

AMENDMENTS TO LB720

(Amendments to Standing Committee amendments, AM1614)

Introduced by Bolz, 29.

1           1. Strike sections 7, 17, 21, 28, and 73 and insert the following  
2 new sections:

3           Sec. 7. Board means the Nebraska Economic Opportunity Peer-Review  
4 Board created under section 30 of this act.

5           Sec. 8. Carryover period means the period of one year immediately  
6 following the end of the performance period.

7           Sec. 18. Performance period means the year during which the required  
8 increases in employment and investment were met or exceeded and each year  
9 thereafter until the end of the second year after the year the required  
10 increases were met or exceeded.

11          Sec. 22. Ramp-up period means the period of time from the date of  
12 the complete application through the end of the year after the year in  
13 which the complete application was filed with the board.

14          Sec. 29. (1) In order to utilize the incentives allowed in the  
15 ImagiNE Nebraska Act, the taxpayer shall file an application with the  
16 board, on a form developed by the director, requesting an agreement.

17           (2) The application shall:

18           (a) Identify the taxpayer applying for incentives;

19           (b) Identify all locations sought to be within the agreement and the  
20 reason each such location constitutes or is expected to constitute a  
21 qualified location;

22           (c) State the estimated, projected amount of new investment and the  
23 estimated, projected number of new employees;

24           (d) Identify the required levels of employment and investment for  
25 the various incentives listed within section 35 of this act that will  
26 govern the agreement. The taxpayer may identify different levels of

1 employment and investment until the first December 31 following the end  
2 of the ramp-up period on a form approved by the director. The identified  
3 levels of employment and investment will govern all years covered under  
4 the agreement;

5 (e) Identify whether the agreement is for a single qualified  
6 location, all qualified locations within a county, all qualified  
7 locations in more than one county, or all qualified locations within the  
8 state;

9 (f) Acknowledge that the taxpayer understands the requirements for  
10 offering health coverage, and for reporting the value of such coverage,  
11 as specified in the Imagine Nebraska Act;

12 (g) Acknowledge that the taxpayer does not violate any state or  
13 federal law against discrimination; and

14 (h) Contain a nonrefundable application fee of five thousand  
15 dollars. The fee shall be remitted to the State Treasurer for credit to  
16 the Nebraska Incentives Fund.

17 (3) An application must be complete to establish the date of the  
18 application. An application shall be considered complete once it contains  
19 the items listed in subsection (2) of this section.

20 (4) Once satisfied that the application is consistent with the  
21 purposes stated in the Imagine Nebraska Act for one or more qualified  
22 locations within this state, the board shall approve the application as  
23 provided in section 30 of this act.

24 (5) There shall be no new applications for incentives filed under  
25 this section after December 31, 2029. All complete applications filed on  
26 or before December 31, 2029, shall be considered by the board and  
27 approved if the location or locations and taxpayer qualify for benefits.  
28 Agreements may be executed with regard to complete applications filed on  
29 or before December 31, 2029. All agreements pending, approved, or entered  
30 into before such date shall continue in full force and effect.

31 Sec. 30. (1) The Nebraska Economic Opportunity Peer-Review Board is

1 hereby created. The board shall have the following purposes:

2 (a) Promoting economic development in line with the state's economic  
3 development strategy;

4 (b) Promoting the retention and growth of high-wage, high-impact  
5 businesses;

6 (c) Attracting high-wage, high-impact businesses to the state of  
7 Nebraska;

8 (d) Promoting investment in distressed and rural areas; and

9 (e) Approving incentives for businesses which would not remain,  
10 grow, or move to Nebraska but for such incentives.

11 (2) The board shall consist of:

12 (a) Two economists appointed by the Governor and approved by the  
13 Legislature;

14 (b) One economic development professional appointed by the Governor  
15 and approved by the Legislature;

16 (c) The Commissioner of Labor;

17 (d) The Director of Economic Development;

18 (e) The chairperson of the Appropriations Committee of the  
19 Legislature, who shall serve as a nonvoting, ex officio member.

20 (f) The chairperson of the Legislative Performance Audit Committee,  
21 who shall serve as a nonvoting, ex officio member;

22 (g) The chairperson of the Revenue Committee of the Legislature, who  
23 shall serve as a nonvoting, ex officio member;

24 (h) The President of the University of Nebraska or his or her  
25 designee; and

26 (i) The Commissioner of Education or his or her designee.

27 (3) The board shall have the following duties and powers:

28 (a) To approve or deny applications under the Imagine Nebraska Act;

29 (b) To request any additional information or materials from  
30 taxpayers submitting applications under the act that can demonstrate the  
31 expected effect of incentives under the act on the taxpayer's investment

1 and employment decisions;

2 (c) To approve incentives under the act beyond the annual limit as  
3 prescribed in section 31 of this act; and

4 (d) To set limits on the amounts of credits or incentives a taxpayer  
5 may receive as part of the application approval process.

6 (4) The board shall elect a chairperson by majority vote of the  
7 voting members.

