

AMENDMENTS TO LB432

Introduced by Revenue.

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

3           Section 1. Sections 1 to 9 of this act shall be known and may be  
4 cited as the Firefighter Cancer Benefits Act.

5           Sec. 2. For purposes of the Firefighter Cancer Benefits Act:

6           (1) Cancer means:

7           (a) A disease (i) caused by an uncontrolled division of abnormal  
8 cells in a part of the body or a malignant growth or tumor resulting from  
9 the division of abnormal cells and (ii) affecting the prostate, breast,  
10 or lung or the lymphatic, hematological, digestive, urinary,  
11 neurological, or reproductive system; or

12           (b) Melanoma; and

13           (2) Firefighter means:

14           (a) A firefighter or firefighter-paramedic who is a member of a paid  
15 fire department of a municipality or a rural or suburban fire protection  
16 district in this state, including a municipality having a home rule  
17 charter or a municipal authority created pursuant to a home rule charter  
18 that has its own paid fire department;

19           (b) A firefighter or firefighter-paramedic who is a member of a paid  
20 fire department of an airport authority; or

21           (c) A volunteer firefighter who has been deemed an employee under  
22 subdivision (3) of section 48-115.

23           Sec. 3. Before any firefighter is entitled to benefits under the  
24 Firefighter Cancer Benefits Act, such firefighter shall (1) have  
25 successfully passed a physical examination which failed to reveal any  
26 evidence of cancer and (2) have served at least twelve consecutive months  
27 as a firefighter at any fire station within the State of Nebraska. After

1 serving at least twelve consecutive months as a firefighter, the  
2 firefighter shall be deemed to be in compliance with subdivision (2) of  
3 this section even with a break in service, so long as such break does not  
4 exceed six months.

5 Sec. 4. (1) Beginning on and after the operative date of this  
6 section, any rural or suburban fire protection district, airport  
7 authority, city, village, or nonprofit corporation may provide and  
8 maintain enhanced cancer benefits. If such benefits are provided, they  
9 shall include, at a minimum, the following:

10 (a) A lump-sum benefit of twenty-five thousand dollars for each  
11 diagnosis payable to a firefighter upon acceptable proof to the insurance  
12 carrier or other payor of a diagnosis by a board-certified physician in  
13 the medical specialty appropriate for the type of cancer diagnosed that  
14 there are one or more malignant tumors characterized by the  
15 uncontrollable and abnormal growth and spread of malignant cells with  
16 invasion of normal tissue, and that either:

17 (i) There is metastasis and:

18 (A) Surgery, radiotherapy, or chemotherapy is medically necessary;

19 or

20 (B) There is a tumor of the prostate, provided that it is treated  
21 with radical prostatectomy or external beam therapy; or

22 (ii) Such firefighter has terminal cancer, his or her life  
23 expectancy is twenty-four months or less from the date of diagnosis, and  
24 he or she will not benefit from, or has exhausted, curative therapy;

25 (b) A lump-sum benefit of six thousand two hundred fifty dollars for  
26 each diagnosis payable to a firefighter upon acceptable proof to the  
27 insurance carrier or other payor of a diagnosis by a board-certified  
28 physician in the medical specialty appropriate for the type of cancer  
29 involved that either:

30 (i) There is carcinoma in situ such that surgery, radiotherapy, or  
31 chemotherapy has been determined to be medically necessary;

1        (ii) There are malignant tumors which are treated by endoscopic  
2 procedures alone; or

3        (iii) There are malignant melanomas; and

4        (c)(i) A monthly benefit of one thousand five hundred dollars  
5 payable to a firefighter, of which the first payment shall be made six  
6 months after total disability and submission of acceptable proof of such  
7 disability to the insurance carrier or other payor that such disability  
8 is caused by cancer and that such cancer precludes the firefighter from  
9 serving as a firefighter. Such benefit shall continue for up to thirty-  
10 six consecutive monthly payments.

