

AMENDMENTS TO LB1317

Introduced by Revenue.

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

3 Section 1. Sections 1 to 23 of this act shall be known and may be
4 cited as the Good Life District Economic Development Act.

5 Sec. 2. The Legislature finds that:

6 (1) There is a high degree of competition among states and
7 municipalities in our nation in their efforts to provide incentives for
8 businesses to expand or to locate in their respective jurisdictions; and

9 (2) Municipalities in Nebraska are unable to effectively assist the
10 development within good life districts formed pursuant to the Good Life
11 Transformational Projects Act because of their inability under Nebraska
12 law to raise sufficient capital to replace the state sales tax which is
13 reduced when a good life district is established. Without an efficient
14 replacement of such sales tax with local sources of revenue, development
15 within good life districts will fall short of reaching the full potential
16 intended by the Legislature when it enacted the Good Life
17 Transformational Projects Act, resulting in lower sales tax revenues for
18 the state. To prevent such diminished revenues for the state and to
19 promote local economic development where good life districts exist, local
20 sources of revenue must be established which are tailored to meet the
21 needs of the local community and benefit the state, if the voters in the
22 municipality determine that it is in the best interest of their community
23 to do so.

24 Sec. 3. For purposes of the Good Life District Economic Development
25 Act, unless the context otherwise requires:

26 (1) City means any city of the metropolitan class, city of the
27 primary class, city of the first class, city of the second class, or

1 village, including any city operated under a home rule charter;

2 (2) Bond has the same meaning as in section 10-134;

3 (3) Election means any general election, primary election, or
4 special election called by the city as provided by law;

5 (4) Eligible costs means payment and reimbursement of (a) the costs
6 of acquisition, construction, improvement, rehabilitation, renewal,
7 replacement, repair, and maintenance of privately and publicly owned real
8 estate, buildings, improvements, fixtures, equipment, and other physical
9 assets within a good life district, (b) the costs of construction and
10 acquisition of publicly owned infrastructure and publicly owned property
11 rights within or related to a good life district, (c) the costs of
12 development, acquisition, maintenance, and enhancement of technology
13 assets to include hardware, software, and related intellectual property,
14 if the initial exclusive use of such property is in or related to the
15 good life district program area, and (d) city costs related to
16 implementing, operating, and funding a good life district economic
17 development program;

18 (5) Good life district means any good life district established
19 pursuant to the Good Life Transformational Projects Act;

20 (6) Good life district applicant means the person who applied for
21 the applicable good life district, which was approved by the Department
22 of Economic Development pursuant to section 77-4405;

23 (7) Good life district economic development program or program means
24 a program established pursuant to the Good Life District Economic
25 Development Act to utilize funds derived from local sources of revenue
26 for the purpose of paying eligible costs, and for paying principal of and
27 interest on bonds issued pursuant to the act;

28 (8) Good life district program area means the area established
29 pursuant to section 5 of this act for a good life district economic
30 development program;

31 (9) Governing body means the city council, board of trustees, or

1 other legislative body charged with governing the city;

2 (10) Local sources of revenue means the sources of revenue
3 established for a good life district economic development program
4 pursuant to section 6 of this act, and any revenue generated from grants,
5 donations, or state and federal funds received by the city for such good
6 life district economic development program subject to any restrictions of
7 the grantor, donor, or state or federal law; and

8 (11) Qualifying business means any corporation, nonprofit
9 corporation, partnership, limited liability company, or sole
10 proprietorship which owns or leases property or operates its business
11 within a good life district program area, or plans to own or lease
12 property or operate its business within a good life district program
13 area. The good life district applicant shall be deemed a qualifying
14 business pursuant to this subdivision. Qualifying business shall also
15 include a political subdivision, a state agency, or any other
16 governmental entity which includes any portion of the good life district
17 program area within its territorial boundaries.

18 Sec. 4. (1) The authority of a city to establish a good life
19 district economic development program and to appropriate local sources of
20 revenue to such program is subject to approval by a vote of a majority of
21 the registered voters of the city voting upon the question.

22 (2) The question may be submitted to the voters at a special
23 election or such question may be voted on at an election held in
24 conjunction with the statewide primary or statewide general election. The
25 question may be submitted to the voters before or after any application
26 is submitted to establish a good life district pursuant to the Good Life
27 Transformational Projects Act.

28 (3) A city shall order submission of the question to the registered
29 voters by resolution. The resolution shall contain the entire wording of
30 the ballot question, which shall state the question as follows: "Shall
31 the [city or village] of [name of the city or village] be authorized to

1 establish a good life district economic development program for any area
2 within the [city or village] which is included in a good life district
3 established pursuant to the Good Life Transformational Projects Act, and
4 shall the [city or village] be authorized to appropriate the local
5 sources of revenue collected within such good life district program area,
6 which may include local option sales and use taxes and occupation taxes,
7 established pursuant to and as permitted by the Good Life District
8 Economic Development Act?"

9 (4) The city shall file a copy of the resolution calling the
10 election with the election commissioner or county clerk not later than
11 the eighth Friday prior to a special election or a municipal primary or
12 general election which is not held at the statewide primary or general
13 election, or not later than March 1 prior to a statewide primary election
14 or September 1 prior to a statewide general election. The election shall
15 be conducted in accordance with the Election Act.

16 (5) If a majority of those voting on the issue vote in favor of the
17 question, the governing body may establish and implement a good life
18 district economic development program upon the terms contained in the
19 Good Life District Economic Development Act. If a majority of those
20 voting on the issue vote against the question, the governing body shall
21 not establish or implement any good life district economic development
22 program. When the question of establishing a good life district economic
23 development program is defeated at an election, resubmission of the
24 question and an election on the question shall not be held until at least
25 five months have passed from and after the date of such election.

26 Sec. 5. (1) Upon approval by the voters, the governing body of the
27 city may establish a good life district economic development program for
28 any area within the city which is included in a good life district
29 established pursuant to the Good Life Transformational Projects Act, and
30 the city shall appropriate the local sources of revenue established in
31 the good life district program area and pledged for such program.

1 (2) A good life district economic development program shall be
2 established by ordinance, which shall include the following provisions:

3 (a) The boundaries of the good life district program area, which
4 shall be coterminous with the portion of the applicable good life
5 district as established pursuant to section 77-4405 which is located
6 within the city. Such boundaries of the program area may be expanded to
7 include any area annexed by the city which is also included within such
8 established good life district;

9 (b) A description of the local sources of revenue which shall be
10 established for the program pursuant to section 6 of this act, and a
11 pledge to appropriate such revenues to the program for the time period
12 during which such funds are collected;

13 (c) The time period within which the funds from local sources of
14 revenue are to be collected within the good life district program area,
15 and the time period during which the good life district economic
16 development program will be in existence;

17 (d) The manner in which a qualifying business will be required to
18 submit an application for assistance under the good life district
19 economic development program, including the type of information that will
20 be required from the business, the process that will be used to verify
21 the information, and the types of business information provided to the
22 city which will be kept confidential by the city, and the types of
23 agreements which will be permitted with qualifying businesses for
24 development of property within the good life district program area. No
25 additional business information shall be required from a qualifying
26 business that is the good life district applicant. The Department of
27 Economic Development shall provide a copy of the application, approval,
28 and all related documentation establishing the related good life district
29 to the city upon approval by the Department of Economic Development;

30 (e) Such restrictions on qualifying businesses, limitations on types
31 of eligible costs, and limitations on the amounts of eligible costs as

1 the city determines are in the best interests of the city and the good
2 life district economic development program. Such limitations and
3 restrictions shall include provisions intended to ensure (i) sufficient
4 infrastructure will be available to serve the program area and
5 expectations as to how such infrastructure will be constructed and
6 funded, (ii) sufficient capital investment in buildings and facilities to
7 generate enough local sources of revenue to sustain the program, and
8 (iii) substantially all of the eligible costs will be used for the
9 benefit of the program area; and

10 (f) A description of the administrative system that will be
11 established by the city to administer the good life district economic
12 development program, including a description of any personnel structure
13 and the duties and responsibilities of the personnel involved.

14 (3) All information provided with an application for assistance
15 under any good life district economic development program to the city by
16 a qualifying business shall be kept confidential by the city to the
17 extent required by the terms of the ordinance establishing the good life
18 district economic development program. The city may approve or deny any
19 application for assistance in the discretion of the city, subject to the
20 terms of any contract or agreement with a qualifying business related to
21 such program.

22 (4) Provided that the city enters into an exclusive contract with an
23 applicant approved by the Department of Economic Development for
24 development in an approved good life district, the city may enter into
25 contracts and agreements with qualifying businesses related to assistance
26 under the good life district economic development program, development of
27 property within the applicable good life district program area, use of
28 property within the good life district program area, and other agreements
29 related to the good life district economic development program or good
30 life district program area, which contracts and agreements may extend
31 over multiple years and include such undertakings and designation of

1 responsibilities as the city determines appropriate or convenient for
2 development, use, and operation of the good life district economic
3 development program and the properties in the good life district program
4 area.

5 (5) In connection with administration of a good life district
6 economic development program, a city may engage professionals,
7 consultants, and other third parties to assist and provide such services
8 to the city as determined appropriate by the city. All costs of
9 administration of the program which are charged to the program by the
10 city shall be paid from the associated good life district economic
11 development fund prior to payment of any other eligible costs or bonds
12 which may be payable from the fund.

13 (6) Each good life district economic development program shall
14 remain in effect until thirty years after the date the associated good
15 life district was established or until the program is terminated by the
16 city pursuant to subsection (7) of this section, whichever occurs first.
17 If more than one good life district is established within a city, a
18 separate good life district economic development program shall be
19 established for each such good life district.

20 (7) The governing body of a city may, at any time after the adoption
21 of the ordinance establishing the good life district economic development
22 program by a two-thirds vote of the members of the governing body, amend
23 or repeal the ordinance in its entirety, subject only to the provisions
24 of any outstanding bonds or existing contracts relating to such program
25 and the rights of any third parties arising from such bonds or contracts.

26 Sec. 6. (1) Upon establishing a good life district economic
27 development program, the city is authorized to establish any one or more
28 of the following local sources of revenue for the program within the
29 applicable good life district program area:

30 (a) A local option sales and use tax of up to two and three-quarters
31 percent upon the same transactions that are sourced under the provisions

1 of sections 77-2703.01 to 77-2703.04 within the good life district
2 program area on which the State of Nebraska is authorized to impose a tax
3 pursuant to the Nebraska Revenue Act of 1967, as amended from time to
4 time. The city is authorized to impose such sales and use tax by
5 ordinance of its governing body, and such sales and use tax shall be in
6 addition to any local option sales tax imposed by the city pursuant to
7 section 77-27,142. The administration of such sales and use tax shall be
8 by the Tax Commissioner in the same manner as provided in section
9 77-27,143. The Tax Commissioner shall collect the tax imposed pursuant to
10 this subdivision concurrently with collection of a state tax in the same
11 manner as the state tax is collected. The Tax Commissioner shall remit
12 monthly the proceeds of such tax to the city levying the tax. All
13 relevant provisions of the Nebraska Revenue Act of 1967, as amended from
14 time to time, and not inconsistent with the Good Life District Economic
15 Development Act, shall govern transactions, proceedings, and activities
16 pursuant to any local option sales and use tax imposed under this
17 subdivision;

18 (b) A general business occupation tax upon the businesses and users
19 of space within the good life district program area. The city is
20 authorized to impose such occupation tax by ordinance of its governing
21 body, and any occupation tax imposed pursuant to this subdivision shall
22 make a reasonable classification of businesses, users of space, or kinds
23 of transactions for purposes of imposing such tax. The collection of a
24 tax imposed pursuant to this subdivision shall be made and enforced in
25 such a manner as the governing body of the city shall determine in such
26 ordinance to produce the required revenue. The governing body may provide
27 that failure to pay the tax imposed pursuant to this subdivision shall
28 constitute a violation of the ordinance and subject the violator to a
29 fine or other punishment as provided by such ordinance; or

30 (c) Such portion of a city's local option sales and use tax
31 established pursuant to section 77-27,142 which has been designated by

1 the city for such purpose pursuant to an ordinance, which may only
2 include amounts collected on transactions occurring within the good life
3 district program area, and which may be further restricted by the city in
4 such ordinance.

5 (2) The local option sales and use tax imposed pursuant to
6 subdivision (1)(a) of this section shall be separate and apart from any
7 sales and use tax imposed by the city pursuant to the Local Option
8 Revenue Act and shall not be considered imposed by or pursuant to the
9 Local Option Revenue Act for any purpose under Nebraska law. The local
10 option sales and use tax imposed pursuant to subdivision (1)(a) of this
11 section shall not be subject to deduction for any refunds made pursuant
12 to section 77-4105, 77-4106, 77-5725, or 77-5726, and shall not be
13 affected by or included in the tax incentives available under the
14 Employment and Investment Growth Act, the Nebraska Advantage Act, the
15 ImagiNE Nebraska Act, the Nebraska Advantage Transformational Tourism and
16 Redevelopment Act, the Urban Redevelopment Act, or any other tax
17 incentive act which affects the local option sales tax imposed by a city
18 pursuant to the Local Option Revenue Act.

19 (3) All local sources of revenue which have been established for a
20 good life district shall remain in effect and shall not end or terminate
21 until the associated good life district economic development program
22 terminates.

23 Sec. 7. (1) Any city which has established a good life district
24 economic development program shall establish a separate good life
25 district economic development fund for such program, and may establish
26 subaccounts in such fund as determined appropriate. All funds derived
27 from local sources of revenue established for the program or received for
28 the program, and any earnings from the investment of such funds, shall be
29 deposited into such fund. Any proceeds from the issuance and sale of
30 bonds pursuant to the Good Life District Economic Development Act to
31 provide funds to carry out the good life district economic development

1 program, shall be deposited into the good life district economic
2 development fund, or with a bond trustee pursuant to any resolution,
3 trust indenture, or other security instrument entered into in connection
4 with the issuance of such bonds, or as otherwise provided in section 16
5 of this act. The city shall not transfer or remove funds from a good life
6 district economic development fund other than for the purposes prescribed
7 in the act, and the money in a good life district economic development
8 fund shall not be commingled with any other city funds.

9 (2) Distribution of any funds from a good life district economic
10 development fund, including from proceeds of bonds issued pursuant to the
11 Good Life District Economic Development Act, to a qualifying business
12 shall be made only upon receipt of evidence that such distribution is for
13 the payment or reimbursement of eligible costs. A city may establish
14 processes for any such approval in the ordinance establishing the
15 applicable program, with a bond trustee under a bond resolution or trust
16 indenture, or as may otherwise be determined appropriate by the city.

17 (3) Any money in a good life district economic development fund not
18 currently required or committed for purposes of such good life district
19 economic development program shall be invested as provided for in section
20 77-2341.

21 (4) In the event that a good life district economic development
22 program is terminated or ends, the balance of money in such good life
23 district economic development fund not otherwise pledged for payment of
24 bonds or otherwise committed by contract under the program shall be
25 deposited in the general fund of the city. Any funds received by the city
26 by reason of a good life district economic development program after the
27 termination of such program shall be transferred from such good life
28 district economic development fund to the general fund of the city as
29 such funds are received.

30 (5) A good life district economic development fund shall not be
31 terminated until such time as all bonds, contracts, and other obligations

1 payable from such fund are no longer outstanding or are extinguished as
2 provided in section 11 of this act, and all funds related to them fully
3 accounted for, with no further city action required, and after the
4 completion of a final audit pursuant to section 9 of this act.

5 Sec. 8. All local sources of revenue established for a good life
6 district economic development program, and received for such program,
7 shall be deposited in the applicable good life district economic
8 development fund of the city when received. Any funds in the good life
9 district economic development fund may be appropriated and spent for
10 eligible costs of the good life district economic development program in
11 any amount and at any time at the discretion and direction of the
12 governing body of the city.

13 Sec. 9. The city shall provide for an annual, outside, independent
14 audit of each good life district economic development program by a
15 qualified independent accounting firm, the cost of which may be charged
16 by the city to the applicable good life district economic development
17 fund. The independent auditor shall not, at the time of the audit or for
18 any period during the term subject to the audit, have any contractual or
19 business relationship with any qualifying business receiving funds or
20 assistance under the good life district economic development program. The
21 results of such audit shall be filed with the city clerk and made
22 available for public review during normal business hours.

23 Sec. 10. The Nebraska Budget Act shall not apply to any good life
24 district economic development program or local sources of revenue
25 dedicated to such program.

26 Sec. 11. (1) Any city which has established a good life district
27 economic development program may from time to time issue bonds as
28 provided in sections 11 to 19 of this act. Such bonds shall be in such
29 principal amounts as the city's governing body authorizes to provide
30 sufficient funds to carry out any of the purposes of and powers granted
31 pursuant to the Good Life District Economic Development Act, including

1 the payment of eligible costs and all other costs or expenses of the city
2 incident to and necessary or convenient to carry out the good life
3 district economic development program, and the principal of and interest
4 on such bonds shall be payable from the local sources of revenue which
5 are dedicated to the good life district economic development fund. Bonds
6 may also be issued pursuant to the Good Life District Economic
7 Development Act to provide funds to finance or refinance one or more
8 redevelopment projects approved pursuant to the Community Development
9 Law, and the taxes authorized or collected pursuant to sections
10 18-2142.02 and 18-2147 of the Community Development Law and which are
11 permitted or required to be pledged pursuant to the Community Development
12 Law for payment of bonds for a redevelopment project may be pledged by
13 the city pursuant to the Good Life District Economic Development Act for
14 payment of bonds issued hereunder to finance or refinance such
15 redevelopment projects. Bonds may be issued by the city for such
16 combination of eligible costs and redevelopment projects and other
17 purposes permitted under the Good Life District Economic Development Act
18 as determined appropriate by the city, and may be payable from such
19 combination of local sources of revenue and taxes authorized under the
20 act as determined appropriate by the city.

