirm in the affidavit that a title search was conducted to determine those persons entitled to notice pursuant to such section. If certified mail or designated delivery service is used, the certified mail return receipt or a copy of the signed delivery receipt shall be filed with and accompany the return of service. The affidavit shall be filed with the application for the tax deed pursuant to section 77-1837. For each service of such notice, a fee of one dollar shall be allowed. The amount of such fees shall be noted by the county treasurer in the record opposite the real property described in the notice and shall be collected by the county treasurer in case of redemption for the benefit of the holder of the certificate.

Sec. 9. Section 77-1837.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-1837.01 (1) Except as otherwise provided in subsection (2) of this section, the laws in effect on the date of the issuance of a tax sale certificate govern all matters related to tax deed proceedings, including noticing and application, and foreclosure proceedings. Changes in law shall not apply to the tax sale certificates sold and issued prior to January 1, 2010.

(2) Tax sale certificates sold and issued between January 1, 2010, and December 31, 2017, shall be governed by the laws and statutes that were in effect on December 31, 2009, with regard to all matters relating to tax deed proceedings, including noticing and application, and foreclosure proceedings.

Sec. 10. Section 77-2503, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-2503 (1) An owner of an affordable housing project seeking a Nebraska affordable housing tax credit shall file an application with the authority on a form prescribed by the authority. A qualified taxpayer shall be allowed a nonrefundable tax credit if the authority determines that the project for which tax credits are sought is a qualified project.

(2) If the requirements of subsection (1) of this section are met, the authority shall issue an eligibility statement to the owner of such qualified project stating the amount of Nebraska affordable housing tax credits allocated to the project. The tax credits shall be in addition to federal low-income housing tax credits available to such project, except as otherwise provided in subsection (4) of this section. Tax credits for each building in a qualified project shall be issued for the first six years of the credit period as defined in 26 U.S.C. 42(f)(1), except that any reduction in the credit allowable in the first year of the credit period due to the calculation in 26 U.S.C. 42(f)(2) shall be allowable in the seventh year of the credit period. The authority shall only allocate tax credits to qualified projects that are placed in service after January 1, 2018.

(3) If the owner of the qualified project is (a) a partnership, (b) a limited liability company, or (c) a corporation having an election in effect under the Internal Revenue Code of 1986, as amended, the Nebraska affordable housing tax credit shall be allocated among some or all of the partners, members, or shareholders of the owner of the qualified project in any manner agreed to by such persons. A qualified taxpayer may transfer, sell, or assign all or part of his or her ownership interest, including his or her interest in the tax credits authorized in this section. For any tax year in which such an interest is transferred, sold, or assigned pursuant to this subsection, the transferor assignor shall notify the Department of Revenue of the transfer, sale, or assignment.
the transfer, sale, or assignment and provide the tax identification number of
the new owner at least thirty days prior to the new owner claiming the tax
credit. The notification shall be in the manner prescribed by the department.

file a written statement with this or her tax return specifying the amount of
the credits assigned.

(4) The maximum amount of Nebraska affordable housing tax credits awarded
to all qualified projects in any given allocation year shall be no more than one
hundred percent of the total amount of federal low-income housing tax
credits awarded by the authority in the same allocation year. Notwithstanding
any other provision of the Affordable Housing Tax Credit Act, the authority is
prohibited from awarding to a qualified project any combined amount of federal
low-income housing tax credits and Nebraska affordable housing tax credits that
is more than necessary to make the qualified project financially feasible.

(5) Any Nebraska affordable housing tax credits granted under this section may
be used to offset any income taxes due under section 77-2715 or 77-2734.02,
any premium and related retaliatory taxes due under section 44-150 or 77-908,
or any franchise taxes due under sections 77-3861 to 77-3867.

(6) The tax credit shall not be used to reduce the tax liability of the
qualified taxpayer to less than zero. Any tax credit claimed but not used in a
taxable year may be carried forward.

Sec. 11. Section 77-2506, Revised Statutes Cumulative Supplement, 2016, is
amended to read:

77-2506 If a portion of any federal low-income housing tax credits taken
on a qualified project is required to be recaptured or is otherwise disallowed
under 26 U.S.C. 42 during the 6-year period described in subsection (2) of
section 77-2503, a portion of the Nebraska affordable housing tax credits with
respect to such project shall also be recaptured from the qualified taxpayer
who claimed such credits. The percentage of Nebraska affordable housing tax
credits to be recaptured under this section shall be equal to the
percentage of federal low-income housing tax credits subject to recapture or
otherwise disallowed during such period. Any Nebraska affordable housing tax
credits recaptured or disallowed under this section shall increase the tax
liability of the qualified taxpayer who claimed the
credits recaptured or disallowed. Any income shall be recognized by the qualified
taxpayer in the year the Department of Revenue declares the tax credits to be
recaptured or disallowed.

Sec. 12. Section 77-2604, Revised Statutes Cumulative Supplement, 2016, is
amended to read:

77-2604 (1) Every stamping agent, wholesale dealer, and retail dealer who
is subject to sections 77-2601 to 77-2622 shall make and file with the Tax
Commissioner, on or before the fifteenth day of each calendar month in the
manner prescribed on blanks furnished by the Tax Commissioner, true, correct,
and sworn reports covering, for the last preceding calendar month, the number
of cigarettes purchased, from whom purchased, the specific kinds and brands
thereof, the manufacturer, if known, and such other matters and in such detail
as the Tax Commissioner may require.

(2)(a) Each manufacturer and importer that sells cigarettes in or into the
state shall, within fifteen days following the end of each month, file a report
on a form and in the manner prescribed by the Tax Commissioner and certify to
the Tax Commissioner that the report is true and accurate.

(b) The report shall contain the following information: The total number
of cigarettes sold by that manufacturer or importer in or into the state during
that month and identifying by name and number of cigarettes, (i) the
manufacturers of those cigarettes, (ii) the brand families of those cigarettes,
and (iii) the purchasers of those cigarettes. A manufacturer’s or importer’s
report shall include cigarettes sold in or into the state through its sales
entity affiliate.

(c) The requirements of this subsection shall be satisfied and no further
report shall be required under this section with respect to cigarettes if the
manufacturer or importer timely submits to the Tax Commissioner the report or
reports required to be submitted by it with respect to those cigarettes under
15 U.S.C. 376 to the Tax Commissioner and certifies to the state that the
reports are complete and accurate.

(d) Upon request by the Tax Commissioner, a manufacturer or importer shall
provide all sales reports referenced in subdivisions (2)(a) and (b) of this section that it filed in other states.

(e) Each manufacturer and importer that sells cigarettes in or into the
state shall either (i) submit its federal excise tax returns and all monthly
operational reports on Alcohol and Tobacco Tax and Trade Bureau Form 5210.5 and
all adjustments, changes, and amendments to such reports to the Tax
Commissioner no later than sixty days after the close of the quarter in which
the returns were filed or (ii) submit to the United States Treasury a request or
consent under section 6103(c) of the Internal Revenue Code of 1986 as
defined in section 49-801.01 authorizing the Federal Alcohol and Tobacco Tax
and Trade Bureau and, in the case of a foreign manufacturer or importer, the
United States Service Center to disclose the manufacturer’s or importer’s
federal returns to the Tax Commissioner as of sixty days after the close of the
quarter in which the returns were filed.