11        (ii) Such monthly benefit shall be subordinate to any other benefit  
12 actually paid to the firefighter solely for such disability from any  
13 other source, not including private insurance purchased solely by the  
14 firefighter, and shall be limited to the difference between the amount of  
15 such other pay benefit and the amount specified in this section.

16        (iii) Any firefighter receiving such monthly benefit may be required  
17 to have his or her condition reevaluated. In the event any such  
18 reevaluation reveals that such person has regained the ability to perform  
19 duties as a firefighter, then his or her monthly benefits shall cease the  
20 last day of the month of the reevaluation.

21        (iv) In the event that there is a subsequent reoccurrence of a  
22 disability caused by cancer which precludes the firefighter from serving  
23 as a firefighter, he or she shall be entitled to receive any remaining  
24 monthly benefits.

25        (2) A firefighter shall also be entitled to an additional payment of  
26 enhanced cancer death benefits in the amount of fifty thousand dollars  
27 payable to his or her beneficiary or, if no beneficiary is named, to such  
28 firefighter's estate upon acceptable proof by a board-certified physician  
29 that such firefighter's death resulted from complications associated with  
30 cancer.

31        (3) A firefighter shall be ineligible for benefits under the

1 Firefighter Cancer Benefits Act if he or she is already provided paid  
2 firefighter cancer benefits pursuant to section 35-1001.

3 Sec. 5. The combined total of all benefits received by any  
4 firefighter pursuant to subdivisions (1)(a) and (b) of section 4 of this  
5 act during his or her lifetime shall not exceed fifty thousand dollars.

6 Sec. 6. A firefighter shall remain eligible for benefits pursuant  
7 to subdivisions (1)(a) and (b) and subsection (2) of section 4 of this  
8 act for sixty months after the formal cessation of the firefighter's  
9 status as a firefighter. The rural or suburban fire protection district,  
10 airport authority, city, village, or nonprofit corporation for which such  
11 firefighter served shall be responsible for payment of all premiums or  
12 other costs associated with benefits that may be provided under  
13 subsections (1) and (2) of section 4 of this act throughout the duration  
14 of the firefighter's coverage.

15 Sec. 7. A rural or suburban fire protection district, airport  
16 authority, city, village, or nonprofit corporation, if it provides  
17 benefits pursuant to subsections (1) and (2) of section 4 of this act,  
18 shall, no later than January 1, 2022, maintain proof of insurance  
19 coverage that meets the requirements of the Firefighter Cancer Benefits  
20 Act or shall maintain satisfactory proof of the ability to pay such  
21 compensation to ensure adequate coverage for all firefighters. Sufficient  
22 documentation of satisfactory proof of the ability to pay such  
23 compensation to ensure adequate coverage for all firefighters shall be  
24 required and shall comply with rules and regulations adopted and  
25 promulgated by the State Fire Marshal. Such coverage shall remain in  
26 effect until sixty months after the rural or suburban fire protection  
27 district, airport authority, city, village, or nonprofit corporation no  
28 longer has any firefighters who could qualify for benefits under the act.

29 Sec. 8. Any rural or suburban fire protection district, airport  
30 authority, city, village, or nonprofit corporation that has had a  
31 firefighter file a claim for or receive cancer benefits under the

1 Firefighter Cancer Benefits Act shall report such claims filed, claims  
2 paid, and types of claims to the State Fire Marshal. Beginning on  
3 December 1, 2023, the State Fire Marshal shall submit electronically an  
4 annual report to the Legislature and Governor stating the number of  
5 firefighters who have filed claims pursuant to the act and the number of  
6 firefighters who have received benefits under the act.

7 Sec. 9. The State Fire Marshal may adopt and promulgate rules and  
8 regulations necessary to carry out the Firefighter Cancer Benefits Act.