21 (2) The obligations of the city with respect to the good life
22 district economic development program, including any bonds issued or
23 contracts of the city entered into under the Good Life District Economic
24 Development Act, shall not be a general obligation of the city or a
25 pledge of its credit or taxing power, nor in any event shall such bonds
26 or contracts be payable out of any funds or properties of the city, other
27 than the local sources of revenue appropriated by the city and dedicated
28 to the program pursuant to the act and the other taxes pledged for
29 payment of bonds pursuant to the act. The bonds issued under the act
30 shall not constitute an indebtedness within the meaning of any
31 constitutional or statutory debt limitation or restriction.

1 (3) Notwithstanding anything to the contrary in the Good Life
2 District Economic Development Act, any bonds, contracts, or other
3 obligations which remain outstanding or unpaid upon termination of the
4 program pursuant to section 5 of this act shall be deemed canceled and
5 extinguished after all remaining amounts held in the applicable good life
6 district economic development fund have been depleted to pay such bonds,
7 contracts, or other obligations, and the city shall have no continued
8 liability, express or implied, with respect to such bonds, contracts, or
9 other obligations thereafter.

10 Sec. 12. The members of a city's governing body and any person
11 executing bonds issued under the Good Life District Economic Development
12 Act shall not be liable personally on such bonds by reason of the
13 issuance thereof.

14 Sec. 13. (1) Bonds issued or delivered under the Good Life District
15 Economic Development Act shall be authorized by resolution of the city's
16 governing body, may be issued and secured under a resolution, trust
17 indenture, or other security instrument in one or more series, and shall
18 bear such date or dates, mature at such time or times prior to the
19 expiration of the program, bear interest at such rate or rates, be in
20 such denomination or denominations, bear such title and designation, be
21 in such form, either coupon or registered, carry such conversion or
22 registration privileges, have such rank or priority, be executed in such
23 manner, be payable in such medium of payment and at such place or places,
24 and be subject to such terms of redemption, with or without premium, as
25 such resolution, trust indenture, or other security instrument may
26 provide and without limitation by any other law limiting amounts,
27 maturities, interest rates, or redemption provisions. Any officer
28 authorized or designated to sign, countersign, execute, or attest any
29 bond may utilize a facsimile signature in lieu of his or her manual
30 signature. The bonds may be sold at public or private sale as provided by
31 the city's governing body and at such price or prices as determined or

1 directed by such governing body.

2 (2) Bonds issued or delivered under the Good Life District Economic
3 Development Act may be issued for such combination of eligible costs and
4 redevelopment projects and other purposes, and may be payable from such
5 sources as permitted under the act, as may be provided in the resolution,
6 trust indenture, or other security instrument related to the bonds. The
7 city may make any allocation or designation with respect to the
8 application of proceeds of such bonds, and any allocation or designation
9 of local sources of revenue and other sources permitted under the act to
10 the repayment of such bonds, as determined in or pursuant to such
11 resolution, trust indenture, other security instrument, or other measure
12 of the governing body of the city. To the extent a portion of such bonds
13 are issued to finance or refinance a redevelopment project, any taxes
14 collected by the city pursuant to section 18-2147 which are pledged for
15 and applied to payment of such bonds shall be deemed to be allocated and
16 applied to repayment of such bonds prior to and to the exclusion of any
17 other local sources of revenue or other repayment sources permitted under
18 the Good Life District Economic Development Act.

19 Sec. 14. If any of the officers whose signatures appear on any
20 bonds issued under the Good Life District Economic Development Act cease
21 to be such officers before the delivery of such obligations, such
22 signatures shall nevertheless be valid and sufficient for all purposes to
23 the same extent as if such officers had remained in office until such
24 delivery.

25 Sec. 15. Any city may in connection with the issuance of its bonds,
26 entry into any contract, or delivery of other obligations under the Good
27 Life District Economic Development Act:

28 (1) Redeem the bonds, covenant for their redemption, and provide the
29 terms and conditions of redemption;

30 (2) Covenant that the good life district economic development
31 program and local sources of revenue established for such program shall

1 not terminate for purposes of the act until thirty years after the date
2 the associated good life district was established or until the bonds
3 issued for such program and other contractual obligations related to such
4 program are no longer outstanding, whichever occurs first;

5 (3) Covenant to impose or levy such local sources of revenue
6 determined by the city and pledge the local sources of revenue and other
7 taxes permitted to be pledged to pay the interest and principal payments,
8 whether at maturity or upon sinking-fund redemption, on any outstanding
9 bonds of the city payable from such pledged local sources of revenue and
10 other taxes, and creation and maintenance of any reasonable reserves
11 therefor and to provide for any margins or coverages over and above debt
12 service on the bonds deemed desirable for the marketability or security
13 of the bonds;

14 (4) Covenant as to the application of the local sources of revenue
15 within the good life district economic development fund, which shall
16 include reasonable provision for the cost of operating and maintaining
17 the associated program by the city, provided that the provisions of
18 section 13 of this act shall govern the application of any taxes received
19 pursuant to section 18-2147 for payment of bonds issued under the Good
20 Life District Economic Development Act;

21 (5) Covenant and prescribe as to events of default and as to the
22 consequences of default and the remedies of bondholders;

23 (6) Covenant as to the purposes to which the proceeds from the sale
24 of any bonds may be applied and the pledge of such proceeds to secure the
25 payment of the bonds;

26 (7) Covenant as to limitations on the issuance of any additional
27 bonds, the terms upon which additional bonds may be issued and secured,
28 and the refunding of outstanding bonds;

29 (8) Covenant as to the rank or priority of any bonds with respect to
30 any lien or security;

31 (9) Covenant as to the procedure by which the terms of any contract

1 with or for the benefit of the bondholders may be amended or abrogated,
2 the amount of bonds the holders of which must consent thereto, and the
3 manner in which such consent may be given;

4 (10) Covenant as to the custody and safekeeping of a good life
5 district economic development fund;

6 (11) Covenant as to the vesting in a trustee or trustees, within or
7 outside the state, of such properties, rights, powers, and duties in
8 trust as the city may determine;

9 (12) Covenant as to the appointing and providing for the duties and
10 obligations of a paying agent or paying agents or other fiduciaries
11 within or outside the state;

12 (13) Make all other covenants and do any and all other acts and
13 things as may be necessary, convenient, or desirable in order to secure
14 its bonds or, in the absolute discretion of the city, tend to make the
15 bonds more marketable, notwithstanding that such other covenants, acts,
16 or things may not be enumerated in this section; and

17 (14) Execute all instruments necessary or convenient in the exercise
18 of the powers granted pursuant to the Good Life District Economic
19 Development Act or in the performance of covenants or duties of the city
20 incurred under the act, which instruments may contain such covenants and
21 provisions as any purchaser of bonds or other obligations may reasonably
22 require or which may be determined necessary or appropriate.

23 Sec. 16. (1) Any city which has issued bonds pursuant to the Good
24 Life District Economic Development Act or the Community Development Law,
25 and such bonds remain unpaid and are outstanding, is hereby authorized to
26 issue refunding bonds with which to call and redeem all or any part of
27 such outstanding bonds at or before the maturity or the redemption date
28 of such bonds. Such city may include various series and issues of the
29 outstanding bonds in a single issue of refunding bonds and issue
30 refunding bonds to pay any redemption premium and interest to accrue and
31 become payable on the outstanding bonds being refunded. The refunding

1 bonds may be issued and delivered at any time prior to the date of
2 maturity or the redemption date of the bonds to be refunded that the
3 governing body of such city determines to be in its best interests. The
4 proceeds derived from the sale of the refunding bonds issued pursuant to
5 this section may be invested in obligations of or guaranteed by the
6 United States Government pending the time the proceeds are required for
7 the purposes for which such refunding bonds were issued. To further
8 secure the refunding bonds, any such city may enter into a contract with
9 any bank or trust company within or without the state with respect to the
10 safekeeping and application of the proceeds of the refunding bonds and
11 the safekeeping and application of the earnings on the investment. All
12 bonds issued under the provisions of this section shall be redeemable at
13 such times and under such conditions as the governing body of the city
14 shall determine at the time of issuance.

15 (2) Any outstanding bonds issued by any such city for which
16 sufficient funds or obligations of or guaranteed by the United States
17 Government have been pledged and set aside in safekeeping to be applied
18 for the complete payment of such bonds at maturity or upon redemption
19 prior to maturity, interest thereon, and redemption premium, if any,
20 shall not be considered as outstanding and unpaid pursuant to the Good
21 Life District Economic Development Act.

22 Sec. 17. The issue of refunding bonds, the manner of sale, the
23 maturities, interest rates, form, and other details thereof, the security
24 therefor, the rights of the holders thereof, and the rights, duties, and
25 obligations of the city in respect of the same shall be governed by the
26 provisions of the Good Life District Economic Development Act relating to
27 the issue of bonds other than refunding bonds insofar as the same may be
28 applicable. The city may issue bonds for refunding and nonrefunding
29 purposes as part of the same series of bonds.

30 Sec. 18. Bonds issued pursuant to the Good Life District Economic
31 Development Act shall be securities in which all public officers and

1 instrumentalities of the state and all political subdivisions, insurance
2 companies, trust companies, banks, savings and loan associations,
3 investment companies, executors, administrators, personal
4 representatives, trustees, and other fiduciaries may properly and legally
5 invest funds, including capital in their control or belonging to them.
6 Such bonds shall be securities which may properly and legally be
7 deposited with and received by any officer or instrumentality of this
8 state or any political subdivision for any purpose for which the deposit
9 of bonds of this state or any political subdivision thereof is now or may
10 hereafter be authorized by law.

11 Sec. 19. (1) Bonds may be issued, contracts may be entered into,
12 and other obligations may be incurred, under the Good Life District
13 Economic Development Act without obtaining the consent of any department,
14 division, commission, board, bureau, or instrumentality of this state and
15 without any other proceedings or the happening of any other conditions or
16 things than those proceedings, conditions, or things which are
17 specifically required by the act, and the validity of and security for
18 any bonds, contract, or other obligations shall not be affected by the
19 existence or nonexistence of any such consent or other proceedings,
20 conditions, or things.

21 (2) No proceedings for the issuance of bonds, entering into
22 contracts, or incurring of obligations of a city under the Good Life
23 District Economic Development Act shall be required other than those
24 required by the Good Life District Economic Development Act; and the
25 provisions of all other laws and city charters, if any, relative to the
26 terms and conditions for the issuance, incurrence, payment, redemption,
27 registration, sale, or delivery of bonds, or entering into contracts, of
28 public bodies, corporations, or political subdivisions of this state
29 shall not be applicable to bonds, contracts, or other obligations issued
30 or entered into pursuant to the Good Life District Economic Development
31 Act.

1 Sec. 20. In any suit, action, or proceeding involving the validity
2 or enforceability of any bonds, contract, or agreement of a city pursuant
3 to the Good Life District Economic Development Act, or the security
4 therefor, brought after the lapse of thirty days after the authorization
5 by the governing body of such city for the issuance of such bonds or
6 entry into such contract or agreement, any such bond, contract or
7 agreement, and the security therefor and provisions therein, reciting in
8 substance that it has been authorized by the city pursuant to the Good
9 Life District Economic Development Act or to provide financing for a good
10 life district economic development program shall be conclusively deemed
11 to have been authorized for such purpose and such bonds, contracts, or
12 agreement, and security therefor and provisions therein, issued or
13 delivered pursuant to such authorization shall be conclusively deemed to
14 have been issued, entered into, provided, and carried out in accordance
15 and compliance with the purposes and provisions of the Good Life District
16 Economic Development Act, and deemed to be valid and binding obligations
17 and agreements of the city for the duration of the term of such
18 obligations and agreements as provided therein. In any suit, action, or
19 proceedings involving the validity or enforceability of any bond of the
20 city issued under the Good Life District Economic Development Act in
21 whole or in part for a redevelopment project or the security therefor,
22 any such bond reciting in substance that it has been issued by the city
23 to aid, in whole or in part, in financing or refinancing a redevelopment
24 project, as herein permitted, shall be conclusively deemed to have been
25 issued for such purpose and such project shall be conclusively deemed to
26 have been planned, located, and carried out in accordance with the
27 purposes and provisions of the Community Development Law.

28 Sec. 21. All bonds of a city issued pursuant to the Good Life
29 District Economic Development Act are declared to be issued for an
30 essential public and governmental purpose and, together with interest
31 thereon and income therefrom, shall be exempt from all taxes.

1 Sec. 22. The State of Nebraska does hereby pledge to and agree with
2 the holders of any bonds issued pursuant to the Good Life District
3 Economic Development Act and with those persons who may enter into
4 contracts with any city pursuant to the act that the state will not
5 alter, impair, or limit the rights thereby vested until the bonds,
6 together with applicable interest, are fully met and discharged and such
7 contracts are fully performed in accordance with the act. Nothing
8 contained in the act shall preclude such alteration, impairment, or
9 limitation if and when adequate provisions are made by law for the
10 protection of the holders of the bonds or persons entering into contracts
11 with a city.

12 Sec. 23. The powers conferred by the Good Life District Economic
13 Development Act shall be in addition and supplemental to the powers
14 conferred by any other law and shall be independent of and in addition to
15 any other provisions of the law of Nebraska, including, without
16 limitation, the Local Option Revenue Act, the Community Development Law,
17 the Local Option Municipal Economic Development Act, and the Good Life
18 Transformational Projects Act. The Good Life District Economic
19 Development Act and all grants of power, authority, rights, or discretion
20 to a city under the act shall be liberally construed, and all incidental
21 powers necessary to carry the act into effect are hereby expressly
22 granted to and conferred upon a city.

23 Insofar as the provisions of the Good Life District Economic
24 Development Act are inconsistent with the provisions of any other law or
25 of any city charter, if any, the provisions of the Good Life District
26 Economic Development Act shall be controlling.

27 Sec. 24. Sections 24 to 31 of this act shall be known and may be
28 cited as the Financial Institution Data Match Act.

29 Sec. 25. For purposes of the Financial Institution Data Match Act:
30 (1) Account means a demand deposit account, checking or negotiable
31 withdrawal order account, savings account, time deposit account, or

1 money-market mutual fund account;

2 (2) Department means the Department of Revenue;

3 (3) Financial institution means every federal or state commercial or
4 savings bank, including savings and loan associations and cooperative
5 banks, federal or state chartered credit unions, benefit associations,
6 insurance companies, safe deposit companies, any money-market mutual fund
7 that meets the requirements of section 851(a) of the Internal Revenue
8 Code and 17 C.F.R. 270.2a-7, any broker, brokerage firm, trust company,
9 or unit investment trust, or any other similar entity doing business or
10 authorized to do business in the State of Nebraska;

11 (4) Match means a comparison by name and social security number or
12 federal employer identification number of a list of tax debtors provided
13 to a financial institution by the department and a list of depositors of
14 any financial institution. Such comparison may be carried out by
15 automated or other means; and

16 (5) Tax debtor means a person liable to pay any delinquent (i) tax,
17 (ii) fee, or (iii) other type of repayment under any program administered
18 by the Tax Commissioner.

19 Sec. 26. (1) The department shall operate a data match system with
20 each financial institution doing business in the State of Nebraska.

21 (2) Under the data match system, a financial institution shall
22 receive from the department a listing of tax debtors to be used in
23 matches within the financial institution's system. The listing from the
24 department shall include the name and social security number or federal
25 employer identification number of each tax debtor. The financial
26 institution shall receive the listing within thirty days after the end of
27 each calendar quarter subsequent to the operative date of this section.
28 Within thirty days after receiving the listing, the financial institution
29 shall match the listing to its records of accounts held in one or more
30 persons' names which are open accounts or accounts that were closed
31 within the preceding calendar quarter. The financial institution shall

1 provide the department with a match listing of all matches made within
2 five working days of the match. The match listing from the financial
3 institution shall include the name, address, and social security number
4 or federal employer identification number of each tax debtor matched and
5 the balance of each account. The financial institution shall also provide
6 the names and addresses of all other owners of accounts in the match
7 listing as reflected on a signature card or other similar document on
8 file with the financial institution. The financial institution shall
9 submit all match listings by an electronic medium approved by the
10 department.

11 (3) Nothing in this section shall (a) require a financial
12 institution to disclose the account number assigned to the account of any
13 person or (b) serve to encumber the ownership interest of any person in
14 or impact any right of setoff against an account.

15 (4) To maintain the confidentiality of the listing and match
16 listing, the department shall implement appropriate security provisions
17 for the listing and match listing which are as stringent as those
18 established under the federal Tax Information Security Guidelines for
19 Federal, State and Local Agencies.

20 Sec. 27. The department may enter into agreements with financial
21 institutions doing business in this state to operate the data match
22 system described in section 26 of this act. A financial institution may
23 charge a reasonable fee, not to exceed actual cost, to be paid by the
24 department for the service of reporting matches as required by section 26
25 of this act.

26 Sec. 28. (1) The department may contract with one or more vendors
27 to develop the data match system and perform the matches required under
28 section 26 of this act. Vendors entering into a contract with the
29 department pursuant to this section are subject to the requirements and
30 penalties of the confidentiality laws of this state regarding tax
31 information, including, but not limited to, the provisions and penalties

1 in sections 77-2711 and 77-27,119.

2 (2)(a) Within fifteen days after the end of fiscal year 2024-25 and
3 each fiscal year thereafter, the Tax Commissioner shall determine and
4 certify to the State Treasurer the following amounts:

5 (i) The total amount of any fees for services or reimbursements paid
6 by the department or other costs incurred by the department during the
7 previous fiscal year due to the contracts entered into pursuant to this
8 section; and

9 (ii) The total amount of taxes, penalties, and interest collected
10 during the previous fiscal year as a result of contracts entered into
11 pursuant to this section.