Sec. 13. Section 77-2604.01, Revised Statutes Cumulative Supplement, 2016,
is amended to read:

77-2604.01 (1) Any person that sells cigarettes from this state into
another state shall, within fifteen days following the end of each month, file
a report on a form and in the manner prescribed by the Tax Commissioner and
certify to the state that the report is complete and accurate.  
(2) The report shall contain the following information:  
(a) The total number of cigarettes sold from this state into another state 
by the person during that month, identifying by name and number of cigarettes 
(i) the manufacturers of those cigarettes, (ii) the brand families of those 
cigarettes, and (iii) the name and address of each recipient of those 
cigarettes; 
(b) The number of stamps of each other state the person affixed to the 
packages containing those cigarettes during that month, the total number of 
cigarettes contained in the packages to which it affixed each respective other 
state's stamp and by name and number of cigarettes, and the manufacturers and 
brand families of the packages to which it affixed each respective other 
state's stamp; and 
(c) If the person sold cigarettes during that month from this state into 
another state in packages not bearing a stamp of the other state, (i) the total 
number of cigarettes contained in such packages, identifying by name and number 
of cigarettes, the manufacturers of those cigarettes, the brand families of 
those cigarettes, and the name and address of each recipient of those 
cigarettes beyond delivery for belief that such state permits the sale of 
cigarettes to consumers in a package not bearing a stamp, and the 
amount of excise, use, or similar tax imposed on the cigarettes paid by 
the person to such state on the cigarettes. Manufacturers and importers need 
include the information described in subdivision (2)(c)(i) of this section only 
as to cigarettes not sold to a person authorized by the law of the other state 
to affix the stamp required by the other state.  
(3) In the case of a manufacturer or importer, the report shall include 
cigarettes sold from this state into another state through its sales entity 
affiliate. A sales entity affiliate shall file a separate report under this 
section beyond to the extent that it sold cigarettes from this state into another 
state not separately reported under this section by its affiliated manufacturer 
or importer. 
Sec. 14. Section 77-2701, Revised Statutes Cumulative Supplement, 2016, is 
amended to read:  
77-2701 Sections 77-2701 to 77-27,135.01, 77-27,235, 77-27,236, and 
77-27,238 and section 15 of this act shall be known and may be cited as the 
Nebraska Revenue Act of 1967.  
Sec. 15. (1) Within sixty days after an amendment of the Internal Revenue 
Code is enacted, the Tax Commissioner shall prepare and submit to the Governor, 
the Legislative Fiscal Analyst, the Speaker of the Legislature, and the 
chairpersons of the Executive Board of the Legislative Council the Revenue 
Commissioner report of the Legislature, and the Appropriations Committee of 
the Legislature a report that outlines:  
(a) The changes in the Internal Revenue Code; and 
(b) The impact of those changes on state revenue and on various classes 
and types of taxpayers.  
(2) Subsection (1) of this section does not apply to an amendment of the 
Internal Revenue Code if the Tax Commissioner determines that the impact of the 
section on income tax revenue for the fiscal year that begins during 
the calendar year in which the amendment is enacted will be less than 
five million dollars. 
Sec. 16. Section 77-2756, Revised Statutes Cumulative Supplement, 2016, is 
amended to read:  
77-2756 (1) Except as provided in subsection (2) of this section, every 
employer or payor required to deduct and withhold income tax under the Nebraska 
Revenue Act of 1967 shall, for each calendar quarter ending on or before the 
last day of the month following the close of such calendar quarter, file a withholding 
return as prescribed by the Tax Commissioner and pay over to the 
Tax Commissioner or to a depository designated by the Tax Commissioner the taxes so 
required to be deducted and withheld in such form and content as the Tax 
Commissioner may prescribe and containing such information as the 
Tax Commissioner deems necessary for the proper administration of the Nebraska 
Revenue Act of 1967. When the aggregate amount required to be deducted 
and withheld by any employer or payor for the entire calendar year is less than five 
hundred dollars, the employer or payor shall, by the last day of the month following the close of such calendar year, file a 
withholding return as prescribed by the Tax Commissioner and pay over to the 
Tax Commissioner or to a depository designated by the Tax Commissioner the taxes so required to be deducted and withheld in such form and content as the Tax 
Commissioner may prescribe and containing such information as the Tax 
Commissioner deems necessary for the proper administration of the Nebraska 
Revenue Act of 1967. The employer or payor may elect or the Tax Commissioner 
may require the filing of returns and the payment of taxes on a quarterly
purposes of the Nebraska Revenue Act of 1967 and, with the actual employer or
the Tax Commissioner.

deficiency has been mailed, the amount of the deficiency shall be deemed to be
a nonrefundable credit, for not more than two years, against the income tax
of any person to impede the administration of such act, he or she shall,
without the computation of the tax, the tax computed by the Tax Commissioner
in respect of a tax, other than amounts withheld at the source or paid as
withheld and paid over to the Tax Commissioner and any additions to tax,
penalties, and interest with respect thereto.

3564 of the Internal Revenue Code of 1986, as amended, for the purpose of
withholding, reporting, or making payment of amounts withheld on behalf of
the employer or payor. The agent shall be considered an employer or payor for
purposes of the Nebraska Revenue Act of 1967 and, with the actual employer or
payor, shall be jointly and severally liable for any amount required to be
withheld and paid over to the Tax Commissioner and any additions to tax,
penalties, and interest with respect thereto.

May 1, 1993, any deficiency in the income tax under the Nebraska Revenue Act of
1967 resulting therefrom shall be deemed to be assessed on the date of filing
of the succeeding year a copy of each statement furnished by such employer or
payor to each employee or payee with respect to taxes withheld on wages or
payments subject to withholding. Any employer, payor, or agent who furnished
more than fifty statements for a year shall file the required copies electronically in a manner approved by the Tax Commissioner that is compatible
with federal electronic filing requirements or methods.

Sec. 17. Section 77-2783, Reissue Revised Statutes of Nebraska, is amended
to read:

77-2783 In the event that the amount of tax is understated on the
taxpayer’s return as a result of a mathematical or clerical error, the Tax
Commissioner shall notify the taxpayer that an amount of tax in excess of that
shown on the return is due and has been assessed and the reasons therefor. Such
a notice of additional tax due shall not be considered a notice of deficiency
assessment nor shall the taxpayer have any right of protest or appeal as in the
case of tax assessed in accordance with the assessed amount of the return. The
collection of the amount of tax erroneously omitted in the return is not
prohibited. For purposes of this section, mathematical or clerical error
includes information on the taxpayer’s return that is different from
information reported to the Internal Revenue Service or the Tax Commissioner,
including, but not limited to, information reported on Form W-2 and Form 1099.