8 (5) The board shall meet once each calendar quarter at a time and  
9 place determined by a majority vote of the voting members of the board.

10 (6) No applications shall be approved under the Imagine Nebraska Act  
11 unless approved by a majority vote of the voting members of the board.

12 (7) At each meeting the board shall consider any complete  
13 applications submitted before the end of the previous calendar quarter.  
14 The board shall publish the results of its decision no later than ten  
15 days after the meeting at which the application was considered, except as  
16 provided in subsection (8) of this section. If the board fails to make  
17 its determination within the period prescribed by this subsection or  
18 subsection (8) of this section, the application is deemed approved.

19 (8) The board may request, by mail or by electronic means,  
20 additional information or clarification from the taxpayer in order to  
21 make its determination. If such a request is made, the time limit in  
22 subsection (7) of this section shall be tolled from the time the board  
23 makes the request to the time it receives the requested information or  
24 clarification from the taxpayer. The taxpayer and the board may also  
25 agree to a longer extension.

26 (9) The board may set a limit to the amount of credits or incentives  
27 approved for any individual taxpayer as part of the approval process.

28 (10) The board shall deny the application of any taxpayer with an  
29 active agreement under the Nebraska Advantage Act. A taxpayer with an  
30 active agreement under the Nebraska Advantage Act shall not be eligible  
31 for credits or incentives under the Imagine Nebraska Act.

1           Sec. 31. (1) Except as provided in subsections (2) and (3) of this  
2 section, no more than eighty million dollars of credits or incentives  
3 shall be approved in any year under the Imagine Nebraska Act.

4           (2) The board may, by a majority vote of the voting members, approve  
5 up to an additional forty million dollars in credits or incentives in any  
6 year. If such approval is granted, the annual limit for the following  
7 year shall be reduced by an equal amount.

8           (3) If less than eighty million dollars of credits or incentives are  
9 approved in a year, the difference between the amount approved and eighty  
10 million dollars shall be carried forward for use in subsequent years.

11           (4) Upon reaching the annual limit for a year, any pending  
12 applications shall be assessed at the beginning of the next year.

13           Sec. 48. It is the intent of the Legislature to appropriate five  
14 million dollars from the General Fund to the Imagine Nebraska Revolving  
15 Loan Fund for each of fiscal years 2019-20 and 2020-21.

16           2. On page 1, line 3, strike "44" and insert "48".

17           3. On page 11, line 8, after "Act" insert "subject to the annual  
18 limit under section 31 of this act and any taxpayer-specific limit set by  
19 the board under section 30 of this act.".

20           4. On page 12, strike beginning with "director" in line 16 through  
21 "director" in line 17 and insert "board, the director, or the Tax  
22 Commissioner shall be kept confidential by the board, the director,".

23           5. On page 13, line 2, strike "fifteen" and insert "six"; and in  
24 line 28 strike "(1)" and insert "(1)(a)" and strike "director" and insert  
25 "board".

26           6. On page 14, lines 2 and 29, strike "director" and insert "board";  
27 and strike beginning with the period in line 3 through the period in line  
28 12 and insert "At each of its quarterly meetings, the board shall  
29 consider requests for review submitted before the end of the previous  
30 calendar quarter. The board must complete the review no later than ten  
31 days after the meeting at which the request for review was considered,

1 except as provided in subdivision (1)(b) of this section. If the board  
2 fails to make its determination within the period prescribed by this  
3 subsection, the certification is deemed approved for the disclosed  
4 activities."; and after line 12 insert the following new subdivision:

5 "(b) The board may request, by mail or by electronic means,  
6 additional information or clarification from the taxpayer in order to  
7 make its determination. If such a request is made, the time limit in  
8 subdivision (1)(a) of this section shall be tolled from the time the  
9 board makes the request to the time it receives the requested information  
10 or clarification from the taxpayer. The taxpayer and the board may also  
11 agree to a longer extension.".

12 7. On page 15, line 5, strike "director" and insert "board".

13 8. On page 16, line 23, strike "and"; in line 25 strike the period  
14 and insert "; and"; and after line 25 insert the following new  
15 subdivision:

16 "(8) Any activity that results in benefits under the Nebraska  
17 Advantage Act.".

18 9. On page 24, lines 5 and 18, strike "ninth" and insert "fourth".

19 10. On page 25, insert the following new subsection after line 15:

20 "(9) A taxpayer shall not claim a total amount of credits against  
21 the taxpayer's income tax liability and payroll withholding that is  
22 greater than the total amount of the taxpayer's Nebraska state income tax  
23 liability in any given year."; and in line 16 strike "(9)" and insert  
24 "(10)".

25 11. On page 30, line 24; page 32, lines 13 and 20; and page 39, line  
26 9, strike "director" and insert "board".

27 12. On page 36, lines 27 and 29, after "director's" insert "or  
28 board's".

29 13. On page 37, line 3, after "director" insert ", the board,".

30 14. Renumber the remaining sections, correct internal references,  
31 and correct the repealer accordingly.