12 (b) After receiving such certification, the State Treasurer shall
13 transfer the amount certified under subdivision (2)(a)(i) of this section
14 or two percent of the amount certified under subdivision (2)(a)(ii) of
15 this section, whichever amount is less, from the General Fund to the
16 Department of Revenue Enforcement Fund.

17 (3) The Tax Commissioner shall submit electronically an annual
18 report to the Revenue Committee of the Legislature and the Appropriations
19 Committee of the Legislature on the amount of taxes, penalties, and
20 interest collected during the most recently completed fiscal year as a
21 result of contracts entered into pursuant to this section.

22 Sec. 29. A financial institution receiving information from the
23 department under section 26 of this act and the employees, agents,
24 officers, and directors of the financial institution shall maintain the
25 confidentiality of the information supplied by the department and use
26 such information only for the purposes described in section 26 of this
27 act and shall be subject to the requirements and penalties of the
28 confidentiality laws of this state regarding tax information, including,
29 but not limited to, the provisions and penalties in sections 77-2711 and
30 77-27,119.

31 Sec. 30. (1) A financial institution is not liable under any state

1 or local law to any individual or to the department for disclosure or
2 release of information to the department for the purpose of complying
3 with the requirements of section 26 of this act.

4 (2) The Financial Institution Data Match Act shall not be construed
5 to make a financial institution responsible or liable to any extent for
6 assuring that the department maintains the confidentiality of information
7 disclosed under section 26 of this act.

8 (3) A financial institution is not liable to any extent for failing
9 to disclose to a depositor or account holder that the name, address, and
10 social security number or federal employer identification number of a tax
11 debtor was included in the match listing provided to the department
12 pursuant to section 26 of this act.

13 (4) A financial institution may disclose to its depositors or
14 account holders that the department has the authority to request and
15 obtain certain identifying information on certain depositors or account
16 holders pursuant to the Financial Institution Data Match Act for state
17 tax collection purposes.

18 Sec. 31. The department may adopt and promulgate rules and
19 regulations to carry out the Financial Institution Data Match Act.

20 Sec. 32. (1) For purposes of this section:

21 (a) Community development corporation means a private, nonprofit
22 corporation whose board of directors is comprised of business, civic, and
23 community leaders, and whose principal purpose includes the provision of
24 low-income housing or community economic development projects that
25 primarily benefit low-income individuals and communities;

26 (b) Community development organization means a private, nonprofit
27 organization that works to improve the social, economic, and
28 environmental well-being of a specific geographic area or community.
29 Community development organizations focus on grassroots efforts and
30 community engagement to address local needs and promote sustainable
31 development. Community development organizations may engage in a wide

1 range of activities, including, but not limited to, affordable housing,
2 economic development, education and training, community engagement,
3 health and social services, environmental sustainability, civic
4 engagement, infrastructure development, and cultural and recreational
5 activities;

6 (c) Covered nonprofit organization means any community development
7 corporation, community development organization, or economic development
8 corporation. The term does not include any political subdivision of the
9 state;

10 (d) Department means the Department of Economic Development;

11 (e) Director means the Director of Economic Development;

12 (f) Economic development corporation means a private, nonprofit
13 corporation whose primary goal is the promotion of economic growth, job
14 creation, and overall economic prosperity within a specific geographic
15 area. Economic development corporations may engage in a wide range of
16 activities, including, but not limited to, promoting business growth,
17 supporting entrepreneurship, attracting investment, workforce
18 development, infrastructure development, industry cluster development,
19 and industry collaboration and advocacy;

20 (g) High-poverty area means an area consisting of one or more
21 contiguous census tracts, as determined by the most recent federal
22 decennial census, which contain a percentage of persons with incomes
23 below the poverty line of greater than thirty percent, and all census
24 tracts contiguous to such tract or tracts, as determined by the most
25 recent federal decennial census;

26 (h) Market value means the fair market value of real property as
27 determined by an independent appraisal; and

28 (i) Underutilized tax-exempt property means any real property in
29 this state that (i) is exempt from property taxes and (ii) is completely
30 undeveloped or contains deteriorating structures.

31 (2)(a) A covered nonprofit organization that owns or acquires

1 underutilized tax-exempt property located within a high-poverty area
2 shall develop such property within three years after the operative date
3 of this section or the date of acquiring such property, whichever is
4 later. Such development must:

5 (i) Increase the market value of the property by at least twenty-
6 five percent; and

7 (ii) Result in the creation of new jobs or the starting of a new
8 business on such property.

9 (b) The covered nonprofit organization shall electronically submit a
10 development plan for the underutilized tax-exempt property to the
11 department, the Clerk of the Legislature, and the chairperson of the
12 Urban Affairs Committee of the Legislature within ninety days after the
13 operative date of this section or the date of acquiring the property,
14 whichever is later. The development plan shall include a description of
15 the proposed development and an estimated timeline for such development.

16 (c)(i) If a covered nonprofit organization fails to develop the
17 property within the three-year period described in subdivision (a) of
18 this subsection, the director shall, following notice and opportunity for
19 hearing in accordance with the Administrative Procedure Act, impose a
20 fine equal to the amount of property taxes that would be owed for such
21 property if the property had not been tax-exempt or ten thousand dollars,
22 whichever is greater.

23 (ii) If the failure to develop the property persists for twelve
24 months after the end of the three-year period described in subdivision
25 (a) of this subsection, the director shall, following notice and
26 opportunity for hearing in accordance with the Administrative Procedure
27 Act, impose a fine equal to the amount of property taxes that would be
28 owed for such property if the property had not been tax-exempt or twenty
29 thousand dollars, whichever is greater.

30 (iii) If the failure to develop the property persists for twenty-
31 four months after the end of the three-year period described in

1 subdivision (a) of this subsection, the director shall, following notice
2 and opportunity for hearing in accordance with the Administrative
3 Procedure Act, revoke the property tax exemption for the underutilized
4 tax-exempt property.

5 (d) If any covered nonprofit organization transfers ownership of
6 underutilized tax-exempt property located within a high-poverty area to
7 another covered nonprofit organization, the time periods prescribed in
8 this subsection shall not be restarted. Such periods shall be determined
9 as if no transfer occurred.

10 (3)(a) A covered nonprofit organization that owns or acquires
11 underutilized tax-exempt property located within a high-poverty area
12 shall not attempt to sell such property at a price that is more than
13 fifty percent above the market value for such property.

14 (b) If a covered nonprofit organization violates subdivision (a) of
15 this subsection, the director shall, following notice and opportunity for
16 hearing in accordance with the Administrative Procedure Act, revoke the
17 property tax exemption for the underutilized tax-exempt property.

18 (4) All money collected as a fine under this section shall be
19 remitted to the State Treasurer for distribution in accordance with
20 Article VII, section 5, of the Constitution of Nebraska.

21 (5) The department may adopt and promulgate rules and regulations to
22 carry out this section.

23 Sec. 33. Section 13-520, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 13-520 The limitations in section 13-519 shall not apply to (1)
26 restricted funds budgeted for capital improvements, (2) restricted funds
27 expended from a qualified sinking fund for acquisition or replacement of
28 tangible personal property with a useful life of five years or more, (3)
29 restricted funds pledged to retire bonds as defined in subdivision (1) of
30 section 10-134 and approved according to law, (4) restricted funds used
31 by a public airport to retire interest-free loans from the Division of

1 Aeronautics of the Department of Transportation in lieu of bonded
2 indebtedness at a lower cost to the public airport, (5) restricted funds
3 budgeted in support of a service which is the subject of an agreement or
4 a modification of an existing agreement whether operated by one of the
5 parties to the agreement or by an independent joint entity or joint
6 public agency, (6) restricted funds budgeted to pay for repairs to
7 infrastructure damaged by a natural disaster which is declared a disaster
8 emergency pursuant to the Emergency Management Act, (7) restricted funds
9 budgeted to pay for judgments, except judgments or orders from the
10 Commission of Industrial Relations, obtained against a governmental unit
11 which require or obligate a governmental unit to pay such judgment, to
12 the extent such judgment is not paid by liability insurance coverage of a
13 governmental unit, (8) restricted funds budgeted to pay benefits under
14 the Firefighter Cancer Benefits Act, ~~or~~ (9) the dollar amount by which
15 restricted funds budgeted by a natural resources district to administer
16 and implement ground water management activities and integrated
17 management activities under the Nebraska Ground Water Management and
18 Protection Act exceed its restricted funds budgeted to administer and
19 implement ground water management activities and integrated management
20 activities for FY2003-04, or (10) restricted funds equal to the amount of
21 local option sales and use tax budgeted to be collected within a good
22 life district established pursuant to section 77-4405.

23 Sec. 34. Section 18-2103, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-2103 For purposes of the Community Development Law, unless the
26 context otherwise requires:

27 (1) Area of operation means and includes the area within the
28 corporate limits of the city and such land outside the city as may come
29 within the purview of sections 18-2123 and 18-2123.01;

30 (2) Authority means any community redevelopment authority created
31 pursuant to section 18-2102.01 and any community development agency

1 created pursuant to section 18-2101.01 and does not include a limited
2 community redevelopment authority;

3 (3) Blighted area means an area (a) which, by reason of the presence
4 of a substantial number of deteriorated or deteriorating structures,
5 existence of defective or inadequate street layout, faulty lot layout in
6 relation to size, adequacy, accessibility, or usefulness, insanitary or
7 unsafe conditions, deterioration of site or other improvements, diversity
8 of ownership, tax or special assessment delinquency exceeding the fair
9 value of the land, defective or unusual conditions of title, improper
10 subdivision or obsolete platting, or the existence of conditions which
11 endanger life or property by fire and other causes, or any combination of
12 such factors, substantially impairs or arrests the sound growth of the
13 community, retards the provision of housing accommodations, or
14 constitutes an economic or social liability and is detrimental to the
15 public health, safety, morals, or welfare in its present condition and
16 use and (b) in which there is at least one of the following conditions:
17 (i) Unemployment in the designated area is at least one hundred twenty
18 percent of the state or national average; (ii) the average age of the
19 residential or commercial units in the area is at least forty years;
20 (iii) more than half of the plotted and subdivided property in an area is
21 unimproved land that has been within the city for forty years and has
22 remained unimproved during that time; (iv) the per capita income of the
23 area is lower than the average per capita income of the city or village
24 in which the area is designated; or (v) the area has had either stable or
25 decreasing population based on the last two decennial censuses. In no
26 event shall a city of the metropolitan, primary, or first class designate
27 more than thirty-five percent of the city as blighted, a city of the
28 second class shall not designate an area larger than fifty percent of the
29 city as blighted, and a village shall not designate an area larger than
30 one hundred percent of the village as blighted. A redevelopment project
31 involving a formerly used defense site as authorized under section

1 18-2123.01, any area which is located within a good life district
2 established under the Good Life Transformational Projects Act, and any
3 area declared to be an extremely blighted area under section 18-2101.02
4 shall not count towards the percentage limitations contained in this
5 subdivision;

6 (4) Bonds means any bonds, including refunding bonds, notes, interim
7 certificates, debentures, or other obligations issued pursuant to the
8 Community Development Law except for bonds issued pursuant to section
9 18-2142.04;

10 (5) Business means any private business located in an enhanced
11 employment area;

12 (6) City means any city or incorporated village in the state;

13 (7) Clerk means the clerk of the city or village;

14 (8) Community redevelopment area means a substandard and blighted
15 area which the community redevelopment authority designates as
16 appropriate for a redevelopment project;

17 (9) Employee means a person employed at a business as a result of a
18 redevelopment project;

19 (10) Employer-provided health benefit means any item paid for by the
20 employer in total or in part that aids in the cost of health care
21 services, including, but not limited to, health insurance, health savings
22 accounts, and employer reimbursement of health care costs;

23 (11) Enhanced employment area means an area not exceeding six
24 hundred acres (a) within a community redevelopment area which is
25 designated by an authority as eligible for the imposition of an
26 occupation tax or (b) not within a community redevelopment area as may be
27 designated under section 18-2142.04;

28 (12) Equivalent employees means the number of employees computed by
29 (a) dividing the total hours to be paid in a year by (b) the product of
30 forty times the number of weeks in a year;

31 (13) Extremely blighted area means a substandard and blighted area

1 in which: (a) The average rate of unemployment in the area during the
2 period covered by the most recent federal decennial census or American
3 Community Survey 5-Year Estimate is at least two hundred percent of the
4 average rate of unemployment in the state during the same period; and (b)
5 the average poverty rate in the area exceeds twenty percent for the total
6 federal census tract or tracts or federal census block group or block
7 groups in the area;

8 (14) Federal government means the United States of America, or any
9 agency or instrumentality, corporate or otherwise, of the United States
10 of America;

11 (15) Governing body or local governing body means the city council,
12 board of trustees, or other legislative body charged with governing the
13 municipality;

14 (16) Limited community redevelopment authority means a community
15 redevelopment authority created pursuant to section 18-2102.01 having
16 only one single specific limited pilot project authorized;

17 (17) Mayor means the mayor of the city or chairperson of the board
18 of trustees of the village;

19 (18) New investment means the value of improvements to real estate
20 made in an enhanced employment area by a developer or a business;

21 (19) Number of new employees means the number of equivalent
22 employees that are employed at a business as a result of the
23 redevelopment project during a year that are in excess of the number of
24 equivalent employees during the year immediately prior to the year that a
25 redevelopment plan is adopted;

26 (20) Obligee means any bondholder, agent, or trustee for any
27 bondholder, or lessor demising to any authority, established pursuant to
28 section 18-2102.01, property used in connection with a redevelopment
29 project, or any assignee or assignees of such lessor's interest or any
30 part thereof, and the federal government when it is a party to any
31 contract with such authority;

1 (21) Occupation tax means a tax imposed under section 18-2142.02;

2 (22) Person means any individual, firm, partnership, limited
3 liability company, corporation, company, association, joint-stock
4 association, or body politic and includes any trustee, receiver,
5 assignee, or other similar representative thereof;

6 (23) Public body means the state or any municipality, county,
7 township, board, commission, authority, district, or other political
8 subdivision or public body of the state;

9 (24) Real property means all lands, including improvements and
10 fixtures thereon, and property of any nature appurtenant thereto, or used
11 in connection therewith, and every estate, interest and right, legal or
12 equitable, therein, including terms for years and liens by way of
13 judgment, mortgage, or otherwise, and the indebtedness secured by such
14 liens;

15 (25) Redeveloper means any person, partnership, or public or private
16 corporation or agency which enters or proposes to enter into a
17 redevelopment contract;

18 (26) Redevelopment contract means a contract entered into between an
19 authority and a redeveloper for the redevelopment of an area in
20 conformity with a redevelopment plan;

21 (27) Redevelopment plan means a plan, as it exists from time to time
22 for one or more community redevelopment areas, or for a redevelopment
23 project, which (a) conforms to the general plan for the municipality as a
24 whole and (b) is sufficiently complete to indicate such land acquisition,
25 demolition and removal of structures, redevelopment, improvements, and
26 rehabilitation as may be proposed to be carried out in the community
27 redevelopment area, zoning and planning changes, if any, land uses,
28 maximum densities, and building requirements;

29 (28) Redevelopment project means any work or undertaking in one or
30 more community redevelopment areas: (a) To acquire substandard and
31 blighted areas or portions thereof, including lands, structures, or

1 improvements the acquisition of which is necessary or incidental to the
2 proper clearance, development, or redevelopment of such substandard and
3 blighted areas; (b) to clear any such areas by demolition or removal of
4 existing buildings, structures, streets, utilities, or other improvements
5 thereon and to install, construct, or reconstruct streets, utilities,
6 parks, playgrounds, public spaces, public parking facilities, sidewalks
7 or moving sidewalks, convention and civic centers, bus stop shelters,
8 lighting, benches or other similar furniture, trash receptacles,
9 shelters, skywalks and pedestrian and vehicular overpasses and
10 underpasses, enhancements to structures in the redevelopment plan area
11 which exceed minimum building and design standards in the community and
12 prevent the recurrence of substandard and blighted conditions, and any
13 other necessary public improvements essential to the preparation of sites
14 for uses in accordance with a redevelopment plan; (c) to sell, lease, or
15 otherwise make available land in such areas for residential,
16 recreational, commercial, industrial, or other uses, including parking or
17 other facilities functionally related or subordinate to such uses, or for
18 public use or to retain such land for public use, in accordance with a
19 redevelopment plan; and may also include the preparation of the
20 redevelopment plan, the planning, survey, and other work incident to a
21 redevelopment project and the preparation of all plans and arrangements
22 for carrying out a redevelopment project; (d) to dispose of all real and
23 personal property or any interest in such property, or assets, cash, or
24 other funds held or used in connection with residential, recreational,
25 commercial, industrial, or other uses, including parking or other
26 facilities functionally related or subordinate to such uses, or any
27 public use specified in a redevelopment plan or project, except that such
28 disposition shall be at its fair value for uses in accordance with the
29 redevelopment plan; (e) to acquire real property in a community
30 redevelopment area which, under the redevelopment plan, is to be repaired
31 or rehabilitated for dwelling use or related facilities, repair or

1 rehabilitate the structures, and resell the property; (f) to carry out
2 plans for a program of voluntary or compulsory repair, rehabilitation, or
3 demolition of buildings in accordance with the redevelopment plan; and
4 (g) in a rural community or in an extremely blighted area within a
5 municipality that is not a rural community, to carry out construction of
6 workforce housing;

7 (29) Redevelopment project valuation means the valuation for
8 assessment of the taxable real property in a redevelopment project last
9 certified for the year prior to the effective date of the provision
10 authorized in section 18-2147;

11 (30) Rural community means any municipality in a county with a
12 population of fewer than one hundred thousand inhabitants as determined
13 by the most recent federal decennial census;

14 (31) Substandard area means an area in which there is a predominance
15 of buildings or improvements, whether nonresidential or residential in
16 character, which, by reason of dilapidation, deterioration, age or
17 obsolescence, inadequate provision for ventilation, light, air,
18 sanitation, or open spaces, high density of population and overcrowding,
19 or the existence of conditions which endanger life or property by fire
20 and other causes, or any combination of such factors, is conducive to ill
21 health, transmission of disease, infant mortality, juvenile delinquency,
22 and crime, (which cannot be remedied through construction of prisons),
23 and is detrimental to the public health, safety, morals, or welfare; and

24 (32) Workforce housing means:

25 (a) Housing that meets the needs of today's working families;

26 (b) Housing that is attractive to new residents considering
27 relocation to a rural community;

28 (c) Owner-occupied housing units that cost not more than two hundred
29 seventy-five thousand dollars to construct or rental housing units that
30 cost not more than two hundred thousand dollars per unit to construct.
31 For purposes of this subdivision (c), housing unit costs shall be updated

1 annually by the Department of Economic Development based upon the most
2 recent increase or decrease in the Producer Price Index for all
3 commodities, published by the United States Department of Labor, Bureau
4 of Labor Statistics;

5 (d) Owner-occupied and rental housing units for which the cost to
6 substantially rehabilitate exceeds fifty percent of a unit's assessed
7 value; and

8 (e) Upper-story housing.