Sec. 18. Section 77-2785, Reissue Revised Statutes of Nebraska, is amended
to read:

77-2785 (1) The amount of income tax which is shown to be due on an income
tax return, including revisions for mathematical or clerical errors, shall be
deemed to be assessed on the date of filing of the return including any amended
returns showing an increase of tax. In the case of a return properly filed
without the computation of the tax, the tax computed by the Tax Commissioner
shall be deemed to be assessed on the date when payment is due. If a notice of
deficiency has been mailed, the amount of the deficiency shall be deemed to be
assessed on the date provided in section 77-2777 if no protest is filed or, if a
protest date when the determination of the Tax Commissioner becomes final. If an amended return or report filed pursuant to
the provisions of section 77-2775 concedes the accuracy of a federal change or
correction or a state change or correction which has become final on or after
May 1, 1993, any deficiency in the income tax under the Nebraska Revenue Act of
1967 shall be considered as assessed on the date of such report or amended return and such assessment shall be timely
notwithstanding any other provisions of such act. Any amount paid as a tax or
in respect of a tax, other than amounts withheld at the source or paid as
estimated income tax, shall be deemed to be assessed upon the date of receipt
of payment notwithstanding any other provision of such act.

(2) If the mode or time for the assessment of income tax under the
provisions of the Nebraska Revenue Act of 1967, including interest, additions
to tax, and penalties, is not otherwise provided for, the Tax Commissioner may
establish the same by regulation.

Sec. 19. Section 77-27,238, Revised Statutes Cumulative Supplement, 2016,
is amended to read:

77-27,238 (1) For taxable years beginning or deemed to begin on or after
January 1, 2017, there shall be allowed to an employer of any eligible employee
a nonrefundable credit, for not more than two years, against the income tax

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imposed by the Nebraska Revenue Act of 1967 in the amount of twenty percent of
the employer’s annual expenditures for any of the following services that are
provided to eligible employees and that are incidental to the employer’s business:
(a) The payment of tuition at a Nebraska public institution of
postsecondary education or the payment of the costs associated with a high
school equivalency program for eligible employees; and
(b) The provision of transportation of eligible employees to and from
work.
(2) The credit allowed under this section for any taxable year shall not
exceed the employer’s actual tax liability for such taxable year.
(3) The Department of Revenue shall submit a report electronically to the
Legislator on or before July 1 of each year on (a) the number of
employees claiming a credit under this section and (b) the number of eligible
employees receiving the services for which credits are claimed.
(4) The Department of Revenue, in consultation with the Department of
Health and Human Services, shall develop a process to verify that any employer
claiming credits under this section qualifies for such credits.
(a) The Department may adopt and promulgate rules and
regulations necessary to carry out this section.
(b) For purposes of this section, eligible employee means a parent or
caretaker responsible relative (a) who is a member of a unit family that
received benefits under the state or federally funded Temporary Assistance for
Needy Families program established in 42 U.S.C. 601 et seq., for any nine
months of the eighteen-month period immediately prior to the employee’s hiring
date and (b) whose hiring date is on or after the first day of the taxable year
for which the credit is claimed.
Sec. 20. Section 77-3510, Revised Statutes Cumulative Supplement, 2016, is
amended to read:
77-3510 On or before February 1 of each year, the Tax Commissioner shall
prescribe forms to be used by all claimants for homestead exemption or for
transfer of homestead exemption. Such forms shall contain provisions for the
showing of all information which the Tax Commissioner may deem necessary to (1)
enable and (2) enable the county assessor to determine whether each claim for
exemption under sections 77-3506 and 77-3507 to 77-3509 should be
allowed and (2) enable the county assessor to determine whether each claim for
transfer of homestead exemption pursuant to section 77-3509.01 should be
allowed. It shall be the duty of the county assessor of each county in this
state to furnish such forms, upon request, to each person desiring to make
application for homestead exemption or for transfer of homestead exemption. The
forms so prescribed shall be used uniformly throughout the state, and no
application for exemption or for transfer of homestead exemption shall be
allowed unless the applicant uses the prescribed form in making an application.
The forms shall require the attachment of an income statement for any applicant
seeking an exemption under section 77-3507, 77-3508, or 77-3509 as prescribed
by the Tax Commissioner fully accounting for all household income. The Tax
Commissioner shall provide to each county assessor printed claim forms and
address lists of applicants from the prior year in the manner approved by the
Tax Commissioner.
The application and information contained on any attachments to
the application shall be confidential and available to tax officials only.
Sec. 21. Section 77-3517, Revised Statutes Cumulative Supplement, 2016, is
amended to read:
77-3517 (1) On or before August 1 of each year, the county assessor shall
forward the approved applications for homestead exemptions and a copy of the
certification of disability status that have been examined pursuant to section
77-3516 to the Tax Commissioner. The Tax Commissioner shall determine if the
applicant meets the income requirements and may also review any other
application information he or she deems necessary in order to determine whether
the application should be approved. The Tax Commissioner shall, on or before
November 1, certify his or her determinations to the county assessor. If the
application is approved, the county assessor shall make the proper deduction on
the assessment rolls. If the application is denied or approved in part, the Tax
Commissioner shall notify the applicant of the denial or partial approval by
mailing written notice to the applicant at the address shown on the
application. The applicants may appeal the Tax Commissioner’s determination
of denial or partial approval pursuant to section 77-3520. Late applications authorized
by the county board shall be processed in a similar manner after approval by the
county assessor.
(2) (a) Upon his or her own action or upon a request by an applicant,
a spouse, or an owner-occupant, the Tax Commissioner may review any information
necessary to determine whether an application is in compliance with sections
77-3501 to 77-3529. Any action taken by the Tax Commissioner pursuant to this
subsection shall be taken within three years after December 31 of the year in
which the exemption was claimed.
(b) If after completion of the review the Tax Commissioner determines that
an exemption should have been approved or increased, the Tax Commissioner shall
notify the applicant, spouse, or owner-occupant and the county treasurer and
assessor of his or her determination. The applicant, spouse, or owner-occupant shall
receive a refund of the tax, if any, that was paid as a result of the
exemption being denied, in whole or in part. The county treasurer shall make
the refund and shall amend the county’s claim for reimbursement from the state.
(c) If after completion of the review the Tax Commissioner determines that
an exemption should have been denied or reduced, the Tax Commissioner shall
notify the applicant, spouse, or owner-occupant of such denial or reduction. The applicant, the spouse, and any owner-occupant may appeal the Tax Commissioner's denial or reduction pursuant to section 77-3520. Upon expiration of the appeal period in section 77-3520, the Tax Commissioner shall notify the county assessor of the denial or reduction and the county assessor shall remove or reduce the exemption from the tax rolls of the county. Upon notification by the Tax Commissioner to the county assessor, the amount of tax due as a result of the action of the Tax Commissioner shall become a lien on the homestead until paid. Upon attachment of the lien, the county treasurer shall refund to the Tax Commissioner the amount of tax equal to the denied or reduced exemption for deposit into the General Fund. No lien shall be created if a change in ownership of the homestead or death of the applicant, the spouse, and all other owner-occupants has occurred prior to the Tax Commissioner's notice to the county assessor. Beginning thirty days after the county assessor receives approval from the county board to remove or reduce the exemption from the tax rolls of the county, interest at the rate specified in section 45-184.03, as such rate may from time to time be adjusted by the Legislature, shall begin to accrue on the amount of tax due as a result of the action of the Tax Commissioner. Section 77-3520, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-4212 (1) For tax year 2007, the amount of relief granted under the Property Tax Credit Act shall be one hundred five million dollars. For tax year 2008, the amount of relief granted under the act shall be one hundred fifteen million dollars. It is the intent of the Legislature to fund the Property Tax Credit Act for tax years after tax year 2008 using available revenue. For tax year 2017, the amount of relief granted under the act shall be two hundred twenty-four million dollars. The relief shall be in the form of a property tax credit which appears on the property tax statement.

