

AMENDMENTS TO LB650
(Amendments to E&R amendments, ER45)

Introduced by von Gillern, 4.

1 1. Strike sections 43 and 46 and insert the following new sections:

2 **Sec. 43.** Section 77-27,187.02, Revised Statutes Cumulative
3 Supplement, 2024, is amended to read:

4 77-27,187.02 (1) To earn the incentives set forth in the Nebraska
5 Advantage Rural Development Act, the taxpayer shall file an application
6 for an agreement with the Tax Commissioner. There shall be no new
7 applications for incentives filed under this section after December 31,
8 2027.

9 (2) The application shall contain:

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

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

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

24 (3)(a) The Tax Commissioner shall approve the application and
25 authorize the total amount of credits expected to be earned as a result
26 of the project if he or she is satisfied that the plan in the application

1 defines a project that (i) meets the requirements established in section
2 77-27,188 and such requirements will be reached within the required time
3 period and (ii) for projects other than livestock modernization or
4 expansion projects, is located in an eligible county, city, or village.

5 (b) For applications filed in calendar year 2016 and each year
6 thereafter, the Tax Commissioner shall not approve further applications
7 from applicants described in subsection (1) of section 77-27,188 once the
8 expected credits from approved projects in this category total: For
9 calendar years 2016 through 2022, one million dollars; ~~and for calendar~~
10 ~~years year 2023 through 2025 and each calendar year thereafter,~~ two
11 million dollars; and for calendar year 2026 and each calendar year
12 thereafter, one million dollars. For applications filed in calendar year
13 2016 and each year thereafter, the Tax Commissioner shall not approve
14 further applications from applicants described in subsection (2) of
15 section 77-27,188 once the expected credits from approved projects in
16 this category total: For calendar year 2016, five hundred thousand
17 dollars; for calendar years 2017 and 2018, seven hundred fifty thousand
18 dollars; for calendar years 2019, 2020, and 2021, one million dollars;
19 ~~and for calendar years year 2022 through 2024 and each calendar year~~
20 ~~thereafter, ten million dollars; for calendar year 2025, seven million~~
21 ~~five hundred thousand dollars; and for calendar year 2026 and each~~
22 ~~calendar year thereafter, one million dollars.~~ Four hundred dollars of
23 the application fee shall be refunded to the applicant if the application
24 is not approved because the expected credits from approved projects
25 exceed such amounts.

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

29 (d) Applications shall be filed by November 1 and shall be complete
30 by December 1 of each calendar year. Any application that is filed after
31 November 1 or that is not complete on December 1 shall be considered to

1 be filed during the following calendar year.

2 (4) After approval, the taxpayer and the Tax Commissioner shall
3 enter into a written agreement. The taxpayer shall agree to complete the
4 project, and the Tax Commissioner, on behalf of the State of Nebraska,
5 shall designate the approved plans of the taxpayer as a project and, in
6 consideration of the taxpayer's agreement, agree to allow the taxpayer to
7 use the incentives contained in the Nebraska Advantage Rural Development
8 Act up to the total amount that were authorized by the Tax Commissioner
9 at the time of approval. The application, and all supporting
10 documentation, to the extent approved, shall be considered a part of the
11 agreement. The agreement shall state:

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

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

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

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

19 (e) The maximum amount of credits authorized.

20 **Sec. 46.** Section 77-3110, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 77-3110 The department may approve tax credits under the Relocation
23 Incentive Act each year until the total amount of credits approved for
24 the year reaches one ~~five~~ million dollars.