9 Sec. 35. Section 44-314, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 44-314 (1) Except as provided in subsection (2) of this section, an
12 employer providing for an individual or family health insurance policy
13 for a first responder employee shall not cancel such policy if the first
14 responder suffers serious bodily injury from an event ~~No city or county~~
15 ~~offering an individual or family health insurance policy to first~~
16 ~~responders shall cancel such individual or family health insurance for~~
17 ~~any first responder who suffers serious bodily injury from an assault~~
18 ~~that occurs while the first responder is acting in the line of~~ ~~on~~ duty
19 ~~and that results in the first responder falling below the minimum number~~
20 ~~of working hours needed to maintain his or her regular individual or~~
21 ~~family health insurance.~~

22 ~~(2) The city or county shall only be obligated to provide such~~
23 ~~health insurance while the first responder is employed with the city or~~
24 ~~county.~~

25 (2) Subsection (1) of this section does not prohibit an employer
26 from cancelling ~~(3) A city or county may cancel such policy health~~
27 ~~insurance if the first responder:~~

28 (a) Voluntarily ceases to be employed with the employer; or

29 (b) Does ~~does~~ not return to employment within twelve months after
30 the date of injury.

31 (3) For a first responder who dies as a result of an event that

1 occurs while the first responder is acting in the line of duty, the
2 employer of such first responder shall not cancel any health insurance
3 policy covering a spouse or dependent of such first responder for a
4 period of at least twelve months following such death.

5 (4) For purposes of this section:

6 (a) Employer means any state or local governmental entity that
7 employs a first responder;

8 (b) First ~~, first responder~~ means any law enforcement officer,
9 professional a sheriff, deputy sheriff, police officer, paid firefighter,
10 or paid individual licensed under a licensure classification in
11 subdivision (1) of section 38-1217 who provides medical care in order to
12 prevent loss of life or aggravation of physiological or psychological
13 illness or injury; -

14 (c) Law enforcement officer has the same meaning as in section
15 81-1401;

16 (d) Line of duty means any action that a first responder is
17 authorized or obligated by law, rule, or regulation to perform, related
18 to or as a condition of employment or service; and

19 (e) Professional firefighter means an individual who is a
20 firefighter or firefighter-paramedic as a full-time career and who is a
21 member of a paid fire department of any of the following entities within
22 Nebraska:

23 (i) A municipality, including a municipality having a home rule
24 charter or a municipal authority created pursuant to a home rule charter
25 that has its own paid fire department;

26 (ii) A rural or suburban fire protection district; or

27 (iii) A fire service providing fire protection to state military
28 installations.

29 Sec. 36. Section 60-301, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-301 Sections 60-301 to 60-3,258 and section 38 of this act shall

1 be known and may be cited as the Motor Vehicle Registration Act.

2 Sec. 37. Section 60-302, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-302 For purposes of the Motor Vehicle Registration Act, unless
5 the context otherwise requires, the definitions found in sections
6 60-302.01 to 60-360 and section 38 of this act shall be used.

7 Sec. 38. Plug-in hybrid electric vehicle means any motor vehicle
8 which:

9 (1) Uses batteries to power an electric motor;

10 (2) Uses motor vehicle fuel as defined in section 66-482, diesel
11 fuel as defined in section 66-482, or compressed fuel as defined in
12 section 66-6,100 to power an internal combustion engine; and

13 (3) Has batteries that can be charged using a wall outlet or
14 charging equipment.

15 Sec. 39. Section 60-3,191, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-3,191 In addition to any other fee required under the Motor
18 Vehicle Registration Act, a fee for registration of each motor vehicle
19 powered by an alternative fuel shall be charged. The fee shall be one
20 hundred fifty dollars, except that for a motorcycle or plug-in hybrid
21 electric vehicle, the fee shall be seventy-five dollars. The fee shall be
22 collected by the county treasurer and remitted to the State Treasurer for
23 credit to the Highway Trust Fund.

24 Sec. 40. Section 66-482, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 66-482 For purposes of sections 66-482 to 66-4,149:

27 (1) Agricultural ethyl alcohol means ethyl alcohol produced from
28 cereal grains or agricultural commodities grown within the continental
29 United States and which is a finished product that is a nominally
30 anhydrous ethyl alcohol meeting American Society for Testing and
31 Materials D4806 standards. For the purpose of sections 66-482 to

1 66-4,149, the purity of the ethyl alcohol shall be determined excluding
2 denaturant, and the volume of alcohol blended with gasoline for motor
3 vehicle fuel shall include the volume of any denaturant required pursuant
4 to law;

5 (2) Alcohol blend means a blend of agricultural ethyl alcohol in
6 gasoline or other motor vehicle fuel, such blend to contain not less than
7 five percent by volume of alcohol;

8 (3) Biodiesel means mono-alkyl esters of long chain fatty acids
9 derived from vegetable oils or animal fats which conform to American
10 Society for Testing and Materials D6751 specifications for use in diesel
11 engines. Biodiesel refers to the pure fuel before blending with diesel
12 fuel;

13 (4) Biodiesel facility means a plant which produces biodiesel;

14 (5) Commercial electric vehicle charging station has the same
15 meaning as in section 70-1001.01;

16 (6) Commercial electric vehicle charging station operator has the
17 same meaning as in section 70-1001.01;

18 (7) Compressed fuel has the same meaning as in section 66-6,100;

19 (8) Department means the Department of Revenue;

20 (9) Diesel fuel means all combustible liquids and biodiesel which
21 are suitable for the generation of power for diesel-powered vehicles,
22 except that diesel fuel does not include kerosene;

23 (10) Distributor means any person who acquires ownership of motor
24 fuels directly from a producer or supplier at or from a barge, barge
25 line, pipeline terminal, or ethanol or biodiesel facility in this state;

26 (11) Ethanol facility means a plant which produces agricultural
27 ethyl alcohol;

28 (12) Exporter means any person who acquires ownership of motor fuels
29 from any licensed producer, supplier, distributor, wholesaler, or
30 importer exclusively for use or resale in another state;

31 (13) Gross gallons means measured gallons without adjustment or

1 correction for temperature or barometric pressure;

2 (14) Highway means every way or place generally open to the use of
3 the public for the purpose of vehicular travel, even though such way or
4 place may be temporarily closed or travel thereon restricted for the
5 purpose of construction, maintenance, repair, or reconstruction;

6 (15) Importer means any person who owns motor fuels at the time such
7 fuels enter the State of Nebraska by any means other than barge, barge
8 line, or pipeline. Importer does not include a person who imports motor
9 fuels in a tank directly connected to the engine of a motor vehicle,
10 train, watercraft, or airplane for purposes of providing fuel to the
11 engine to which the tank is connected;

12 (16) Kerosene means kerosene meeting the specifications as found in
13 the American Society for Testing and Materials publication D3699 entitled
14 Standard Specification for Kerosene;

15 (17) Motor fuels means motor vehicle fuel, diesel fuel, aircraft
16 fuel, or compressed fuel;

17 (18) (1) Motor vehicle ~~has~~ shall have the same meaning definition as
18 in section 60-339;

19 (19) (2) Motor vehicle fuel ~~includes~~ shall include all products and
20 fuel commonly or commercially known as gasoline, including casing head or
21 natural gasoline, and ~~includes~~ shall include any other liquid and such
22 other volatile and inflammable liquids as may be produced, compounded, or
23 used for the purpose of operating or propelling motor vehicles,
24 motorboats, or aircraft or as an ingredient in the manufacture of such
25 fuel. ~~Motor vehicle fuel includes agricultural~~ Agricultural ethyl alcohol
26 produced for use as a motor vehicle fuel ~~shall be considered a motor~~
27 vehicle fuel. Motor vehicle fuel ~~does~~ shall not include the products
28 commonly known as methanol, kerosene oil, kerosene distillate, crude
29 petroleum, naphtha, and benzine with a boiling point over two hundred
30 degrees Fahrenheit, residuum gas oil, smudge oil, leaded automotive
31 racing fuel with an American Society of Testing Materials research method

1 octane number in excess of one hundred five, and any petroleum product
2 with an initial boiling point under two hundred degrees Fahrenheit, a
3 ninety-five percent distillation (recovery) temperature in excess of four
4 hundred sixty-four degrees Fahrenheit, an American Society of Testing
5 Materials research method octane number less than seventy, and an end or
6 dry point of distillation of five hundred seventy degrees Fahrenheit
7 maximum;

8 (20) Person means any individual, firm, partnership, limited
9 liability company, company, agency, association, corporation, state,
10 county, municipality, or other political subdivision. Whenever a fine or
11 imprisonment is prescribed or imposed in sections 66-482 to 66-4,149, the
12 word person as applied to a partnership, a limited liability company, or
13 an association means the partners or members thereof;

14 (21) Producer means any person who manufactures agricultural ethyl
15 alcohol or biodiesel at an ethanol or biodiesel facility in this state;

16 (22) Retailer means any person who acquires motor fuels from a
17 producer, supplier, distributor, wholesaler, or importer for resale to
18 consumers of such fuel;

19 (23) Semiannual period means either the period which begins on
20 January 1 and ends on June 30 of each year or the period which begins on
21 July 1 and ends on December 31 of each year;

22 ~~(3) Agricultural ethyl alcohol shall mean ethyl alcohol produced~~
23 ~~from cereal grains or agricultural commodities grown within the~~
24 ~~continental United States and which is a finished product that is a~~
25 ~~nominally anhydrous ethyl alcohol meeting American Society for Testing~~
26 ~~and Materials D4806 standards. For the purpose of sections 66-482 to~~
27 ~~66-4,149, the purity of the ethyl alcohol shall be determined excluding~~
28 ~~denaturant and the volume of alcohol blended with gasoline for motor~~
29 ~~vehicle fuel shall include the volume of any denaturant required pursuant~~
30 ~~to law;~~

31 ~~(4) Alcohol blend shall mean a blend of agricultural ethyl alcohol~~

1 ~~in gasoline or other motor vehicle fuel, such blend to contain not less~~
2 ~~than five percent by volume of alcohol;~~

3 ~~(24) (5) Supplier means shall mean any person who owns motor fuels~~
4 ~~imported by barge, barge line, or pipeline and stored at a barge, barge~~
5 ~~line, or pipeline terminal in this state; and~~

6 ~~(6) Distributor shall mean any person who acquires ownership of~~
7 ~~motor fuels directly from a producer or supplier at or from a barge,~~
8 ~~barge line, pipeline terminal, or ethanol or biodiesel facility in this~~
9 ~~state;~~

10 ~~(25) (7) Wholesaler means shall mean any person, other than a~~
11 ~~producer, supplier, distributor, or importer, who acquires motor fuels~~
12 ~~for resale. ÷~~

13 ~~(8) Retailer shall mean any person who acquires motor fuels from a~~
14 ~~producer, supplier, distributor, wholesaler, or importer for resale to~~
15 ~~consumers of such fuel;~~

16 ~~(9) Importer shall mean any person who owns motor fuels at the time~~
17 ~~such fuels enter the State of Nebraska by any means other than barge,~~
18 ~~barge line, or pipeline. Importer shall not include a person who imports~~
19 ~~motor fuels in a tank directly connected to the engine of a motor~~
20 ~~vehicle, train, watercraft, or airplane for purposes of providing fuel to~~
21 ~~the engine to which the tank is connected;~~

22 ~~(10) Exporter shall mean any person who acquires ownership of motor~~
23 ~~fuels from any licensed producer, supplier, distributor, wholesaler, or~~
24 ~~importer exclusively for use or resale in another state;~~

25 ~~(11) Gross gallons shall mean measured gallons without adjustment or~~
26 ~~correction for temperature or barometric pressure;~~

27 ~~(12) Diesel fuel shall mean all combustible liquids and biodiesel~~
28 ~~which are suitable for the generation of power for diesel-powered~~
29 ~~vehicles, except that diesel fuel shall not include kerosene;~~

30 ~~(13) Compressed fuel shall mean any fuel defined as compressed fuel~~
31 ~~in section 66-6,100;~~

1 ~~(14) Person shall mean any individual, firm, partnership, limited~~
2 ~~liability company, company, agency, association, corporation, state,~~
3 ~~county, municipality, or other political subdivision. Whenever a fine or~~
4 ~~imprisonment is prescribed or imposed in sections 66-482 to 66-4,149, the~~
5 ~~word person as applied to a partnership, a limited liability company, or~~
6 ~~an association shall mean the partners or members thereof;~~

7 ~~(15) Department shall mean the Department of Revenue;~~

8 ~~(16) Semiannual period shall mean either the period which begins on~~
9 ~~January 1 and ends on June 30 of each year or the period which begins on~~
10 ~~July 1 and ends on December 31 of each year;~~

11 ~~(17) Producer shall mean any person who manufactures agricultural~~
12 ~~ethyl alcohol or biodiesel at an ethanol or biodiesel facility in this~~
13 ~~state;~~

14 ~~(18) Highway shall mean every way or place generally open to the use~~
15 ~~of the public for the purpose of vehicular travel, even though such way~~
16 ~~or place may be temporarily closed or travel thereon restricted for the~~
17 ~~purpose of construction, maintenance, repair, or reconstruction;~~

18 ~~(19) Kerosene shall mean kerosene meeting the specifications as~~
19 ~~found in the American Society for Testing and Materials publication D3699~~
20 ~~entitled Standard Specifications for Kerosene;~~

21 ~~(20) Biodiesel shall mean mono-alkyl esters of long chain fatty~~
22 ~~acids derived from vegetable oils or animal fats which conform to~~
23 ~~American Society for Testing and Materials D6751 specifications for use~~
24 ~~in diesel engines. Biodiesel refers to the pure fuel before blending with~~
25 ~~diesel fuel;~~

26 ~~(21) Motor fuels shall mean motor vehicle fuel, diesel fuel,~~
27 ~~aircraft fuel, or compressed fuel;~~

28 ~~(22) Ethanol facility shall mean a plant which produces agricultural~~
29 ~~ethyl alcohol; and~~

30 ~~(23) Biodiesel facility shall mean a plant which produces biodiesel.~~
31 Sec. 41. Section 66-4,105, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 66-4,105 ~~(1)(a) (1)~~ There is hereby levied and imposed an excise
3 tax in an amount set in subdivision (1)(b) ~~subsection (2)~~ of this
4 section, increased by the amounts imposed or determined under sections
5 66-489.02, 66-4,140, 66-4,145, and 66-4,146, upon the use of all motor
6 fuels used in this state and due the State of Nebraska under section
7 66-489. Users of motor fuels subject to taxation under this section shall
8 be allowed the same exemptions, deductions, and rights of reimbursement
9 as are authorized and permitted by Chapter 66, article 4, other than any
10 commissions provided under such article.

11 ~~(b) (2)~~ The excise tax shall be nine and one-half cents per
12 gallon. ÷

13 ~~(a) Seven and one-half cents per gallon through December 31, 2015;~~

14 ~~(b) Eight cents per gallon beginning on January 1, 2016, through~~
15 ~~December 31, 2016;~~

16 ~~(c) Eight and one-half cents per gallon beginning on January 1,~~
17 ~~2017, through December 31, 2017;~~

18 ~~(d) Nine cents per gallon beginning on January 1, 2018, through~~
19 ~~December 31, 2018; and~~

20 ~~(e) Nine and one-half cents per gallon beginning on January 1, 2019.~~

21 ~~(c) (3)~~ For purposes of this subsection ~~section~~ and section
22 66-4,106, use means the purchase or consumption of motor fuels in this
23 state.

24 (2) Beginning January 1, 2028, there is hereby levied and imposed an
25 excise tax of three cents per kilowatt hour on the electric energy used
26 to charge the battery of a motor vehicle at a commercial electric vehicle
27 charging station.