(a) For tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(a) of this section by the ratio of the real property valuation of the parcel to the total real property valuation in the county. The amount determined shall be the property tax credit for the property.

(b) Beginning with tax year 2017, to determine the amount of the property tax credit, the county treasurer shall multiply the amount disbursed to the county under subdivision (4)(b) of this section by the ratio of the credit allocation valuation of the parcel to the total credit allocation valuation in the county. The amount determined shall be the property tax credit for the property.

(3) If the real property owner qualifies for a homestead exemption under sections 77-3561 to 77-3529, the owner shall also be qualified for the relief provided in the act to the extent of any remaining liability after calculation of the relief provided by the homestead exemption. If the credit results in a property tax liability on the homestead that is less than zero, the amount of the credit which cannot be used by the taxpayer shall be returned to the State Treasurer by July 1 of the year the amount disbursed to the county was disbursed. The State Treasurer shall immediately credit any funds returned under this subsection section 77-3520 to the Property Tax Credit Cash Fund. Upon the expiration of the appeal period in section 77-3520, the county assessor may electronically file a report with the Property Tax Administrator, on a form prescribed by the Tax Commissioner, indicating the amount of funds distributed to each taxing unit in the county in the year the funds were returned, any collection fee retained by the county in such year, and the amount of unused credits returned.

(4)(a) For tax years prior to tax year 2017, the amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the real property valuation in the county to the real property valuation in the state. By September 15, the Property Tax Administrator shall determine the amount available for disbursement under this subsection to each county and certify such amounts to the State Treasurer and to each county. The disbursements to the counties shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the treasurer shall distribute the remaining receipts to taxing units levying taxes on taxable property in the tax district in which the real property is located in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the real property is located.

(b) Beginning with tax year 2017, the amount disbursed to each county shall be equal to the amount available for disbursement determined under subsection (1) of this section multiplied by the ratio of the credit allocation valuation in the county to the credit allocation valuation in the state. By September 15, the Property Tax Administrator shall determine the amount to be disbursed under this subsection to each county and certify such amounts to the State Treasurer. The disbursements to each county under this subsection shall occur in two equal payments, the first on or before January 31 and the second on or before April 1. After retaining one percent of the receipts for costs, the county treasurer shall allocate the remaining receipts to each taxing unit based on its share of the credits granted to all taxpayers in the taxing unit.
Agreements may be executed with regard to completed project applications filed through the meeting of the required levels of employment and investment for all sources of renewable energy to produce electricity for sale as described in subdivision (1)(j) of section 77-5715, investment in qualified property of at least twenty million dollars and the hiring for the data center of at least thirty new employees. There shall be no new project applications for benefits under this tier filed after December 31, 2020. All complete project applications filed on or before December 31, 2020, shall be considered by the Tax Commissioner and approved if the project and taxpayer qualify for benefits. Agreements may be executed with regard to completed project applications filed on or before December 31, 2020. All project agreements pending, approved, or entered into before such date shall continue in full force and effect; and

(f) Tier 6, investment in qualified property of at least ten million dollars and the hiring of at least thirty new employees. There shall be no new project applications for benefits under this tier filed after December 31, 2020. All complete project applications filed on or before December 31, 2020, shall be considered by the Tax Commissioner and approved if the project and taxpayer qualify for benefits. Agreements may be executed with regard to completed project applications filed on or before December 31, 2020. All project agreements pending, approved, or entered into before such date shall continue in full force and effect; and

(2) When the taxpayer has met the required levels of employment and investment contained in the agreement for a tier 1, tier 2, tier 4, tier 5, or tier 6 project or a refund of one-half of all sales and use taxes for a tier 1 project paid under the Local Option Revenue Act, the Nebraska Revenue Act of 1967, and sections 13-319, 13-324, and 13-2813 from the date of the application through the meeting of the required levels of employment and investment for all purchases, including rentals, of:

(i) Qualified property used as a part of the project;
(ii) Property, excluding motor vehicles, based in this state and used in both this state and another state in connection with the project except when any such property is to be used for fundraising for or for the transportation of an elected official;

(iii) Tangible personal property by a contractor or repairperson after appointment as a purchasing agent of the owner of the improvement to real estate when such property is incorporated into real estate as a part of a project. The refund shall be based on fifty percent of the contract price, excluding any land, as the cost of materials subject to the sales and use tax;

(iv) Tangible personal property by a contractor or repairperson after appointment as a purchasing agent of the taxpayer when such property is annexed to, but not incorporated into, real estate as a part of a project. The refund shall be based on the cost of materials subject to the sales and use tax that were annexed to real estate; and

(v) Tangible personal property by a contractor or repairperson after appointment as a purchasing agent of the taxpayer when such property is both (A) incorporated into real estate as a part of a project and (B) annexed to, but not incorporated into, real estate as a part of a project. The refund shall be based on the contract price, excluding any land, as the cost of materials subject to the sales and use tax; and

(b) A refund of all sales and use taxes for a tier 2, tier 4, tier 5, or tier 6 project or a refund of one-half of all sales and use taxes for a tier 1 project paid under the Local Option Revenue Act, the Nebraska Revenue Act of 1967, and sections 13-319, 13-324, and 13-2813 on the types of purchases, including rentals, listed in subdivision (a) of this subsection for such taxes paid during each year of the entitlement period in which the taxpayer is at or above the required levels of employment and investment.

(3) Any taxpayer who qualifies for a tier 1, tier 2, tier 3, or tier 4 project shall be entitled to a credit equal to three percent times the average wage of new employees times the number of new employees if the average wage of the new employees equals at least sixty percent of the Nebraska average annual wage for the year of application. The credit shall equal four percent times the average wage of new employees times the number of new employees if the average wage of the new employees equals at least seventy-five percent of the Nebraska average annual wage for the year of application. The credit shall equal five percent times the average wage of new employees times the number of new employees if the average wage of the new employees equals at least one hundred percent of the Nebraska average annual wage for the year of application. The credit shall equal six percent times the average wage of new employees times the number of new employees if the average wage of the new employees equals at least one hundred twenty-five percent of the Nebraska average annual wage for the year of application. For computation of such credit:

(a) Average annual wage means the total compensation paid to employees during the year at the project who are not base-year employees and who are paid wages equal to at least sixty percent of the Nebraska average weekly wage for the year of application, excluding any compensation in excess of one million dollars paid to any one employee during the year, divided by the number of equivalent employees making up such total compensation;

(b) Average wage of new employees means the average annual wage paid to employees during the year at the project who are not base-year employees and who are paid wages equal to at least sixty percent of the Nebraska average weekly wage for the year of application, excluding any compensation in excess of one million dollars paid to any one employee during the year; and

(c) Nebraska average annual wage means the Nebraska average weekly wage times fifty-two.

(4) Any taxpayer who qualifies for a tier 6 project shall be entitled to a credit equal to ten percent times the total compensation paid to all employees, other than base-year employees, excluding any compensation in excess of one million dollars paid to any one employee during the year, employed at the project.