9 Sec. 11. Section 77-2716, Revised Statutes Cumulative Supplement,  
10 2020, is amended to read:

11 77-2716 (1) The following adjustments to federal adjusted gross  
12 income or, for corporations and fiduciaries, federal taxable income shall  
13 be made for interest or dividends received:

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

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

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

29 (c) There shall be added interest or dividends received by the owner  
30 of obligations of the District of Columbia, other states of the United  
31 States, or their political subdivisions, authorities, commissions, or

1 instrumentalities to the extent excluded in the computation of gross  
2 income for federal income tax purposes except that such interest or  
3 dividends shall not be added if received by a corporation which is a  
4 regulated investment company;

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

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

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

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

1           (3) There shall be subtracted from federal adjusted gross income for  
2 all taxable years beginning on or after January 1, 1987, the amount of  
3 any state income tax refund to the extent such refund was deducted under  
4 the Internal Revenue Code, was not allowed in the computation of the tax  
5 due under the Nebraska Revenue Act of 1967, and is included in federal  
6 adjusted gross income.

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

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

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

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

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

1 (c) The result of the calculation in subdivision (b) of this  
2 subsection shall be subtracted from the amount of federal taxable income  
3 used in subdivision (a) of this subsection. The result of such  
4 calculation, if greater than zero, shall be subtracted from federal  
5 taxable income.

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

9 (8)(a) Federal adjusted gross income or, for corporations and  
10 fiduciaries, federal taxable income shall be reduced, to the extent  
11 included, by income from interest, earnings, and state contributions  
12 received from the Nebraska educational savings plan trust created in  
13 sections 85-1801 to 85-1817 and any account established under the  
14 achieving a better life experience program as provided in sections  
15 77-1401 to 77-1409.

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

1 (c) For taxable years beginning or deemed to begin on or after  
2 January 1, 2021, under the Internal Revenue Code of 1986, as amended,  
3 federal adjusted gross income shall be reduced, to the extent included in  
4 the adjusted gross income of an individual, by the amount of any  
5 contribution made by the individual's employer into an account under the  
6 Nebraska educational savings plan trust owned by the individual, not to  
7 exceed five thousand dollars per married filing separate return or ten  
8 thousand dollars for any other return.

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

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

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

19 (9)(a) For income tax returns filed after September 10, 2001, for  
20 taxable years beginning or deemed to begin before January 1, 2006, under  
21 the Internal Revenue Code of 1986, as amended, federal adjusted gross  
22 income or, for corporations and fiduciaries, federal taxable income shall  
23 be increased by eighty-five percent of any amount of any federal bonus  
24 depreciation received under the federal Job Creation and Worker  
25 Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003,  
26 under section 168(k) or section 1400L of the Internal Revenue Code of  
27 1986, as amended, for assets placed in service after September 10, 2001,  
28 and before December 31, 2005.

29 (b) For a partnership, limited liability company, cooperative,  
30 including any cooperative exempt from income taxes under section 521 of  
31 the Internal Revenue Code of 1986, as amended, limited cooperative

1 association, subchapter S corporation, or joint venture, the increase  
2 shall be distributed to the partners, members, shareholders, patrons, or  
3 beneficiaries in the same manner as income is distributed for use against  
4 their income tax liabilities.

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

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

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

1 expensing added back by this subsection for tax years beginning or deemed  
2 to begin on or after January 1, 2003, may be subtracted in the first  
3 taxable year beginning or deemed to begin on or after January 1, 2006,  
4 under the Internal Revenue Code of 1986, as amended, and twenty percent  
5 in each of the next four following tax years.

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

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

23 (12) There shall be added to federal adjusted gross income for  
24 individuals, estates, and trusts any amount taken as a credit for  
25 franchise tax paid by a financial institution under sections 77-3801 to  
26 77-3807 as allowed by subsection (5) of section 77-2715.07.

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

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

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

5 (b) For taxable years beginning or deemed to begin on or after  
6 January 1, 2020, under the Internal Revenue Code of 1986, as amended, the  
7 Tax Commissioner shall adjust the dollar amounts provided in subdivisions  
8 (13)(a)(i) and (ii) of this section by the same percentage used to adjust  
9 individual income tax brackets under subsection (3) of section  
10 77-2715.03.