28 Sec. 42. Section 70-1001.01, Revised Statutes Supplement, 2023, is
29 amended to read:

30 70-1001.01 For purposes of sections 70-1001 to 70-1028 and section
31 44 of this act, unless the context otherwise requires:

1 (1) Board means the Nebraska Power Review Board;

2 (2) Commercial electric vehicle charging station means equipment
3 designed to provide electricity for a fee for the charging of an electric
4 vehicle or a plug-in hybrid electric vehicle, including an electric
5 vehicle direct-current charger or a super-fast charger, any successor
6 technology, and all components thereof. Commercial electric vehicle
7 charging station does not include the residence of a person where an
8 electric vehicle or a plug-in hybrid electric vehicle is charged if no
9 customer usage fee is charged;

10 (3) Commercial electric vehicle charging station operator means a
11 person, partnership, corporation, or other business entity or political
12 subdivision that operates a commercial electric vehicle charging station;

13 (4) Direct-current, fast-charging station means a publicly available
14 charging system capable of delivering at least fifty kilowatts of direct-
15 current electrical power to an electric vehicle's rechargeable battery at
16 a voltage of two hundred volts or greater;

17 (5) Direct-current, fast-charging station operator means a person,
18 partnership, corporation, or other business entity that operates a
19 direct-current, fast-charging station open to the public. The term does
20 not include an electric supplier or a political subdivision;

21 (6) ~~(2)~~ Electric supplier or supplier of electricity means any legal
22 entity supplying, producing, or distributing electricity within the state
23 for sale at wholesale or retail. Electric supplier does not include a
24 commercial electric vehicle charging station operator;

25 (7) Plug-in hybrid electric vehicle has the same meaning as in
26 section 38 of this act;

27 (8) ~~(3)~~ Private electric supplier means an electric supplier
28 producing electricity from a privately developed renewable energy
29 generation facility that is not a public power district, a public power
30 and irrigation district, a municipality, a registered group of
31 municipalities, an electric cooperative, an electric membership

1 association, any other governmental entity, or any combination thereof;

2 (9) ~~(4)~~ Privately developed renewable energy generation facility
3 means a facility that (a) generates electricity using solar, wind,
4 geothermal, biomass, landfill gas, or biogas, including all electrically
5 connected equipment used to produce, collect, and store the facility
6 output up to and including the transformer that steps up the voltage to
7 sixty thousand volts or greater, and including supporting structures,
8 buildings, and roads, unless otherwise agreed to in a joint transmission
9 development agreement, (b) is developed, constructed, and owned, in whole
10 or in part, by one or more private electric suppliers, and (c) is not
11 wholly owned by a public power district, a public power and irrigation
12 district, a municipality, a registered group of municipalities, an
13 electric cooperative, an electric membership association, any other
14 governmental entity, or any combination thereof;

15 (10) ~~(5)~~ Regional transmission organization means an entity
16 independent from those entities generating or marketing electricity at
17 wholesale or retail, which has operational control over the electric
18 transmission lines in a designated geographic area in order to reduce
19 constraints in the flow of electricity and ensure that all power
20 suppliers have open access to transmission lines for the transmission of
21 electricity;

22 (11) ~~(6)~~ Reliable or reliability means the ability of an electric
23 supplier to supply the aggregate electric power and energy requirements
24 of its electricity consumers in Nebraska at all times under normal
25 operating conditions, taking into account scheduled and unscheduled
26 outages, including sudden disturbances or unanticipated loss of system
27 components that are to be reasonably expected for any electric utility
28 following prudent utility practices, recognizing certain weather
29 conditions and other contingencies may cause outages at the distribution,
30 transmission, and generation level;

31 (12) ~~(7)~~ Representative organization means an organization

1 designated by the board and organized for the purpose of providing joint
2 planning and encouraging maximum cooperation and coordination among
3 electric suppliers. Such organization shall represent electric suppliers
4 owning a combined electric generation plant accredited capacity of at
5 least ninety percent of the total electric generation plant accredited
6 capacity constructed and in operation within the state;

7 (13) ~~(8)~~ State means the State of Nebraska; and

8 (14) ~~(9)~~ Unbundled retail rates means the separation of utility
9 bills into the individual price components for which an electric supplier
10 charges its retail customers, including, but not limited to, the separate
11 charges for the generation, transmission, and distribution of
12 electricity.

13 Sec. 43. Section 70-1002.02, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 70-1002.02 (1) No supplier shall offer, provide, or sell electric
16 energy at wholesale in areas, or to customers, in violation of any
17 agreement entered into and approved by the Nebraska Power Review Board
18 pursuant to section 70-1002.01.

19 (2) A commercial electric vehicle charging station operator may
20 receive electric energy solely from an electric supplier with the right
21 to serve the location of the commercial electric vehicle charging station
22 and shall not offer, provide, sell, or resell electric energy at
23 wholesale or retail for any purpose or use other than the charging of
24 electric vehicles at the location of the commercial electric vehicle
25 charging station. A commercial electric vehicle charging station operator
26 may charge electric vehicle charging customers on the basis of kilowatt-
27 hours consumed. A commercial electric vehicle charging station is subject
28 to the interconnection requirements, electric rates, and service
29 regulations of the electric supplier in whose certified service area the
30 commercial electric vehicle charging station is located. Nothing in
31 sections 70-1001 to 70-1028 shall prohibit an electric supplier from

1 owning and operating an electric vehicle charging station or recovering
2 its costs to provide electric service to a commercial electric vehicle
3 charging station.

4 (3) A commercial electric vehicle charging station funded in whole
5 or part by state or federal funds shall only be installed by an installer
6 who has obtained certification from the Electric Vehicle Infrastructure
7 Training Program.

8 (4) Nothing in this section shall be construed to prohibit the use
9 of batteries with a commercial electric vehicle charging station if such
10 battery is charged with electric energy received solely from an electric
11 supplier.

12 Sec. 44. (1) An electric supplier shall have the authority to own,
13 maintain, and operate a direct-current, fast-charging station for retail
14 services only under all of the following conditions:

15 (a) An electric supplier shall only develop, own, maintain, or
16 operate a direct-current, fast-charging station at a location which is at
17 least fifteen miles from a privately owned direct-current, fast-charging
18 station that is already existing or under construction and at least one
19 mile from an alternative fuel corridor designated by the Federal Highway
20 Administration; and

21 (b) Before beginning construction of a direct-current, fast-charging
22 station that is developed, owned, maintained, or operated by such
23 electric supplier, the electric supplier shall conduct a right of first
24 refusal process as follows:

25 (i) At least ninety days prior to beginning construction of a
26 direct-current, fast-charging station, the electric supplier shall
27 publish notice in a newspaper in or of general circulation in the county
28 where the direct-current, fast-charging station will be located as well
29 as on its website. Such notice shall contain the beginning construction
30 date, the construction location, the electric supplier's mailing address
31 and email address, and the method by which a direct-current, fast-

1 charging station operator may notify the electric supplier that such
2 direct-current, fast-charging station operator plans to provide a direct-
3 current, fast-charging station within fifteen miles of the proposed
4 construction location;

5 (ii) If during such ninety-day period one or more direct-current,
6 fast-charging station operators assert their right of first refusal by
7 providing notification as described under subdivision (1)(b)(i) of this
8 section, the electric supplier shall not construct the direct-current,
9 fast-charging station; and

10 (iii) If after the ninety-day period no direct-current, fast-
11 charging station operator has asserted a right of first refusal to
12 provide a direct-current, fast-charging station within fifteen miles of
13 the location proposed by an electric supplier, or if after notification
14 is received under subdivision (1)(b)(i) of this section no direct-
15 current, fast-charging station service is provided within eighteen months
16 by a direct-current, fast-charging station operator, the electric
17 supplier may proceed with construction of a direct-current, fast-charging
18 station at the proposed location.

19 (2) An electric supplier that provides a direct-current, fast-
20 charging station pursuant to this section shall do so under rates, tolls,
21 rents, and charges that shall be fair, reasonable, nondiscriminatory, and
22 available to all direct-current, fast-charging station operators in the
23 electric supplier's service territory for the purposes of operating
24 direct-current, fast-charging stations.

25 Sec. 45. Section 77-202, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 77-202 (1) The following property shall be exempt from property
28 taxes:

29 (a) Property of the state and its governmental subdivisions to the
30 extent used or being developed for use by the state or governmental
31 subdivision for a public purpose. For purposes of this subdivision:

1 (i) Property of the state and its governmental subdivisions means
2 (A) property held in fee title by the state or a governmental subdivision
3 or (B) property beneficially owned by the state or a governmental
4 subdivision in that it is used for a public purpose and is being acquired
5 under a lease-purchase agreement, financing lease, or other instrument
6 which provides for transfer of legal title to the property to the state
7 or a governmental subdivision upon payment of all amounts due thereunder.
8 If the property to be beneficially owned by a governmental subdivision
9 has a total acquisition cost that exceeds the threshold amount or will be
10 used as the site of a public building with a total estimated construction
11 cost that exceeds the threshold amount, then such property shall qualify
12 for an exemption under this section only if the question of acquiring
13 such property or constructing such public building has been submitted at
14 a primary, general, or special election held within the governmental
15 subdivision and has been approved by the voters of the governmental
16 subdivision. For purposes of this subdivision, threshold amount means the
17 greater of fifty thousand dollars or six-tenths of one percent of the
18 total actual value of real and personal property of the governmental
19 subdivision that will beneficially own the property as of the end of the
20 governmental subdivision's prior fiscal year; and

21 (ii) Public purpose means use of the property (A) to provide public
22 services with or without cost to the recipient, including the general
23 operation of government, public education, public safety, transportation,
24 public works, civil and criminal justice, public health and welfare,
25 developments by a public housing authority, parks, culture, recreation,
26 community development, and cemetery purposes, or (B) to carry out the
27 duties and responsibilities conferred by law with or without
28 consideration. Public purpose does not include leasing of property to a
29 private party unless the lease of the property is at fair market value
30 for a public purpose. Leases of property by a public housing authority to
31 low-income individuals as a place of residence are for the authority's

1 public purpose;

2 (b) Unleased property of the state or its governmental subdivisions
3 which is not being used or developed for use for a public purpose but
4 upon which a payment in lieu of taxes is paid for public safety, rescue,
5 and emergency services and road or street construction or maintenance
6 services to all governmental units providing such services to the
7 property. Except as provided in Article VIII, section 11, of the
8 Constitution of Nebraska, the payment in lieu of taxes shall be based on
9 the proportionate share of the cost of providing public safety, rescue,
10 or emergency services and road or street construction or maintenance
11 services unless a general policy is adopted by the governing body of the
12 governmental subdivision providing such services which provides for a
13 different method of determining the amount of the payment in lieu of
14 taxes. The governing body may adopt a general policy by ordinance or
15 resolution for determining the amount of payment in lieu of taxes by
16 majority vote after a hearing on the ordinance or resolution. Such
17 ordinance or resolution shall nevertheless result in an equitable
18 contribution for the cost of providing such services to the exempt
19 property;

20 (c) Property owned by and used exclusively for agricultural and
21 horticultural societies;

22 (d)(i) ~~(d)~~ Property owned by educational, religious, charitable, or
23 cemetery organizations, or any organization for the exclusive benefit of
24 any such educational, religious, charitable, or cemetery organization,
25 and used exclusively for educational, religious, charitable, or cemetery
26 purposes, when such property is not (A) ~~(i)~~ owned or used for financial
27 gain or profit to either the owner or user, (B) ~~(ii)~~ used for the sale of
28 alcoholic liquors for more than twenty hours per week, or (C) ~~(iii)~~ owned
29 or used by an organization which discriminates in membership or
30 employment based on race, color, or national origin.

31 (ii) For purposes of subdivision (1)(d) of this section:

1 ~~(A) Educational~~ this subdivision, educational organization means (I)
2 ~~(A)~~ an institution operated exclusively for the purpose of offering
3 regular courses with systematic instruction in academic, vocational, or
4 technical subjects or assisting students through services relating to the
5 origination, processing, or guarantying of federally reinsured student
6 loans for higher education or (II) ~~(B)~~ a museum or historical society
7 operated exclusively for the benefit and education of the public; and -

8 (B) Charitable ~~For purposes of this subdivision, charitable~~
9 organization includes (I) an organization operated exclusively for the
10 purpose of the mental, social, or physical benefit of the public or an
11 indefinite number of persons and (II) a fraternal benefit society
12 organized and licensed under sections 44-1072 to 44-10,109. ~~;~~ and

13 (iii) The property tax exemption authorized in subdivision (1)(d)(i)
14 of this section shall apply to any skilled nursing facility as defined in
15 section 71-429, nursing facility as defined in section 71-424, or
16 assisted-living facility as defined in section 71-5903 that provides
17 housing for medicaid beneficiaries, except that the exemption amount for
18 such property shall be a percentage of the property taxes that would
19 otherwise be due. Such percentage shall be equal to the average
20 percentage of occupied beds in the facility provided to medicaid
21 beneficiaries over the most recent three-year period.

22 (iv) The property tax exemption authorized in subdivision (1)(d)(i)
23 of this section shall apply to a building that (A) is owned by a
24 charitable organization, (B) is made available to students in attendance
25 at an educational institution, and (C) is recognized by such educational
26 institution as approved student housing, except that the exemption shall
27 only apply to the commons area of such building, including any common
28 rooms and cooking and eating facilities; and

29 (e) Household goods and personal effects not owned or used for
30 financial gain or profit to either the owner or user.

31 (2) The increased value of land by reason of shade and ornamental

1 trees planted along the highway shall not be taken into account in the
2 valuation of land.

3 (3) Tangible personal property which is not depreciable tangible
4 personal property as defined in section 77-119 shall be exempt from
5 property tax.

6 (4) Motor vehicles, trailers, and semitrailers required to be
7 registered for operation on the highways of this state shall be exempt
8 from payment of property taxes.

9 (5) Business and agricultural inventory shall be exempt from the
10 personal property tax. For purposes of this subsection, business
11 inventory includes personal property owned for purposes of leasing or
12 renting such property to others for financial gain only if the personal
13 property is of a type which in the ordinary course of business is leased
14 or rented thirty days or less and may be returned at the option of the
15 lessee or renter at any time and the personal property is of a type which
16 would be considered household goods or personal effects if owned by an
17 individual. All other personal property owned for purposes of leasing or
18 renting such property to others for financial gain shall not be
19 considered business inventory.

20 (6) Any personal property exempt pursuant to subsection (2) of
21 section 77-4105 or section 77-5209.02 shall be exempt from the personal
22 property tax.

23 (7) Livestock shall be exempt from the personal property tax.

24 (8) Any personal property exempt pursuant to the Nebraska Advantage
25 Act or the Imagine Nebraska Act shall be exempt from the personal
26 property tax.

27 (9) Any depreciable tangible personal property used directly in the
28 generation of electricity using wind as the fuel source shall be exempt
29 from the property tax levied on depreciable tangible personal property.
30 Any depreciable tangible personal property used directly in the
31 generation of electricity using solar, biomass, or landfill gas as the

1 fuel source shall be exempt from the property tax levied on depreciable
2 tangible personal property if such depreciable tangible personal property
3 was installed on or after January 1, 2016, and has a nameplate capacity
4 of one hundred kilowatts or more. Depreciable tangible personal property
5 used directly in the generation of electricity using wind, solar,
6 biomass, or landfill gas as the fuel source includes, but is not limited
7 to, wind turbines, rotors and blades, towers, solar panels, trackers,
8 generating equipment, transmission components, substations, supporting
9 structures or racks, inverters, and other system components such as
10 wiring, control systems, switchgears, and generator step-up transformers.

11 (10) Any tangible personal property that is acquired by a person
12 operating a data center located in this state, that is assembled,
13 engineered, processed, fabricated, manufactured into, attached to, or
14 incorporated into other tangible personal property, both in component
15 form or that of an assembled product, for the purpose of subsequent use
16 at a physical location outside this state by the person operating a data
17 center shall be exempt from the personal property tax. Such exemption
18 extends to keeping, retaining, or exercising any right or power over
19 tangible personal property in this state for the purpose of subsequently
20 transporting it outside this state for use thereafter outside this state.
21 For purposes of this subsection, data center means computers, supporting
22 equipment, and other organized assembly of hardware or software that are
23 designed to centralize the storage, management, or dissemination of data
24 and information, environmentally controlled structures or facilities or
25 interrelated structures or facilities that provide the infrastructure for
26 housing the equipment, such as raised flooring, electricity supply,
27 communication and data lines, Internet access, cooling, security, and
28 fire suppression, and any building housing the foregoing.

29 (11) For tax years prior to tax year 2020, each person who owns
30 property required to be reported to the county assessor under section
31 77-1201 shall be allowed an exemption amount as provided in the Personal

1 Property Tax Relief Act. For tax years prior to tax year 2020, each
2 person who owns property required to be valued by the state as provided
3 in section 77-601, 77-682, 77-801, or 77-1248 shall be allowed a
4 compensating exemption factor as provided in the Personal Property Tax
5 Relief Act.

6 (12)(a) Broadband equipment shall be exempt from the personal
7 property tax if such broadband equipment is:

8 (i) Deployed in an area funded in whole or in part by funds from the
9 Broadband Equity, Access, and Deployment Program, authorized by the
10 federal Infrastructure Investment and Jobs Act, Public Law 117-58; or

11 (ii) Deployed in a qualified census tract located within the
12 corporate limits of a city of the metropolitan class and being utilized
13 to provide end-users with access to the Internet at speeds of at least
14 one hundred megabits per second for downloading and at least one hundred
15 megabits per second for uploading.

16 (b) An owner of broadband equipment seeking an exemption under this
17 section shall apply for an exemption to the county assessor on or before
18 December 31 of the year preceding the year for which the exemption is to
19 begin. If the broadband equipment meets the criteria described in this
20 subsection, the county assessor shall approve the application within
21 thirty calendar days after receiving the application. The application
22 shall be on forms prescribed by the Tax Commissioner.

23 (c) For purposes of this subsection:

24 (i) Broadband communications service means telecommunications
25 service as defined in section 86-121, video programming as defined in 47
26 U.S.C. 522, as such section existed on January 1, 2024, or Internet
27 access as defined in section 1104 of the federal Internet Tax Freedom
28 Act, Public Law 105-277;

29 (ii) Broadband equipment means machinery or equipment used to
30 provide broadband communications service and includes, but is not limited
31 to, wires, cables, fiber, conduits, antennas, poles, switches, routers,

1 amplifiers, rectifiers, repeaters, receivers, multiplexers, duplexers,
2 transmitters, circuit cards, insulating and protective materials and
3 cases, power equipment, backup power equipment, diagnostic equipment,
4 storage devices, modems, and other general central office or headend
5 equipment, such as channel cards, frames, and cabinets, or equipment used
6 in successor technologies, including items used to monitor, test,
7 maintain, enable, or facilitate qualifying equipment, machinery,
8 software, ancillary components, appurtenances, accessories, or other
9 infrastructure that is used in whole or in part to provide broadband
10 communications service. Machinery or equipment used to produce broadband
11 communications service does not include personal consumer electronics,
12 including, but not limited to, smartphones, computers, and tablets; and

13 (iii) Qualified census tract means a qualified census tract as
14 defined in 26 U.S.C. 42(d)(5)(B)(ii)(I), as such section existed on
15 January 1, 2024.