(5) Any taxpayer who has met the required levels of employment and investment for a tier 2 or tier 4 project shall receive a credit equal to ten percent of the investment made in qualified property at the project. Any taxpayer who has met the required levels of investment and employment for a tier 3 project shall receive a credit equal to eight percent of the investment made in qualified property at the project. Any taxpayer who has met the required levels of investment and employment for a tier 6 project shall receive a credit equal to fifteen percent of the investment made in qualified property at the project.

(6) The credits prescribed in subsections (3), (4), and (5) of this section shall be allowable for compensation paid and investments made during each year of the entitlement period that the taxpayer is at or above the required levels of employment and investment.

(7) The credit prescribed in subsection (5) of this section shall also be allowable during the first year of the entitlement period for investment in qualified property made after the date the application was filed, shall constitute separate classes of property and are eligible for exemption under the conditions and for the time periods provided in subdivision (8)(b) of this section.
(b)(i) A taxpayer who has met the required levels of employment and investment for a tier 4 project shall receive the exemption of property in subdivisions (8)(c)(ii), (iii), (iv), and (v) of this section beginning any January 1 after the date acquisition of the property was placed in service. The exemption shall continue through the end of the year during which the required levels were exceeded through the ninth December 31 after the first year any property included in subdivisions (8)(c)(ii), (iii), (iv), and (v) of this section qualifies for the exemption.

(ii) A taxpayer who has filed an application that describes a tier 2 large data center project or a project under tier 4 or tier 6 shall receive the exemption of property in subdivision (8)(c)(ii) of this section beginning with the first January 1 following the date acquisition of the property was placed in service. The exemption shall continue through the end of the period property included in subdivisions (8)(c)(ii), (iii), (iv), and (v) of this section qualifies for the exemption.

(iii) A taxpayer who has filed an application that describes a tier 2 large data center project or a tier 5 project that is sequential to a tier 2 large data center project for which the entitlement period has expired shall receive the exemption of all property in subdivision (8)(c) of this section beginning any January 1 after the date acquisition of the property was placed in service. Such property shall be eligible for exemption from the tax on personal property from the January 1 preceding the first claim for exemption approved under this subdivision through the ninth December 31 after the year the first claim for exemption is approved.

(iv) A taxpayer who has a project for an Internet web portal or a data center and who has met the required levels of employment and investment for a tier 2 project, shall receive the exemption of property in subdivision (8)(c)(ii) of this section beginning with the first January 1 following any January 1 after the date acquisition of the property was placed in service. Such property shall be eligible for exemption from the tax on personal property from the January 1 preceding the first claim for exemption approved under this subdivision through the ninth December 31 after the year the first claim for exemption is approved.

(v) Such investment and hiring of new employees shall be considered a required level of investment and employment for this subsection and for the recapitalization of benefits under this subsection only. The following property used in connection with such project or projects, whether purchased or leased, and placed in service acquired by the taxpayer, whether by lease or purchase, after the date the application was filed shall constitute separate classes of personal property:

(a) Turbine-powered aircraft, including turboprop, turbojet, and turbofan aircraft, except when any such aircraft is used for fundraising for or for the transportation of an elected official;

(b) Computer systems, made up of equipment that is interconnected in order to enable the acquisition, storage, manipulation, management, movement, control, display, transmission, or reception of data involving computer software, hardware, user interfaces, data processing, and environmental controls of temperature and power and which are capable of simultaneously supporting more than one transaction and more than one user. A computer system includes peripheral components which require environmental controls of temperature and power connected to such computer systems. Peripheral components shall be limited to additional memory units, tape drives, disk drives, power supplies, cooling units, data switches, and communication controllers;

(c) Depreciable personal property used for a distribution facility, including, but not limited to, storage racks, conveyor mechanisms, forklifts, and other property used to store or move products;

(d) Personal property which is business equipment located in a single project if the business equipment is involved directly in the manufacture or processing of agricultural products; and

(e) For a tier 2 large data center project or tier 6 project, any other personal property located at a project.

(d) In order to receive the property tax exemptions allowed by subdivision (8)(c) of this section, the taxpayer shall annually file a claim for exemption with the Tax Commissioner on or before May 1. The form and supporting schedules shall be prescribed by the Tax Commissioner and shall list all property for which exemption is being sought under this section. A separate claim for each project must be filed for each project and each county in which property is claimed to be exempt. A copy of this form must also be filed with the county assessor in each county in which the applicant is requesting exemption. The Tax Commissioner shall determine whether a taxpayer is eligible to obtain exemption for personal property based on the criteria for exemption and the eligibility of the taxpayer. On or before August 1, the Tax Commissioner shall certify such to the taxpayer and to the affected county assessor.

(9)(a) The investment thresholds in this subsection are determined in accordance with the criteria for exemption and the eligibility of the taxpayer. The investment thresholds recommended by the Economic Development Commission shall be deposited in the State Treasurer's contingency fund. The Tax Commissioner shall adjust the investment thresholds as necessary to reflect changes in the market. The investment thresholds shall be determined by the Tax Commissioner and shall be updated annually.

(b) For tier 1, tier 2, tier 4, and tier 5 projects other than tier 5 projects described in subdivision (1)(e)(ii) of this section, beginning October -13-
(1), 2006, and each October 1 thereafter, the average Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics, for the most recent twelve available periods shall be divided by the Producer Price Index for the fourth quarter of 2006 and the result multiplied by the applicable investment threshold. The investment thresholds shall be adjusted for cumulative inflation since 2006.

(c) For tier 6, beginning October 1, 2008, and each October 1 thereafter, the average Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics, for the most recent twelve available periods shall be divided by the Producer Price Index for the first quarter of 2008 and the result multiplied by the applicable investment threshold. The investment thresholds shall be adjusted for cumulative inflation since 2008.

(d) For a tier 2 large data center project, beginning October 1, 2012, and each October 1 thereafter, the average Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics, for the most recent twelve available periods shall be divided by the Producer Price Index for the first quarter of 2012 and the result multiplied by the applicable investment threshold. The investment thresholds shall be adjusted for cumulative inflation since 2012.

(e) If the resulting amount is not a multiple of one million dollars, the amount shall be rounded to the next lowest one million dollars.

(f) The investment thresholds established by this subsection apply for purposes of project qualifications for all applications filed on or after January 1 of the following year for all years of the project. Adjustments do not apply to projects after the year of application.

Sec. 24. Section 77-5902, Reissue Revised Statutes of Nebraska, is amended to read:

77-5902 The Nebraska Advantage Microenterprise Tax Credit Act shall be administered by the Department of Revenue. The purpose of the act is to provide tax credits to applicants for creating or expanding microbusinesses that contribute to the state's economy revitalization of economically distressed areas through the creation of new or improved income, self-employment, or other new jobs in the area.