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

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

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

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

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

12 Sec. 13. Section 85-1802, Revised Statutes Cumulative Supplement,  
13 2020, is amended to read:

14 85-1802 For purposes of sections 85-1801 to 85-1817:

15 (1) Administrative fund means the College Savings Plan  
16 Administrative Fund created in section 85-1807;

17 (2) Beneficiary means the individual designated by a participation  
18 agreement to benefit from advance payments of qualified higher education  
19 expenses on behalf of the beneficiary;

20 (3) Benefits means the payment of qualified higher education  
21 expenses on behalf of a beneficiary by the Nebraska educational savings  
22 plan trust during the beneficiary's attendance at an eligible educational  
23 institution;

24 (4) Eligible educational institution means an institution described  
25 in 20 U.S.C. 1088 which is eligible to participate in a program under  
26 Title IV of the federal Higher Education Act of 1965;

27 (5) Expense fund means the College Savings Plan Expense Fund created  
28 in section 85-1807;

29 (6) Nebraska educational savings plan trust means the trust created  
30 in section 85-1804;

31 (7) Nonqualified withdrawal refers to (a) a distribution from an

1 account to the extent it is not used to pay the qualified higher  
2 education expenses of the beneficiary, (b) a qualified rollover permitted  
3 by section 529 of the Internal Revenue Code where the funds are  
4 transferred to a qualified tuition program sponsored by another state or  
5 entity, or (c) a distribution from an account to pay the costs of  
6 attending kindergarten through grade twelve;

7 (8) Participant or account owner means an individual, an  
8 individual's legal representative, or any other legal entity authorized  
9 to establish a savings account under section 529 of the Internal Revenue  
10 Code who has entered into a participation agreement for the advance  
11 payment of qualified higher education expenses on behalf of a  
12 beneficiary. For purposes of section 77-2716, as to contributions by a  
13 custodian to a custodial account established pursuant to the Nebraska  
14 Uniform Transfers to Minors Act or similar law in another state, which  
15 account has been established under a participation agreement, participant  
16 includes the parent or guardian of a minor, which parent or guardian is  
17 also the custodian of the account;

18 (9) Participation agreement means an agreement between a participant  
19 and the Nebraska educational savings plan trust entered into under  
20 sections 85-1801 to 85-1817;

21 (10) Program fund means the College Savings Plan Program Fund  
22 created in section 85-1807;

23 (11) Qualified higher education expenses means the certified costs  
24 of tuition and fees, books, supplies, and equipment required for (a)  
25 enrollment or attendance at an eligible educational institution or (b)  
26 for costs incurred on or after January 1, 2021, participation in an  
27 apprenticeship program registered and certified with the United States  
28 Secretary of Labor under 29 U.S.C. 50, as such section existed on January  
29 1, 2021. Reasonable room and board expenses, based on the minimum amount  
30 applicable for the eligible educational institution during the period of  
31 enrollment, shall be included as qualified higher education expenses for

1 those students enrolled on at least a half-time basis. In the case of a  
2 special needs beneficiary, expenses for special needs services incurred  
3 in connection with enrollment or attendance at an eligible educational  
4 institution shall be included as qualified higher education expenses.  
5 Expenses paid or incurred in 2009 or 2010 for the purchase of computer  
6 technology or equipment or Internet access and related services, subject  
7 to the limitations set forth in section 529 of the Internal Revenue Code,  
8 shall be included as qualified higher education expenses. Qualified  
9 higher education expenses does not include any amounts in excess of those  
10 allowed by section 529 of the Internal Revenue Code;

11 (12) Section 529 of the Internal Revenue Code means such section of  
12 the code and the regulations interpreting such section; and

13 (13) Tuition and fees means the quarter or semester charges imposed  
14 to attend an eligible educational institution.

15 Sec. 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become  
16 operative on January 1, 2022. The other sections of this act become  
17 operative on their effective date.

18 Sec. 15. Original section 77-2734.02, Reissue Revised Statutes of  
19 Nebraska, and sections 77-2715.07, 77-2716, and 85-1802, Revised Statutes  
20 Cumulative Supplement, 2020, are repealed.