16 Sec. 46. Section 77-202.01, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 77-202.01 (1) Any organization or society seeking a tax exemption
19 provided in subdivisions (1)(c) and (d) of section 77-202 for any real or
20 tangible personal property, except real property used for cemetery
21 purposes, shall apply for exemption to the county assessor on or before
22 December 31 of the year preceding the year for which the exemption is
23 sought on forms prescribed by the Tax Commissioner. Applications that
24 lack an estimated valuation, or any other required information, shall
25 result in the denial of the requested exemption. The county assessor
26 shall examine the application and recommend either taxable or exempt for
27 the real property or tangible personal property to the county board of
28 equalization on or before March 1 following. For applications involving
29 property described in subdivision (1)(d)(iii) or (iv) of section 77-202,
30 the county assessor shall also calculate the exemption amount for the
31 property and shall submit such calculation to the county board of

1 equalization along with his or her recommendations. Notice that a list of
2 the applications from organizations seeking tax exemption, descriptions
3 of the property, and recommendations of the county assessor are available
4 in the county assessor's office shall be published in a newspaper of
5 general circulation in the county at least ten days prior to
6 consideration of any application by the county board of equalization.

7 (2) Any organization or society which fails to file an exemption
8 application on or before December 31 may apply on or before June 30 to
9 the county assessor. The organization or society shall also file in
10 writing a request with the county board of equalization for a waiver so
11 that the county assessor may consider the application for exemption. The
12 county board of equalization shall grant the waiver upon a finding that
13 good cause exists for the failure to make application on or before
14 December 31. When the waiver is granted, the county assessor shall
15 examine the application and recommend either taxable or exempt for the
16 real property or tangible personal property to the county board of
17 equalization, shall calculate the exemption amount for any property
18 described in subdivision (1)(d)(iii) or (iv) of section 77-202, and shall
19 assess a penalty against the property of ten percent of the tax that
20 would have been assessed had the waiver been denied or one hundred
21 dollars, whichever is less, for each calendar month or fraction thereof
22 for which the filing of the exemption application missed the December 31
23 deadline. The penalty shall be collected and distributed in the same
24 manner as a tax on the property and interest shall be assessed at the
25 rate specified in section 45-104.01, as such rate may from time to time
26 be adjusted by the Legislature, from the date the tax would have been
27 delinquent until paid. The penalty shall also become a lien in the same
28 manner as a tax pursuant to section 77-203.

29 Sec. 47. Section 77-202.03, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 77-202.03 (1) Except as provided in section 77-202.10 and subsection

1 (2) of this section, a A properly granted exemption of real or tangible
2 personal property, ~~except real property used for cemetery purposes,~~
3 provided for in subdivisions (1)(c) and (d) of section 77-202 shall
4 continue for a period of four years if the statement of reaffirmation of
5 exemption required by subsection (3) ~~(2)~~ of this section is filed when
6 due. The four-year period shall begin with years evenly divisible by
7 four.

8 (2) An owner of property which has been granted an exemption under
9 subdivision (1)(d)(iii) or (iv) of section 77-202 shall be required to
10 reapply for the exemption each year so that the exemption amount for the
11 year can be recalculated.

12 (3) ~~(2)~~ In each intervening year occurring between application
13 years, the organization or society which filed the granted exemption
14 application for the real or tangible personal property, except real
15 property used for cemetery purposes and real property described in
16 subdivision (1)(d)(iii) or (iv) of section 77-202, shall file a statement
17 of reaffirmation of exemption with the county assessor on or before
18 December 31 of the year preceding the year for which the exemption is
19 sought, on forms prescribed by the Tax Commissioner, certifying that the
20 ownership and use of the exempted property has not changed during the
21 year. Any organization or society which misses the December 31 deadline
22 for filing the statement of reaffirmation of exemption may file the
23 statement of reaffirmation of exemption by June 30. Such filing shall
24 maintain the tax-exempt status of the property without further action by
25 the county and regardless of any previous action by the county board of
26 equalization to deny the exemption due to late filing of the statement of
27 reaffirmation of exemption. Upon any such late filing, the county
28 assessor shall assess a penalty against the property of ten percent of
29 the tax that would have been assessed had the statement of reaffirmation
30 of exemption not been filed or one hundred dollars, whichever is less,
31 for each calendar month or fraction thereof for which the filing of the

1 statement of reaffirmation of exemption is late. The penalty shall be
2 collected and distributed in the same manner as a tax on the property and
3 interest shall be assessed at the rate specified in section 45-104.01, as
4 such rate may from time to time be adjusted by the Legislature, from the
5 date the tax would have been delinquent until paid. The penalty shall
6 also become a lien in the same manner as a tax pursuant to section
7 77-203.

8 (4)(a) ~~(3)(a)~~ If any organization or society seeks a tax exemption
9 for any real or tangible personal property acquired on or after January 1
10 of any year or converted to exempt use on or after January 1 of any year,
11 the organization or society shall make application for exemption on or
12 before July 1 of that year as provided in subsection (1) of section
13 77-202.01. The procedure for reviewing the application shall be as in
14 sections 77-202.01 to 77-202.05, except that the exempt use shall be
15 determined as of the date of application and the review by the county
16 board of equalization shall be completed by August 15.

17 (b) If an organization as described in subdivision (1)(c) or (d) of
18 section 77-202 purchases, between July 1 and the levy date, property that
19 has been granted tax exemption and the property continues to be qualified
20 for a property tax exemption, the purchaser shall on or before November
21 15 make application for exemption as provided in section 77-202.01. The
22 procedure for reviewing the application shall be as in sections 77-202.01
23 to 77-202.05, and the review by the county board of equalization shall be
24 completed by December 15.

25 (5) ~~(4)~~ In any year, the county assessor or the county board of
26 equalization may cause a review of any exemption to determine whether the
27 exemption is proper. Such a review may be taken even if the ownership or
28 use of the property has not changed from the date of the allowance of the
29 exemption. If it is determined that a change in an exemption is
30 warranted, the procedure for hearing set out in section 77-202.02 shall
31 be followed, except that the published notice shall state that the list

1 provided in the county assessor's office only includes those properties
2 being reviewed. If an exemption is denied, the county board of
3 equalization shall place the property on the tax rolls retroactive to
4 January 1 of that year if on the date of the decision of the county board
5 of equalization the property no longer qualifies for an exemption.

6 The county board of equalization shall give notice of the assessed
7 value of the real property in the same manner as outlined in section
8 77-1507, and the procedures for filing a protest shall be the same as
9 those in section 77-1502.

10 When personal property which was exempt becomes taxable because of
11 lost exemption status, the owner or his or her agent has thirty days
12 after the date of denial to file a personal property return with the
13 county assessor. Upon the expiration of the thirty days for filing a
14 personal property return pursuant to this subsection, the county assessor
15 shall proceed to list and value the personal property and apply the
16 penalty pursuant to section 77-1233.04.

17 (6) ~~(5)~~ During the month of September of each year, the county board
18 of equalization shall cause to be published in a paper of general
19 circulation in the county a list of all real estate in the county exempt
20 from taxation for that year pursuant to subdivisions (1)(c) and (d) of
21 section 77-202. Such list shall be grouped into categories as provided by
22 the Property Tax Administrator. An electronic copy of the list of real
23 property exemptions and a copy of the proof of publication shall be
24 forwarded to the Property Tax Administrator on or before November 1 of
25 each year.

26 Sec. 48. Section 77-1333, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 77-1333 (1) For purposes of this section, rent-restricted housing
29 project means a project consisting of five or more houses or residential
30 units that has received an allocation of federal low-income housing tax
31 credits under section 42 of the Internal Revenue Code from the Nebraska

1 Investment Finance Authority or its successor agency and, for the year of
2 assessment, is a project as defined in section 58-219 involving rental
3 housing as defined in section 58-220.

4 (2) The Legislature finds that:

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

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

11 (c) Such projects are restricted by federal law as to the rents paid
12 by the tenants thereof. Such restrictions are set forth in a land use
13 restriction agreement, which is a restriction applicable to real property
14 under section 77-112;

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

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

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

1 shall comply with professionally accepted mass appraisal techniques.

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

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

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

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

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

21 (5) The owner of a rent-restricted housing project shall file a
22 statement electronically on a form prescribed by the Tax Commissioner
23 with the Rent-Restricted Housing Projects Valuation Committee on or
24 before July 1 of each year that includes (a) details actual income and
25 actual expense data for the prior year or, in the case of an initial
26 statement filed for any project under this subsection, the estimated
27 income and expenses for the first year of operation taken from the
28 application for an allocation of tax credits or private activity bonds,
29 (b) a description of any land-use restrictions, (c) a description of the
30 terms of any mortgage loans, including loan amount, interest rate, and
31 amortization period, and (d) such other information as the committee or

1 the county assessor may require for purposes of this section. The
2 Department of Revenue, on behalf of the committee, shall forward such
3 statements on or before August 15 of each year to the county assessor of
4 each county in which a rent-restricted housing project is located.

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

29 (7) After the Rent-Restricted Housing Projects Valuation Committee
30 has calculated the capitalization rate or rates under subsection (6) of
31 this section, the committee shall provide such rate or rates and the

1 information reviewed by the committee in calculating such rate or rates
2 in an annual report. Such report shall be forwarded by the Property Tax
3 Administrator to each county assessor in Nebraska no later than December
4 1 of each year for his or her use in determining the valuation of rent-
5 restricted housing projects. The Department of Revenue shall publish the
6 annual report electronically but may charge a fee for paper copies. The
7 Tax Commissioner shall set the fee based on the reasonable cost of
8 producing the report.

9 (8) Except as provided in subsections (9) through (11) of this
10 section, each county assessor shall use the capitalization rate or rates
11 contained in the report received under subsection (7) of this section and
12 the ~~actual~~ income and ~~actual~~ expense data filed by owners of rent-
13 restricted housing projects under subdivision (5)(a) ~~subsection (5)~~ of
14 this section in the county assessor's income-approach calculation for the
15 year. The county assessor shall then use the calculated amount, along
16 with the calculated amounts from the prior two years, to determine a
17 three-year average. Such three-year average shall be the valuation placed
18 on the rent-restricted housing project for the current year. If only two
19 calculated amounts are available, the county assessor shall determine a
20 two-year average, and such two-year average shall be the valuation placed
21 on the rent-restricted housing project for the current year. If only one
22 calculated amount is available, such calculated amount shall be the
23 valuation placed on the rent-restricted housing project for the current
24 year. Any low-income housing tax credits authorized under section 42 of
25 the Internal Revenue Code that were granted to owners of the project
26 shall not be considered income for purposes of the calculation.

27 (9) If the ~~actual~~ income and ~~actual~~ expense data required to be
28 filed for a rent-restricted housing project under subdivision (5)(a)
29 ~~subsection (5)~~ of this section is not filed in a timely manner, the
30 county assessor may use any method for determining actual value for such
31 rent-restricted housing project that is consistent with professionally

1 accepted mass appraisal methods described in section 77-112, so long as
2 such method values the property as a rent-restricted housing project.

3 (10) If a county assessor, based on the facts and circumstances,
4 believes that the income-approach calculation does not result in a
5 valuation of a specific rent-restricted housing project at its actual
6 value as a rent-restricted housing project, then the county assessor
7 shall present such facts and circumstances to the county board of
8 equalization. If the county board of equalization, based on such facts
9 and circumstances, concurs with the county assessor, then the county
10 board of equalization shall petition the Tax Equalization and Review
11 Commission to consider the county assessor's utilization of another
12 professionally accepted mass appraisal technique that, based on the facts
13 and circumstances presented by a county board of equalization, would
14 result in a substantially different determination of actual value of the
15 rent-restricted housing project. Petitions must be filed no later than
16 January 31. The burden of proof is on the petitioning county board of
17 equalization to show that failure to make a determination that a
18 different methodology should be used would result in a value for such
19 rent-restricted housing project that is not equitable and in accordance
20 with the law. At the hearing, the commission may receive testimony from
21 any interested person. After a hearing, the commission shall, within the
22 powers granted in section 77-5007, enter its order based on evidence
23 presented to it at such hearing.

24 (11) If the Tax Commissioner, based on the facts and circumstances,
25 believes that the applicable capitalization rate set by the Rent-
26 Restricted Housing Projects Valuation Committee to value a rent-
27 restricted housing project does not result in a valuation at actual value
28 for such rent-restricted housing project, then the Tax Commissioner shall
29 petition the Tax Equalization and Review Commission to consider an
30 adjustment to the capitalization rate of such rent-restricted housing
31 project. Petitions must be filed no later than January 31. The burden of

1 proof is on the Tax Commissioner to show that failure to make an
2 adjustment to the capitalization rate employed would result in a value
3 that is not equal to the rent-restricted housing project's actual value
4 as a rent-restricted housing project. At the hearing, the commission may
5 receive testimony from any interested person. After a hearing, the
6 commission shall, within the powers granted in section 77-5007, enter its
7 order based on evidence presented to it at such hearing.

8 Sec. 49. (1) The Legislature finds that:

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

13 (b) Sales-restricted houses effectively provide safe, decent, and
14 affordable housing to residents of Nebraska;

15 (c) Sales-restricted houses are restricted by tools such as deed
16 restrictions, covenants, land lease agreements, and other similar
17 recorded instruments that establish a period of affordability for low-
18 income persons; and

19 (d) These restrictions alter the value of the property by limiting
20 an owner's ability to sell the property.

21 (2) For purposes of this section:

22 (a) Charitable nonprofit housing organization means a charitable
23 nonprofit organization whose primary purpose is the construction or
24 renovation of residential housing for conveyance to low-income persons;

25 (b) Low-income person means a person with a household income of not
26 more than one hundred twenty percent of the area median income, as
27 determined by the United States Department of Housing and Urban
28 Development;

29 (c) Primary residence means the home or place in which an
30 individual's habitation is fixed and to which the individual has a
31 present intention of returning after an absence therefrom, regardless of

1 the duration of the absence; and

2 (d) Sales-restricted house means a residential single-family
3 property that is subject to restrictions, created pursuant to a deed
4 restriction, covenant, land lease agreement, or other similar recorded
5 instrument, that:

6 (i) Limit the ability of the owner to sell the property in an arm's
7 length transaction;

8 (ii) Are attached to the property for a minimum period of twenty
9 years;

10 (iii) Require the property to be the primary residence of an owner
11 of the property;

12 (iv) Restrict the owner from selling the property to any buyer who
13 is not a low-income person or a charitable nonprofit housing
14 organization; and

15 (v) Were placed on the property by a charitable nonprofit housing
16 organization upon such organization's conveyance of the property to a
17 low-income person.

18 (3) Any organization or individual that owns a sales-restricted
19 house may file an application with the county assessor of the county in
20 which the sales-restricted house is located for a property valuation
21 under this section. Application shall be made on a form prescribed by the
22 Tax Commissioner. The application shall include (a) information
23 describing the location of the sales-restricted house and (b) details on
24 the sales restriction.

25 (4) Upon receipt of the application, the county assessor shall
26 determine:

27 (a) The value of the sales-restricted house at its unrestricted
28 appraised value; and

29 (b) The maximum sales price allowed for the sales-restricted house
30 under the applicable restrictions.

31 (5) The county assessor shall use the lesser of the two values

1 described in subsection (4) of this section for purposes of determining
2 the value of the property under section 77-201.

3 Sec. 50. Section 77-1359, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-1359 The Legislature finds and declares that agricultural land
6 and horticultural land shall be a separate and distinct class of real
7 property for purposes of assessment. The assessed value of agricultural
8 land and horticultural land shall not be uniform and proportionate with
9 all other real property, but the assessed value shall be uniform and
10 proportionate within the class of agricultural land and horticultural
11 land.

12 For purposes of this section and section 77-1363:

13 (1)(a) ~~(1)~~ Agricultural land and horticultural land means a parcel
14 of land, excluding land associated with a building or enclosed structure
15 located on the parcel, which is primarily used for agricultural or
16 horticultural purposes, including wasteland lying in or adjacent to and
17 in common ownership or management with other agricultural land and
18 horticultural land. ÷

19 (b) Agricultural land and horticultural land does not include land
20 used for commercial purposes that are not agricultural or horticultural
21 purposes, such as land used for a solar farm or wind farm;

22 (2)(a) Agricultural or horticultural purposes means used for the
23 commercial production of any plant or animal product in a raw or
24 unprocessed state that is derived from the science and art of
25 agriculture, aquaculture, or horticulture. ÷

26 (b) Agricultural or horticultural purposes includes the following
27 uses of land:

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

1 horticultural purposes; and

2 (ii) Land enrolled in a federal or state program in which payments
3 are received for removing such land from agricultural or horticultural
4 production. ~~and~~

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

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

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

18 Sec. 51. Section 77-2701, Revised Statutes Supplement, 2023, is
19 amended to read:

20 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,
21 77-27,236, and 77-27,238 to 77-27,241 and section 53 of this act shall be
22 known and may be cited as the Nebraska Revenue Act of 1967.

23 Sec. 52. Section 77-2701.04, Revised Statutes Supplement, 2023, is
24 amended to read:

25 77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and
26 77-27,239 and section 53 of this act, unless the context otherwise
27 requires, the definitions found in sections 77-2701.05 to 77-2701.56
28 shall be used.