Sec. 25. Section 77-5903, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-5903 For purposes of the Nebraska Advantage Microenterprise Tax Credit Act:

(1) Actively engaged in the operation of a microbusiness means personal involvement on a continuous basis in the daily management and operation of the business;

(2) Distressed area means a municipality, county, unincorporated area within a county, or census tract in Nebraska that has (a) an unemployment rate which exceeds the statewide average unemployment rate, (b) a per capita income below the statewide average per capita income, or (c) had a population decrease between the two most recent federal decennial censuses;

(2) (2) Equivalent employees means the number of employees computed by dividing the total hours paid in a year by the product of forty times the number of weeks in a year;

(4) Microbusiness means any business employing five or fewer equivalent employees at the time of application. Microbusiness does not include a farm or livestock operation unless (a) the person actively engaged in the operation of the microbusiness has a net worth of not more than five hundred thousand dollars, including any holdings by a spouse or dependent, based on federal income tax filing for the most recent tax year, (b) the microbusiness is involved in marketing of agricultural products, aquaculture, agricultural tourism, or the production of fruits, herbs, tree products, vegetables, tree nuts, dried fruits, organic crops, or nursery crops;

(4) (5) New employment means the amount by which the total compensation and the employer cost for health insurance for employees paid during the tax year to or for employees who are Nebraska residents exceeds the total compensation paid plus the employer cost for health insurance for employees to or for employees who are Nebraska residents in the tax year prior to the application. New employment does not include compensation to any employee that is at the prevailing hourly wage in Nebraska average weekly wage. Nebraska average weekly wage means the most recent average weekly wage paid by all employers as reported by October 1 by the Department of Labor;

(5) (6) New investment means the increase during the tax year over the year prior to the application in the applicant's (a) purchases of buildings and depreciable personal property located in Nebraska, (b) expenditures on repairs and maintenance on property located in Nebraska, (c) activities which exceed the subdivision (a) United of this subdivision to include vehicles required to be registered for operation on the roads and highways of this state, and (c) expenditures on advertising, legal, and professional services. If the buildings or depreciable personal property is leased, the amount of new investment shall be the increase in average monthly rent multiplied by the number of years of the lease for which the taxpayer is bound, not to exceed ten years;

(6) Related persons means (a) any corporation, partnership, limited liability company, cooperative, including cooperatives exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture which is or would otherwise be a member of the same unitary group, if incorporated, or any person who is considered to be a related person under either section 267(b) and (c) or section 707(b) of the
Internal Revenue Code of 1986, as amended, and (b) any individual who is a spouse, parent if the taxpayer is a minor, or minor son or daughter of the taxpayer; and

(7) (4) Taxpayer means any person subject to the income tax imposed by the Nebraska Revenue Act of 1967, any corporation, partnership, limited liability company, cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture that is or would otherwise be a member of the same unitary group, if incorporated, which is, or whose partners, members, or owners representing an ownership interest of at least ninety percent of such entity are, subject to such tax, and any other partnership, limited liability company, subchapter S corporation, cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture when the partners, shareholders, or members representing an ownership interest of at least ninety percent of such entity are subject to such tax.

The changes made to this section by Laws 2008, LB 177, shall be operative for all applications for benefits received on or after July 18, 2008.

Sec. 26. Section 77-5904, Reissue Revised Statutes of Nebraska, is amended to read:

77-5904 (1) The Department of Revenue shall accept applications for tax credits from taxpayers who are actively engaged in the operation of a microbusiness in a distressed area or who will establish a microbusiness that they will actively operate in a distressed area within the current or subsequent tax year. Applications shall be filed by November 1 and shall be complete by December 1 of each calendar year. Any application that is filed after November 1 or that is not complete on December 1 shall be considered to be filed during the following calendar year.

The department may convene an advisory committee of individuals with expertise in small business development, lending, and community development to evaluate applications and advise the department in authorizing tentative tax credits.

(3) The application shall be on a form developed by the department and shall contain:

(a) A description of the microbusiness;
(b) The projected income and expenditures;
(c) The market to be served by the microbusiness and the way the expansion addresses the market;
(d) The amount of projected investment or employment increase that would generate the credit;
(e) The projected improvement in income or creation of new self-employment or other jobs in the distressed area;
(f) The nature of the applicant's engagement in the operation of the microbusiness;
(g) Other documents, plans, and specifications as required by the department.

Sec. 27. Section 77-5905, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-5905 (1) If the Department of Revenue determines that an application meets the requirements of section 77-5904 and that the investment or employment is eligible for the credit and (a) the applicant is actively engaged in the operation of the microbusiness or will be actively engaged in the operation upon its establishment, (b) the majority of the assets of the microbusiness are located in a distressed area or will be upon its establishment, (c) the applicant will make new investment or employment in the microbusiness, and (d) the new investment or employment will create new income or jobs in the distressed area, the department shall approve the application and authorize tentative tax credits to the applicant within the limits set forth in this section and certify the amount of tentative tax credits approved for the applicant. Applications for tax credits shall be considered in the order in which they are received.

(2) The department may approve applications up to the adjusted limit for each calendar year beginning January 1, 2006, through December 31, 2022. After applications totaling the adjusted limit have been approved for a calendar year, no further applications shall be approved for that year. The adjusted limit in a given year is two million dollars plus tentative tax credits that were not granted by the end of the preceding year. Tax credits shall not be allowed for a taxpayer receiving benefits under the Employment and Investment Growth Act, the Nebraska Advantage Act, or the Nebraska Advantage Rural Development Act.

Sec. 28. Section 77-6302, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-6302 For purposes of the Angel Investment Tax Credit Act:
(1) Director means the Director of Economic Development;

(2) Distressed area means a municipality, a county with a population of fewer than one hundred thousand inhabitants according to the most recent federal decennial census, an unincorporated area within a county, or a census tract in Nebraska that (a) has an unemployment rate which exceeds the statewide average unemployment rate, (b) has a per capita income below the statewide average per capita income, or (c) had a population decrease between the two most recent federal decennial censuses;

(2) Family member means a family member within the meaning of section 267(c)(4) of the Internal Revenue Code of 1986, as amended;
(3) (4) Investment date means the latest of the following:
   (a) The date of a fully executed investor subscription agreement or
       underlying transaction document pertaining to the applicable qualified
       investment;
   (b) The date on a check made out to a qualified small business for the
       applicable qualified investment or the date a wire transfer is completed
       for the applicable qualified investment; or
   (c) The date the qualified small business deposits a check made out to
       such qualified small business for the applicable qualified investment or
       receives a wire transfer for the applicable qualified investment, as
documented on the deposit slip or bank statement of the qualified small business;
   (d) (5) Pass-through entity means an organization that for the applicable
taxable year is a subchapter S corporation, general partnership, limited
   partnership, limited liability partnership, trust, or limited liability company
   and that for the applicable taxable year is not taxed as a corporation;
   (5) (6) Qualified fund means a fund that has been certified by the
   director under section 77-6306;
   (6) (7) Qualified high-technology field includes, but is not limited to,
eaerospace, agricultural processing, renewable energy, energy efficiency and
   conservation, environmental engineering, food technology, cellulosic ethanol,
   information technology, materials science technology, nanotechnology,
   telecommunications, biosolutions, pharmaceuticals, medical device products,
   pharmaceuticals, diagnostics, biologicals, chemistry, veterinary science, and
   similar fields;
   (7) (8) Qualified investment means a cash investment in a qualified small
       business made in exchange for common stock, a partnership or membership
       interest, preferred stock, debt with mandatory conversion to equity, or an
       equivalent ownership interest as determined by the director of a minimum of:
   (a) Twenty-five thousand dollars in a calendar year by a qualified investor;
       or
   (b) Fifty thousand dollars in a calendar year by a qualified fund;
   (8) (9) Qualified investor means an individual, trust, or pass-through
       entity which has been certified by the director under section 77-6305; and
   (9) (10) Qualified small business means a business that has been certified
       by the director under section 77-6303.
Sec. 29. Section 77-6306, Revised Statutes Cumulative Supplement, 2016, is
amended to read:
77-6306 (1) A For taxable years beginning or deemed to begin on or after
January 1, 2011, under the Internal Revenue Code of 1986, as amended, a
qualified investor or qualified fund is eligible for a refundable tax credit equal to
forty percent of its qualified investment in a qualified small business, except that if the qualified small business is located in a
distressed area the qualified investor or qualified fund is eligible for a
refundable tax credit equal to forty percent of its qualified investment in a
qualified small business. The director shall not allocate more than four
million dollars in tax credits to all qualified investors or qualified funds in a
calendar year. If the director does not allocate the entire four million
dollars of tax credits in a calendar year, the tax credits that are not
allocated shall not carry forward to subsequent years. The director shall not
allocate any amount for tax credits for calendar years after 2022.
   (1) The director shall not allocate more than a total cumulative limit
   equal to the maximum amount in tax credits for a calendar year to a qualified
   investor for the investor's cumulative qualified investments as an individual qualified investor and as an
   investor in a qualified fund as provided in this subsection. For married
couples filing joint returns the maximum is three hundred fifty thousand
dollars. The director shall not allocate more than a total of one million
dollars in tax credits for qualified investments in any one qualified small
   business.
   (3) The director shall not allocate a tax credit to a qualified investor
   either as an individual qualified investor or as an investor in a qualified
   fund if the investor receives more than forty-nine percent of the investor's
gross annual income from the qualified small business in which the qualified
   investment is proposed. A family member of an individual disqualified by this
   subsection is not eligible for a tax credit under this section. For a married
   couple filing joint returns the maximum is thirty-five percent of the
   investor's gross annual income.
   (4) Tax credits shall be allocated to qualified investors or qualified
   funds in the order that the tax credit applications are filed with the
director. Once tax credits have been approved and allocated by the director,
the qualified investors and qualified funds shall implement the qualified
investment specified within ninety days after allocation of the tax credits.
   (5) Qualified investors and qualified funds shall notify the director no later than thirty
days after the expiration of the ninety-day period that the qualified
investment was made. If the qualified investment is not qualified within
ninety days after allocation of the tax credits, the director has no, within
thirty days following expiration of the ninety-day period, received
notification that the qualified investment was made, the tax credit allocation
is canceled and available for reallocation. A qualified investor or qualified
fund that fails to invest as specified in the application within ninety days
after allocation of the tax credits shall notify the director of the failure to
invest within five business days after the expiration of the ninety-day

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investment period.

(5) All tax credit applications filed with the director on the same day shall be treated as having been filed contemporaneously. If two or more qualified investors or qualified funds file tax credit applications on the same day and the aggregate amount of tax credit allocation requests exceeds the aggregate limit of tax credits under this section or the lesser amount of tax credits that remain unallocated on that day, then the tax credits shall be allocated among the qualified investors or qualified funds who filed on that day on a pro rata basis with respect to the amounts requested. The pro rata allocation for any one qualified investor or qualified fund shall be the product obtained by multiplying a fraction, the numerator of which is the amount of the tax credit allocation request filed on behalf of a qualified investor or qualified fund and the denominator of which is the total of all tax credit allocation requests filed on behalf of all applicants on that day, by the amount of tax credits that remain unallocated on that day for the taxable year.

(6) A qualified investor or qualified fund, or a qualified small business acting on behalf of the investor or fund, shall notify the director when an investment for which tax credits were to be allocated to the investor or fund was sold before the end of the three-year period after the investment date. A qualified fund shall also provide the director with documentation of the investment date. A qualified fund shall notify the director when an investment made by a qualified fund, to each qualified investor who is an investor in the qualified fund. A qualified fund shall issue tax credit certificates for the taxable year in which the qualified investment was made to the qualified investor or, for a qualified investment made by a qualified fund, to each qualified investor who is an investor in the fund. The certificate shall state that the tax credit is subject to revocation if the qualified fund does not meet the requirements of the qualified small business for at least three years, consisting of the calendar year in which the investment was made and the two following calendar years. The three-year holding period does not apply if:

(a) The qualified investment by the qualified investor or qualified fund becomes worthless before the end of the three-year period;
(b) Eighty percent or more of the assets of the qualified small business are sold before the end of the three-year period;
(c) The qualified small business is sold or merges with another business before the end of the three-year period;
(d) The qualified small business's common stock begins trading on a public exchange before the end of the three-year period; or
(e) In the case of an individual qualified investor, such investor becomes deceased before the end of the three-year period.

(7) The director shall notify the Tax Commissioner that tax credit certificates have been issued, including the amount of tax credits and all other pertinent tax information.

Sec. 30. Section 77-6307, Revised Statutes Cumulative Supplement, 2016, is amended to read:

77-6307 (1) Each qualified small business, qualified investor, and qualified fund shall submit an annual report to the director by July 1 of each year. The report shall certify to the Property Tax Administrator the total taxable value by school district in the county for the current assessment year on forms prescribed by the Tax Commissioner. The county assessor may amend the filing for changes made to the taxable valuation of the school district in the county if corrections or errors on the original certification were discovered. A qualified small business, qualified investor, or qualified fund that fails to file a complete annual report by July 1 shall, at the discretion of the director, be subject to a fine of two hundred dollars, revocation of its certification, or both.

(2) A qualified small business that ceases all operations and becomes insolvent shall file a final report with the director in the form required by the director documenting its insolvency.

(3) To maintain the confidentiality of the qualified investor—and qualified small business, the Department of Economic Development shall use a designated number to identify such persons or entities businesses.

(4) A qualified small business, qualified investor, or qualified fund that fails to file a complete annual report by July 1 shall, at the discretion of the director, be subject to a fine of two hundred dollars, revocation of its certification, or both.

Sec. 31. Section 79-1016, Reissue Revised Statutes of Nebraska, is amended to read:

79-1016 (1) On or before August 20, the county assessor shall certify to the Property Tax Administrator the total taxable value by school district in the county for the current assessment year on forms prescribed by the Tax Commissioner. The county assessor may amend the filing for changes made to the taxable valuation of the school district in the county if corrections or errors on the original certification were discovered. A qualified small business, qualified investor, or qualified fund that fails to file a complete annual report by July 1 shall, at the discretion of the director, be subject to a fine of two hundred dollars, revocation of its certification, or both.

(2) On or before October 10, the Property Tax Administrator shall compute and certify to the State Department of Education the adjusted valuation for the current assessment year for each class of property in each school district and each local system of its adjusted valuation for the current assessment year by class of property on or before October 10. Establishment of the adjusted valuation shall be based on the taxable value certified by the county assessor for each school
increased or decreased by changes to the tax list that change the assessed
value, include, but not be limited to, industrial recruitment, marketing,
and expansion projects conducted by or with the assistance of the Business
Administration of the amount of funds to be paid in a lump sum and the
recertified valuation. The recertified valuation shall be the
prescribed by the Tax Commissioner. The recertified valuation shall be the
oroughed by the Business Recruitment Division may be withheld from the public until a public
ouncement by an authorized representative of the business or the Department
of Economic Development is made about the project or until negotiations between
of failure to calculate state aid pursuant to such subsection may apply
for agricultural and horticultural land, assessed value changes by reason of
by section 77-1327. The Tax Commissioner shall adopt and promulgate rules and
regulations setting forth standards for the determination of level of value for
state aid purposes.