29 Sec. 53. Sales and use taxes shall not be imposed on the gross
30 receipts from the sale, use, or other consumption in this state of
31 electric energy when stored, used, or consumed by a motor vehicle and the

1 electricity was subject to the excise tax imposed in subsection (2) of
2 section 66-4,105.

3 Sec. 54. Section 77-2716, Revised Statutes Supplement, 2023, is
4 amended to read:

5 77-2716 (1) The following adjustments to federal adjusted gross
6 income or, for corporations and fiduciaries, federal taxable income shall
7 be made for interest or dividends received:

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

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

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

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

30 (d) There shall be added that portion of the total dividends and
31 other income received from a regulated investment company which is

1 attributable to obligations described in subdivision (c) of this
2 subsection and excluded for federal income tax purposes as reported to
3 the recipient by the regulated investment company; and

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

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

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

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

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

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

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

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

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

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

31 (7) Federal adjusted gross income shall be modified to exclude any

1 amount repaid by the taxpayer for which a reduction in federal tax is
2 allowed under section 1341(a)(5) of the Internal Revenue Code.

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

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

26 (c) For taxable years beginning or deemed to begin on or after
27 January 1, 2021, under the Internal Revenue Code of 1986, as amended,
28 federal adjusted gross income shall be reduced, to the extent included in
29 the adjusted gross income of an individual, by the amount of any
30 contribution made by the individual's employer into an account under the
31 Nebraska educational savings plan trust owned by the individual, not to

1 exceed five thousand dollars per married filing separate return or ten
2 thousand dollars for any other return.

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

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

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

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

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

30 (c) For a corporation with a unitary business having activity both
31 inside and outside the state, the increase shall be apportioned to

1 Nebraska in the same manner as income is apportioned to the state by
2 section 77-2734.05.

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

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

31 (11)(a) For taxable years beginning or deemed to begin before

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

8 (b) For taxable years beginning or deemed to begin before January 1,
9 2018, under the Internal Revenue Code of 1986, as amended, federal
10 adjusted gross income shall be increased by the withdrawals made as a
11 participant in the Nebraska long-term care savings plan under the act by
12 a person who is not a qualified individual or for any reason other than
13 transfer of funds to a spouse, long-term care expenses, long-term care
14 insurance premiums, or death of the participant, including withdrawals
15 made by reason of cancellation of the participation agreement, to the
16 extent previously deducted as a contribution or as investment earnings.

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

21 (13)(a) For taxable years beginning or deemed to begin on or after
22 January 1, 2015, and before January 1, 2024, under the Internal Revenue
23 Code of 1986, as amended, federal adjusted gross income shall be reduced
24 by the amount received as benefits under the federal Social Security Act
25 which are included in the federal adjusted gross income if:

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

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

30 (b) For taxable years beginning or deemed to begin on or after
31 January 1, 2020, and before January 1, 2024, under the Internal Revenue

1 Code of 1986, as amended, the Tax Commissioner shall adjust the dollar
2 amounts provided in subdivisions (13)(a)(i) and (ii) of this section by
3 the same percentage used to adjust individual income tax brackets under
4 subsection (3) of section 77-2715.03.

5 (c) For taxable years beginning or deemed to begin on or after
6 January 1, 2021, and before January 1, 2024, under the Internal Revenue
7 Code of 1986, as amended, a taxpayer may claim the reduction to federal
8 adjusted gross income allowed under this subsection or the reduction to
9 federal adjusted gross income allowed under subsection (14) of this
10 section, whichever provides the greater reduction.

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

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

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

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

25 (iv) One hundred percent for taxable years beginning or deemed to
26 begin on or after January 1, 2024, under the Internal Revenue Code of
27 1986, as amended.

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

30 (c) For taxable years beginning or deemed to begin on or after
31 January 1, 2021, and before January 1, 2024, under the Internal Revenue

1 Code of 1986, as amended, a taxpayer may claim the reduction to federal
2 adjusted gross income allowed under this subsection or the reduction to
3 federal adjusted gross income allowed under subsection (13) of this
4 section, whichever provides the greater reduction.

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

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

22 (c) For purposes of this subsection, military retirement benefit
23 means retirement benefits that are periodic payments attributable to
24 service in the uniformed services of the United States for personal
25 services performed by an individual prior to his or her retirement. The
26 term includes retirement benefits described in this subdivision that are
27 reported to the individual on either:

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

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

1 (16) 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 (17) 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 (18) There shall be subtracted from the federal adjusted gross
13 income of individuals any amount received by the individual as student
14 loan repayment assistance under the Teach in Nebraska Today Act, to the
15 extent such amount is included in federal adjusted gross income.

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

25 (20) For taxable years beginning or deemed to begin on or after
26 January 1, 2024, under the Internal Revenue Code of 1986, as amended, an
27 individual may reduce his or her federal adjusted gross income by the
28 amounts received as annuities under ~~the Federal Employees Retirement~~
29 ~~System~~ or the Civil Service Retirement System which were earned for being
30 employed by the federal government, to the extent such amounts are
31 included in federal adjusted gross income.

1 Sec. 55. Section 77-4405, Revised Statutes Supplement, 2023, is
2 amended to read:

3 77-4405 (1) If the department finds that the project described in
4 the application meets the eligibility requirements of this section, the
5 application shall be approved.

6 (2) A project is eligible if:

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

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

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

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

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

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

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

23 (ii) Five hundred new jobs if the project will be located in a city
24 of the primary class;

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

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

31 (c)(i) For a project that will be located in a county with a

1 population of one hundred thousand inhabitants or more, the applicant
2 demonstrates that, upon completion of the project, at least twenty
3 percent of sales at the project will be made to persons residing outside
4 the State of Nebraska or the project will generate a minimum of six
5 hundred thousand visitors per year who reside outside the State of
6 Nebraska and the project will attract new-to-market retail to the state
7 and will generate a minimum of three million visitors per year; or

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

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

17 (4) A project is not eligible if the project includes a licensed
18 racetrack enclosure or an authorized gaming operator as such terms are
19 defined in section 9-1103, except that this subsection shall not apply to
20 infrastructure or facilities that are (a) publicly owned or (b) used by
21 or at the direction of the Nebraska State Fair Board, so long as no
22 gaming devices or games of chance are expected to be operated by an
23 authorized gaming operator within any such facilities.

24 (5) Approval of an application under this section shall establish
25 the good life district as that area depicted in the map accompanying the
26 application as submitted pursuant to subdivision (1)(b) of section
27 77-4404. Such district shall last for thirty ~~twenty-five~~ years and shall
28 not exceed two thousand acres in size if in a city of the metropolitan
29 class or three thousand acres in size if in any other class of city or
30 village.

31 (6) Upon establishment of a good life district under this section,

1 any transactions occurring within the district shall be subject to a
2 reduced sales tax rate as provided in section 77-2701.02.

3 (7) After establishment of a good life district pursuant to this
4 section, an applicant may adjust the boundaries of the district by filing
5 an amended map with the department. The department shall approve the new
6 boundaries if the applicant provides information which (a) shows that no
7 area being removed from the district is generating material revenue that
8 has been pledged for payment of bonds issued pursuant to the Good Life
9 District Economic Development Act and (b) for any area being added to the
10 district, describes the visitation expectations and how the jobs and
11 taxes obtained from the new area will contribute to the good life
12 district and the economic development of the state and region. Nothing in
13 this subsection shall give the department the authority to revoke or
14 reduce the size of any existing good life district which has been
15 previously established pursuant to this section.

16 (8) After establishment of a good life district pursuant to this
17 section and after any modification is made to the boundaries of a good
18 life district pursuant to this section, the department shall transmit to
19 any city or village which includes such good life district within its
20 boundaries or within its extraterritorial zoning jurisdiction (a) all
21 information held by the department related to the application and
22 approval of the application, (b) all documentation which describes the
23 property included within the good life district, and (c) all
24 documentation transmitted to the applicant for such good life district
25 with approval of the application and establishment of the good life
26 district. Such city or village shall be subject to the same
27 confidentiality restrictions as provided in subsection (3) of section
28 77-4404.

29 Sec. 56. Section 77-5005, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 77-5005 (1) Within ten days after appointment, the commissioners

1 shall meet at their office in Lincoln, Nebraska, and enter upon the
2 duties of their office.

3 (2) A majority of the commission shall ~~at all times~~ constitute a
4 quorum to transact business, and one vacancy shall not impair the right
5 of the remaining commissioners to exercise all the powers of the
6 commission, except that two commissioners shall constitute a quorum to
7 hear and determine any appeals or petitions.

8 (3) Any investigation, inquiry, or hearing held or undertaken by the
9 commission may be held or undertaken by a single commissioner in those
10 appeals designated for hearing pursuant to section 77-5015.02.

11 (4) All investigations, inquiries, hearings, and decisions of a
12 single commissioner and every order made by a single commissioner shall
13 be deemed to be the order of the commission, except as provided in
14 subsection (6) of section 77-5015.02. The full commission, on an
15 application made within thirty days after the date of an order, may grant
16 a rehearing and determine de novo any decisions of or orders made by the
17 commission. The commission, on an application made within thirty days
18 after the date of an order issued after a hearing by a single
19 commissioner, except for an order dismissing an appeal or petition for
20 failure of the appellant or petitioner to appear at a hearing on the
21 merits, shall grant a rehearing on the merits before the commission. The
22 thirty-day filing period for appeals under subsection (2) of section
23 77-5019 shall be tolled while a motion for rehearing is pending.

24 (5) All hearings or proceedings of the commission shall be open to
25 the public.

26 (6) The Open Meetings Act applies only to hearings or proceedings of
27 the commission held pursuant to the rulemaking authority of the
28 commission.

29 Sec. 57. Section 77-5017, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 77-5017 (1) In resolving an appeal or petition, the commission may

1 make such orders as are appropriate for resolving the dispute but in no
2 case shall the relief be excessive compared to the problems addressed.
3 The commission may make prospective orders requiring changes in
4 assessment practices which will improve assessment practices or affect
5 the general level of assessment or the measures of central tendency in a
6 positive way. If no other relief is adequate to resolve disputes, the
7 commission may order a reappraisal of property within a county, an area
8 within a county, or classes or subclasses of property within a county.

9 (2) In an appeal specified in subdivision (10) or (11) of section
10 77-5016 for which the commission determines exempt property to be
11 taxable, the commission shall order the county board of equalization to
12 determine the taxable value of the property, unless the parties stipulate
13 to such taxable value during the hearing before the commission. The order
14 shall require the county board of equalization to determine the taxable
15 value of the property pursuant to section 77-1507, send notice of the
16 taxable value pursuant to section 77-1507 within ninety days after the
17 date the commission's order is certified pursuant to section 77-5018, and
18 apply interest at the rate specified in section 45-104.01, but not
19 penalty, to the taxable value beginning thirty days after ~~as of~~ the date
20 the commission's order was issued or the date the taxes were delinquent,
21 whichever is later.

22 (3) A determination of the taxable value of the property made by the
23 county board of equalization pursuant to subsection (2) of this section
24 may be appealed to the commission within thirty days after the board's
25 decision as provided in section 77-1507.

26 Sec. 58. Section 77-5018, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 77-5018 (1) The commission may issue decisions and orders which are
29 supported by the evidence and appropriate for resolving the matters in
30 dispute. Every final decision and order adverse to a party to the
31 proceeding, rendered by the commission in a case appealed to the

1 commission, shall be in writing or stated in the record and shall be
2 accompanied by findings of fact and conclusions of law. The findings of
3 fact shall consist of a concise statement of the conclusions upon each
4 contested issue of fact. Parties to the proceeding shall be notified of
5 the decision and order in person or by mail. A copy of the decision and
6 order shall be delivered or mailed to each party or his or her attorney
7 of record. Within seven days of issuing a decision and order, the
8 commission shall electronically publish such decision and order on a
9 website maintained by the commission that is accessible to the general
10 public. The full text of final decisions and orders shall be published on
11 the website, except that final decisions and orders that are entered (a)
12 on a dismissal by the appellant or petitioner, (b) on a default order
13 when the appellant or petitioner failed to appear, (c) by agreement of
14 the parties, or (d) by a single commissioner pursuant to section
15 77-5015.02 may be published on the website in a summary manner
16 identifying the parties, the case number, and the basis for the final
17 decision and order. Any decision rendered by the commission shall be
18 certified to the county treasurer and to the officer charged with the
19 duty of preparing the tax list, and if and when such decision becomes
20 final, such officers shall correct their records accordingly and the tax
21 list pursuant to section 77-1613.02. If the final decision results in
22 taxes due in excess of the original amount and interest at the rate
23 specified in section 45-104.01 is applied, the interest shall not begin
24 to accrue until thirty days after the decision is certified to the county
25 treasurer.

26 (2) The commission may, on its own motion, modify or change its
27 findings or orders, at any time before an appeal and within ten days
28 after the date of such findings or orders, for the purpose of correcting
29 any ambiguity, clerical error, or patent or obvious error. The time for
30 appeal shall not be lengthened because of the correction unless the
31 correction substantially changes the findings or order.

1 (3) The Tax Commissioner or the Property Tax Administrator shall
2 have thirty days after a final decision of the commission to appeal the
3 commission's decision pursuant to section 77-5019.

4 Sec. 59. Section 77-5601, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 77-5601 (1) From August 1, 2004, through October 31, 2004, there
7 shall be conducted a tax amnesty program with regard to taxes due and
8 owing that have not been reported to the Department of Revenue. Any
9 person applying for tax amnesty shall pay all unreported taxes that were
10 due on or before April 1, 2004. Any person that applies for tax amnesty
11 and is accepted by the Tax Commissioner shall have any penalties and
12 interest waived on unreported and delinquent taxes notwithstanding any
13 other provisions of law to the contrary.

14 (2) To be eligible for the tax amnesty provided by this section, the
15 person shall apply for amnesty within the amnesty period, file a return
16 for each taxable period for which the amnesty is requested by December
17 31, 2004, if no return has been filed, and pay in full all taxes for
18 which amnesty is sought with the return or within thirty days after the
19 application if a return was filed prior to the amnesty period. Tax
20 amnesty shall not be available for any person that is under civil or
21 criminal audit, investigation, or prosecution for unreported or
22 delinquent taxes by this state or the United States Government on or
23 before April 16, 2004.

24 (3) The department shall not seek civil or criminal prosecution
25 against any person for any taxable period for which amnesty has been
26 granted. The Tax Commissioner shall develop forms for applying for the
27 tax amnesty program, develop procedures for qualification for tax
28 amnesty, and conduct a public awareness campaign publicizing the program.

29 (4) If a person elects to participate in the amnesty program, the
30 election shall constitute an express and irrevocable relinquishment of
31 all administrative and judicial rights to challenge the imposition of the

1 tax or its amount. Nothing in this section shall prohibit the department
2 from adjusting a return as a result of any state or federal audit.

3 (5)(a) Except for any local option sales tax collected and returned
4 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
5 and compressed fuel taxes, which shall be deposited in the Highway Trust
6 Fund or Highway Allocation Fund as provided by law, no less than eighty
7 percent of all revenue received pursuant to the tax amnesty program shall
8 be deposited in the General Fund and ten percent, not to exceed five
9 hundred thousand dollars, shall be deposited in the Department of Revenue
10 Enforcement Fund. Any amount that would otherwise be deposited in the
11 Department of Revenue Enforcement Fund that is in excess of the five-
12 hundred-thousand-dollar limitation shall be deposited in the General
13 Fund.

14 (b) For fiscal year 2005-06, all proceeds in the Department of
15 Revenue Enforcement Fund shall be appropriated to the department for
16 purposes of employing investigators, agents, and auditors and otherwise
17 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.

18 (c) For fiscal years after fiscal year 2005-06, twenty percent of
19 all proceeds received during the previous calendar year due to the
20 efforts of auditors and investigators hired pursuant to subdivision (5)
21 (b) of this section, not to exceed seven hundred fifty thousand dollars,
22 shall be deposited in the Department of Revenue Enforcement Fund for
23 purposes of employing investigators and auditors or continuing such
24 employment for purposes of increasing enforcement of the act.

25 (d) Ten percent of all proceeds received during each calendar year
26 due to the contracts entered into pursuant to section 77-367 shall be
27 deposited in the Department of Revenue Enforcement Fund for purposes of
28 identifying nonfilers of returns, underreporters, nonpayers of taxes, and
29 improper or fraudulent payments.

30 (6)(a) The department shall prepare a report by April 1, 2005, and
31 by February 1 of each year thereafter detailing the results of the tax

1 amnesty program and the subsequent enforcement efforts. For the report
2 due April 1, 2005, the report shall include (i) the amount of revenue
3 obtained as a result of the tax amnesty program broken down by tax
4 program, (ii) the amount obtained from instate taxpayers and from out-of-
5 state taxpayers, and (iii) the amount obtained from individual taxpayers
6 and from business enterprises.

7 (b) For reports due in subsequent years, the report shall include
8 (i) the number of personnel hired for purposes of subdivision (5)(b) of
9 this section and their duties, (ii) a description of lists, software,
10 programming, computer equipment, and other technological methods acquired
11 and the purposes of each, and (iii) the amount of new revenue obtained as
12 a result of the new personnel and acquisitions during the prior calendar
13 year, broken down into the same categories as described in subdivision
14 (6)(a) of this section.

15 (7) The Department of Revenue Enforcement Fund is created. Transfers
16 may be made from the Department of Revenue Enforcement Fund to the
17 General Fund at the direction of the Legislature. The Department of
18 Revenue Enforcement Fund may receive transfers from the Civic and
19 Community Center Financing Fund at the direction of the Legislature for
20 the purpose of administering the Sports Arena Facility Financing
21 Assistance Act. The Department of Revenue Enforcement Fund shall include
22 any money credited to the fund (a) under section 77-2703, and such money
23 shall be used by the Department of Revenue to defray the costs incurred
24 to implement Laws 2019, LB237, (b) under the Mechanical Amusement Device
25 Tax Act, and such money shall be used by the department to defray the
26 costs incurred to implement and enforce Laws 2019, LB538, and any rules
27 and regulations adopted and promulgated to carry out Laws 2019, LB538,
28 ~~and~~ (c) under section 77-2906, and such money shall be used by the
29 Department of Revenue to defray the costs incurred to implement Laws
30 2020, LB310, and (d) under section 28 of this act. Any money in the
31 Department of Revenue Enforcement Fund available for investment shall be

1 invested by the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act.

3 (8) For purposes of this section, taxes mean any taxes collected by
4 the department, including, but not limited to state and local sales and
5 use taxes, individual and corporate income taxes, financial institutions
6 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
7 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

8 Sec. 60. Section 85-2601, Revised Statutes Supplement, 2023, is
9 amended to read:

10 85-2601 Sections 85-2601 to 85-2606 and sections 65 and 66 of this
11 act shall be known and may be cited as the First Responder Recruitment
12 and Retention Act.

13 Sec. 61. Section 85-2602, Revised Statutes Supplement, 2023, is
14 amended to read:

15 85-2602 For purposes of the First Responder Recruitment and
16 Retention Act:

17 (1) Associate degree program means a degree program at a community
18 college, state college, or state university which typically requires
19 completion of an organized program of study of at least sixty semester
20 credit hours or an equivalent that can be shown to accomplish the same
21 goal. Associate degree program does not include a baccalaureate degree
22 program;

23 (2) Baccalaureate degree program means a degree program at a
24 community college, state college, or state university which typically
25 requires completion of an organized program of study of at least one
26 hundred twenty semester credit hours or an equivalent that can be shown
27 to accomplish the same goal;

28 (3) Community college means a public postsecondary educational
29 institution which is part of the community college system and includes
30 all branches and campuses of such institution located within the State of
31 Nebraska;

1 (4) ~~Law enforcement officer means any individual who is a law~~
2 ~~enforcement officer as defined in section 81-1401; means any person who~~
3 ~~is responsible for the prevention or detection of crime or the~~
4 ~~enforcement of the penal, traffic, or highway laws of the State of~~
5 ~~Nebraska or any political subdivision of the state for more than one~~
6 ~~hundred hours per year and who is authorized by law to make arrests;~~

7 (5) Legal dependent has the same meaning as it is used for purposes
8 of the Free Application for Federal Student Aid;

9 (6) Line of duty means any action that a law enforcement officer or
10 professional firefighter is authorized or obligated by law, rule, or
11 regulation to perform, related to or as a condition of employment or
12 service;

13 ~~(5) Law enforcement agency means a police department in a~~
14 ~~municipality, a sheriff's office, and the Nebraska State Patrol;~~

15 (7) ~~(6)~~ Professional firefighter means an individual who is a
16 firefighter or firefighter-paramedic as a full-time career and who is a
17 member of a paid fire department of any of the following entities within
18 Nebraska:

19 (a) A a municipality or a rural or suburban fire protection district
20 in this state, including a municipality having a home rule charter or a
21 municipal authority created pursuant to a home rule charter that has its
22 own paid fire department; 7

23 (b) A rural or suburban fire protection district; or and for whom
24 firefighting is a full-time career;

25 (c) A fire service providing fire protection to state military
26 installations;

27 (8) ~~(7)~~ State college means a public postsecondary educational
28 institution which is part of the Nebraska state college system and
29 includes all branches and campuses of such institution located within the
30 State of Nebraska;

31 (9) ~~(8)~~ State university means a public postsecondary educational

1 institution which is part of the University of Nebraska and includes all
2 branches and campuses of such institution located within the State of
3 Nebraska; and

4 (10) ~~(9)~~ Tuition means the charges and cost of tuition as set by the
5 governing body of a state university, state college, or community
6 college.

7 Sec. 62. Section 85-2603, Revised Statutes Supplement, 2023, is
8 amended to read:

9 85-2603 (1)(a) ~~(1)~~ A law enforcement officer shall be entitled to a
10 waiver of one hundred percent of the resident tuition charges of any
11 state university, state college, or community college if the officer:

12 ~~(a) Maintains satisfactory performance with his or her law~~
13 ~~enforcement agency;~~

14 (i) Possesses a law enforcement officer certificate under sections
15 81-1401 to 81-1414.19 which is not in a suspended or locked status;

16 (ii) Is not identified in a formal complaint before the Nebraska
17 Police Standards Advisory Council for an allegation of misconduct or
18 violation of the officer's code of ethics;

19 (iii) ~~(b)~~ Meets all admission requirements of the state university,
20 state college, or community college;

21 (iv) ~~(c)~~ Pursues studies leading to a degree that relates to a
22 career in law enforcement from an associate degree program or a
23 baccalaureate degree program; ~~and~~

24 (v) Submits the certificate of verification required by subsection
25 (4) of this section; and

26 (vi) Files ~~(d) For an officer applying for a waiver after September~~
27 ~~2, 2023, files~~ with the Department of Revenue documentation showing proof
28 of employment as a law enforcement officer and proof of residence in
29 Nebraska each year such officer or such officer's legal dependent applies
30 for and receives the tuition waiver.

31 (b) The officer may receive the tuition waiver for up to five years

1 if he or she otherwise continues to be eligible for participation.

2 ~~(2)(a) (2)~~ Any legal dependent of a law enforcement officer who
3 ~~satisfies subsection (1) of this section maintains satisfactory~~
4 ~~performance with such law enforcement officer's law enforcement agency~~
5 shall be entitled to a tuition waiver of one hundred percent of the
6 resident tuition charges of any state university, state college, or
7 community college for an associate or baccalaureate degree program if the
8 legal dependent:

9 ~~(i) Executes~~ executes an agreement with the state in accordance with
10 section 85-2605; -

11 ~~(ii) Has not previously earned a baccalaureate degree;~~

12 ~~(iii) Completes and submits to the United States Department of~~
13 ~~Education a Free Application for Federal Student Aid;~~

14 ~~(iv) Submits a document to the state university, state college, or~~
15 ~~community college confirming that the legal dependent has satisfied~~
16 ~~subdivision (2)(a)(iii) of this section. Such document shall be submitted~~
17 ~~in a form and manner as prescribed by the state university, state~~
18 ~~college, or community college; and~~

19 ~~(v) Submits the certificate of verification required by subsection~~
20 ~~(4) of this section.~~

21 ~~(b)~~ The legal dependent may receive the tuition waiver for up to
22 five years if the law enforcement officer and the legal dependent
23 continue to be eligible for participation. The five years of tuition
24 waiver eligibility starts once the legal dependent applies for and
25 receives the tuition waiver for the first time and is available to such
26 legal dependent for the next consecutive five years.

27 (3) The state university, state college, or community college shall
28 waive one hundred percent of the officer's or the legal dependent's
29 tuition remaining due after subtracting awarded federal financial aid
30 grants and state scholarships and grants for an eligible law enforcement
31 officer or legal dependent during the time the officer or legal dependent

1 is enrolled. To remain eligible, the officer or legal dependent must
2 comply with all requirements of the institution for continued attendance
3 and award of an associate degree or a baccalaureate degree.

4 (4)(a) (4) An application for the tuition waiver shall include a
5 verification of the law enforcement officer's satisfaction of subsection
6 (1) of this section ~~satisfactory performance as a law enforcement~~
7 ~~officer~~. It shall be the responsibility of the officer to obtain a
8 certificate of verification from his or her superior ~~officer in such~~
9 ~~officer's law enforcement agency~~ attesting to such officer's satisfaction
10 of subsection (1) of this section ~~satisfactory performance~~. The officer
11 shall include the certificate of verification when the officer or the
12 officer's legal dependent is applying to the state university, state
13 college, or community college in order to obtain tuition waiver upon
14 initial enrollment.

15 (b) The death of a law enforcement officer in the line of duty which
16 occurs after submission of an application for a tuition waiver shall not
17 disqualify such officer's otherwise eligible legal dependent from
18 receiving the tuition waiver. In such case, in lieu of submitting the
19 certificate of verification provided for in subdivision (4)(a) of this
20 section, the legal dependent shall submit a certificate of verification
21 from the officer's superior attesting that:

22 (i) At the time of such death, such officer satisfied subsection (1)
23 of this section; and

24 (ii) Such officer died in the line of duty.

25 (5) Within forty-five days after receipt of a completed application,
26 the state university, state college, or community college shall send
27 written notice of the law enforcement officer's or legal dependent's
28 eligibility or ineligibility for the tuition waiver. If the officer or
29 legal dependent is determined not to be eligible for the tuition waiver,
30 the notice shall include the reason or reasons for such determination ~~and~~
31 ~~an indication that an appeal of the determination may be made pursuant to~~

1 ~~the Administrative Procedure Act.~~

2 Sec. 63. Section 85-2603.01, Revised Statutes Supplement, 2023, is
3 amended to read:

4 85-2603.01 (1)(a) A professional firefighter shall be entitled to a
5 waiver of one hundred percent of the resident tuition charges of any
6 state university, state college, or community college if the professional
7 firefighter:

8 (i) Maintains satisfactory performance with such firefighter's fire
9 department;

10 (ii) Meets all admission requirements of the state university, state
11 college, or community college;

12 (iii) Pursues studies leading to a degree ~~in science or medicine~~
13 that relates to a career in professional firefighting from an associate
14 degree program or a baccalaureate degree program; ~~and~~

15 (iv) Submits the certificate of verification required by subsection
16 (4) of this section; and

17 (v) (iv) Files with the Department of Revenue documentation showing
18 proof of employment as a professional firefighter and proof of residence
19 in Nebraska each year such professional firefighter or such professional
20 firefighter's legal dependent applies for and receives the tuition
21 waiver.

22 (b) The professional firefighter may receive the tuition waiver for
23 up to five years if such professional firefighter otherwise continues to
24 be eligible for participation.

25 (2)(a) (2) Any legal dependent of a professional firefighter who
26 maintains satisfactory performance with such professional firefighter's
27 fire department shall be entitled to a tuition waiver of one hundred
28 percent of the resident tuition charges of any state university, state
29 college, or community college for an associate or baccalaureate degree
30 program if the legal dependent:

31 (i) Executes ~~executes~~ an agreement with ~~the state~~ in accordance with

1 section 85-2605; -

2 (ii) Has not previously earned a baccalaureate degree;

3 (iii) Completes and submits to the United States Department of
4 Education a Free Application for Federal Student Aid;

5 (iv) Submits a document to the state university, state college, or
6 community college confirming that the legal dependent has satisfied
7 subdivision (2)(a)(iii) of this section. Such document shall be submitted
8 in a form and manner as prescribed by the state university, state
9 college, or community college; and

10 (v) Submits the certificate of verification required by subsection
11 (4) of this section.

12 (b) The legal dependent may receive the tuition waiver for up to
13 five years if the professional firefighter and the legal dependent
14 continue to be eligible for participation. The five years of tuition
15 waiver eligibility starts once the legal dependent applies for and
16 receives the tuition waiver for the first time and is available to such
17 legal dependent for the next consecutive five years.

18 (3) The state university, state college, or community college shall
19 waive one hundred percent of the professional firefighter's or the legal
20 dependent's tuition remaining due after subtracting awarded federal
21 financial aid grants and state scholarships and grants for an eligible
22 professional firefighter or legal dependent during the time the
23 professional firefighter or legal dependent is enrolled. To remain
24 eligible, the professional firefighter or legal dependent must comply
25 with all requirements of the institution for continued attendance and
26 award of an associate degree or baccalaureate degree.

27 (4)(a) (4) An application for the tuition waiver shall include a
28 verification of the professional firefighter's satisfactory performance
29 as a professional firefighter. It shall be the responsibility of the
30 professional firefighter to obtain a certificate of verification from the
31 fire chief of such professional firefighter's fire department attesting

1 to such professional firefighter's satisfactory performance. The
2 professional firefighter shall include the certificate ~~of~~ verification
3 when the professional firefighter or the professional firefighter's legal
4 dependent is applying to the state university, state college, or
5 community college in order to obtain tuition waiver upon initial
6 enrollment.

7 (b) The death of a professional firefighter in the line of duty
8 which occurs after submission of an application for a tuition waiver
9 shall not disqualify such firefighter's otherwise eligible legal
10 dependent from receiving the tuition waiver. In such case, in lieu of
11 submitting the certificate of verification provided for in subdivision
12 (4)(a) of this section, the legal dependent shall submit a certificate of
13 verification from the fire chief of such firefighter's fire department
14 attesting that:

15 (i) At the time of such death, such firefighter satisfied subsection
16 (1) of this section; and

17 (ii) Such firefighter died in the line of duty.

18 (5) Within forty-five days after receipt of a completed application,
19 the state university, state college, or community college shall send
20 written notice of the professional firefighter's or legal dependent's
21 eligibility or ineligibility for the tuition waiver. If the professional
22 firefighter or legal dependent is determined not to be eligible for the
23 tuition waiver, the notice shall include the reason or reasons for such
24 determination ~~and an indication that an appeal of the determination may~~
25 ~~be made pursuant to the Administrative Procedure Act.~~

26 Sec. 64. Section 85-2605, Revised Statutes Supplement, 2023, is
27 amended to read:

28 85-2605 (1) Each legal dependent who is a tuition waiver recipient
29 under the First Responder Recruitment and Retention Act shall execute an
30 agreement ~~with the state~~. Such agreement shall be exempt from the
31 requirements of sections 73-501 to 73-510 and shall include the following

1 terms, as appropriate:

2 (a) The tuition waiver recipient agrees to reside within the State
3 of Nebraska for a period of five years following the use of the tuition
4 waiver;

5 (b) Each year during the five-year period following use of the
6 tuition waiver the tuition waiver recipient agrees to file a tax return
7 with the Department of Revenue to document that such recipient still
8 resides in the State of Nebraska;

9 (c) If the tuition waiver recipient fails to annually file a tax
10 return to prove residency in the State of Nebraska for the five-year
11 period following the use of the tuition waiver or fails to remain a
12 resident of Nebraska for the five-year period following the use of the
13 tuition waiver, the tuition waiver recipient agrees to repay the
14 community college, state college, or state university that such tuition
15 waiver recipient attended the amount of tuition that was waived for such
16 individual if the community college, state college, or state university
17 requests such payment on the dates and in the amounts requested; and

18 (d) Any residency, filing, or payment obligation incurred by the
19 tuition waiver recipient under the First Responder Recruitment and
20 Retention Act is canceled in the event of the tuition waiver recipient's
21 total and permanent disability or death.

22 (2) The five-year residency requirement begins to run after use of
23 the first tuition waiver and:

24 (a) Completion of the five-year tuition waiver eligibility;

25 (b) Completion of an undergraduate degree at a state college or
26 state university;

27 (c) Completion of a two-year degree at a community college and
28 notification by the tuition waiver recipient to the Department of Revenue
29 that such recipient does not intend to pursue an undergraduate degree or
30 additional two-year degree using tuition waivers pursuant to the First
31 Responder Recruitment and Retention Act; or

1 (d) Notification by the tuition waiver recipient to the Department
2 of Revenue that such recipient does not plan to use additional tuition
3 waivers pursuant to the First Responder Recruitment and Retention Act.

4 Sec. 65. On or before December 31 of each year, each state
5 university, state college, and community college shall provide to the
6 Department of Revenue a list of the legal dependents who received a
7 tuition waiver pursuant to the First Responder Recruitment and Retention
8 Act during such year.

9 Sec. 66. (1) The Department of Revenue shall maintain a record of
10 the legal dependents who have received tuition waivers pursuant to the
11 First Responder Recruitment and Retention Act.

12 (2) On or before each August 1, the department shall provide a
13 report to each state university, state college, and community college
14 indicating which tuition waiver recipients have failed to file a tax
15 return with the department to document that such recipients still resided
16 in the State of Nebraska during the preceding year.

17 Sec. 67. It is the intent of the Legislature to appropriate one
18 million dollars for fiscal year 2024-2025 from the General Fund to the
19 Department of Environment and Energy to fund the installation of real
20 time nitrate sensors in monitoring wells statewide to prioritize nitrate
21 management and reduction.

22 Sec. 68. Sections 36, 37, 38, 39, 40, 41, 51, 52, 53, and 70 of this
23 act become operative on January 1, 2025. Sections 24, 25, 26, 27, 28, 29,
24 30, 31, 32, 35, 45, 46, 47, 48, 49, 50, 54, 59, 60, 61, 62, 63, 64, 65,
25 66, 67, and 71 of this act become operative three calendar months after
26 the adjournment of this legislative session. The other sections of this
27 act become operative on their effective date.

28 Sec. 69. If any section in this act or any part of any section is
29 declared invalid or unconstitutional, the declaration shall not affect
30 the validity or constitutionality of the remaining portions.

31 Sec. 70. Original sections 60-301, 60-302, 60-3,191, and 66-4,105,

1 Reissue Revised Statutes of Nebraska, section 66-482, Revised Statutes
2 Cumulative Supplement, 2022, and sections 77-2701 and 77-2701.04, Revised
3 Statutes Supplement, 2023, are repealed.

4 Sec. 71. Original sections 44-314, 77-1333, and 77-1359, Reissue
5 Revised Statutes of Nebraska, sections 77-202, 77-202.01, 77-202.03, and
6 77-5601, Revised Statutes Cumulative Supplement, 2022, and sections
7 77-2716, 85-2601, 85-2602, 85-2603, 85-2603.01, and 85-2605, Revised
8 Statutes Supplement, 2023, are repealed.

9 Sec. 72. Original sections 13-520, 18-2103, 70-1002.02, 77-5005,
10 77-5017, and 77-5018, Reissue Revised Statutes of Nebraska, and sections
11 70-1001.01 and 77-4405, Revised Statutes Supplement, 2023, are repealed.

12 Sec. 73. Since an emergency exists, this act takes effect when
13 passed and approved according to law.