(3) For purposes of this section, state aid value means:
(a) For real property other than agricultural and horticultural land, ninety-six percent of actual value;
(b) For agricultural and horticultural land, seventy-two percent of actual value as provided in sections 77-1359 to 77-1363. For agricultural and horticultural land that receives special valuation pursuant to section 77-1344, seventy-two percent of special valuation as defined in section 77-1343; and
(c) For personal property, the net book value as defined in section
77-120.

(4) On or before November 10, any local system or county official may file with the Tax Commissioner written objections to the adjusted valuations prepared by the
County Tax Commissioner. The objections shall be in writing and state in substance such objections are not the valuations required by subsection (3) of this section. The Tax Commissioner shall fix a time for a hearing. Either party shall be permitted to introduce any evidence in reference thereto. On or before January 1, the Tax
Commissioner shall enter a written order modifying or declining to modify, in whole or in part, the adjusted valuations and shall certify the order to the
State Department of Education. Modification by the Tax Commissioner shall be
based upon the evidence introduced at hearing and shall not be limited to the
modification requested in the written objections or at hearing. A copy of the
written order shall be mailed to the local system within seven days after the
date of the order. The written order of the Tax Commissioner may be appealed
within thirty days after the date of the order to the Tax Equalization and
Review Commission in accordance with section 77-5013.

(5) On or before November 10, any local system or county official may file with the Tax Commissioner a written request for a nonappealable correction of the
adjusted valuation due to clerical error as defined in section 77-128 or, for agricultural and horticultural land, assessed value changes by reason of
land qualified or disqualified for special use valuation pursuant to sections
77-1343 to 77-1347.01. On or before the following January 1, the Tax
Commissioner shall approve or deny the request and, if approved, certify the
corrected adjusted valuations resulting from such action to the State Department of Education.

(6) On or before May 31 of the year following the certification of
adjusted valuation pursuant to subsection (2) of this section, any local system or
county official may file with the Tax Commissioner a written request for a
nonappealable correction of the adjusted valuation due to changes to the tax
list that change the assessed value of taxable property. Upon the filing of the
written request, the Tax Commissioner shall require the county assessor to
recertify the taxable valuation by school district in the county on forms
prescribed by the Tax Commissioner. The recertified valuation shall be the
valuation that was certified on the tax list, pursuant to section 77-1613, increased to the tax list as a result of changes to the assessed value of taxable property in the school district in the county in the prior
assessment year. On or before the following July 31, the Tax Commissioner shall
approve or deny the request and, if approved, certify the corrected adjusted valuations resulting from such action to the State Department of Education.

(7) No injunction shall be granted restraining the distribution of state
aid based upon the adjusted valuations pursuant to this section.

(8) A school district whose state aid is to be calculated pursuant to
subsection (5) of this section and whose state aid payment is postponed as a
result of failure to calculate state aid pursuant to such subsection may apply to the state board for lump-sum payment of such postponed state aid if such application may be for any amount up to one hundred percent of the postponed state aid. The state board may grant the entire amount applied for or any
portion of such amount. The state board shall notify the Director of
Administrative Services of the amount of funds to be paid in a lump sum and the
reduction in the monthly payments. The Director of Administrative Services shall, at the time of the next state aid payment made pursuant to section
79-1022, draw a warrant for the lump-sum amount from appropriated funds and
forward such warrant to the district.

Sec. 32. Section 81-1201.15, Reissue Revised Statutes of Nebraska, is
amended to read:
81-1201.15 (1) The primary responsibility of the Business Recruitment
Division shall be the creation of jobs through the attraction of business to
the state. The division shall develop a program of assistance to local
governments, chambers of commerce, development organizations, and other
entities involved in attracting new value-adding industries. Activities shall
include, but shall not be limited to, industrial recruitment, marketing,
international investment attraction, and technical assistance to community
organizations in their recruitment efforts.

(2) Information regarding business recruitment, location, relocation, and
expansion projects conducted by or with the assistance of the Business
Recruitment Division may be withheld from the public until a public
ouncement by an authorized representative of the business or the Department
of Economic Development is made about the project or until negotiations between
the business and the division or other governmental entity regarding the project have been completed, whichever is earlier.

Sec. 33. Section 81-1201.20, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.20 The department may shall adopt and promulgate rules and regulations to carry out sections 81-1201.01 to 81-1201.20.

Sec. 34. Section 81-12,153, Revised Statutes Cumulative Supplement, 2016, is amended to read:

(1) Department means the Department of Economic Development;

(2) Distressed area means a municipality, a county with a population of fewer than one hundred thousand inhabitants according to the most recent federal decennial census, an unincorporated area within a county, or a census tract in Nebraska that (a) has an unemployment rate which exceeds the statewide average unemployment rate, (b) has a per capita income below the statewide average per capita income, or (c) had a population decrease between the two most recent federal decennial censuses;

(3) Federal grant program means the federal Small Business Administration’s Small Business Innovation Research grant program or Small Business Technology Transfer grant program;

(4) Microenterprise means a for-profit business entity with not more than ten full-time equivalent employees;

(5) Prototype means an original model on which something is patterned by a resident of Nebraska or a company located in Nebraska; and

(6) Value-added agriculture means increasing the net worth of food or nonfood agricultural products by processing, alternative production and handling methods, collective marketing, or other innovative practices.

Sec. 35. Section 81-12,156, Reissue Revised Statutes of Nebraska, is amended to read:

81-12,156 At least forty percent of the funding for financial assistance programs in sections 81-12,157 to 81-12,162 shall be used for projects that best alleviate chronic economic distress in distressed areas. When selecting projects for funding under the Business Innovation Act this section, the department shall give a preference to projects located in whole or in part within an enterprise zone designated pursuant to the Enterprise Zone Act.

Sec. 36. Sections 1, 2, 3, 4, 6, 10, 11, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, and 40 of this act become operative three calendar months after the adjournment of this legislative session. Sections 21 and 38 of this act become operative on January 1, 2018. The other sections of this act become operative on their effective date.

Sec. 37. Original sections 9-433, 13-509, 77-2783, 77-2785, 77-5902, 77-5904, 79-1616, 81-1201.15, 81-1201.20, and 81-12,156, Reissue Revised Statutes of Nebraska, and sections 58-708, 69-2710.01, 77-1359, 77-2563, 77-2566, 77-2804, 77-2804.01, 77-2756, 77-2758, 77-3510, 77-4212, 77-5725, 77-5903, 77-5905, 77-6302, 77-6306, 77-6307, and 81-12,153, Revised Statutes Cumulative Supplement, 2016, are repealed.

Sec. 38. Original section 77-3517, Revised Statutes Cumulative Supplement, 2016, is repealed.

Sec. 39. Original sections 77-1333, 77-1832, 77-1833, 77-1837.01, and 77-2701, Revised Statutes Cumulative Supplement, 2016, are repealed.

Sec. 40. The following sections are outright repealed: Sections 66-1013, 66-1017, 66-1018, and 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1812, 66-1814, 66-1815, 66-1816, and 66-1819.01, Revised Statutes Cumulative Supplement, 2016.

Sec. 41. Since an emergency exists, this act takes effect when passed and approved according to law.