

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 954

FINAL READING

Introduced by von Gillern, 4.

Read first time January 12, 2026

Committee: Revenue

1 A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend
2 section 77-5701, Reissue Revised Statutes of Nebraska; to provide
3 for the recalculation of base-year employees as prescribed; to
4 harmonize provisions; and to repeal the original section.

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

1 **Section 1.** Section 77-5701, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 77-5701 Sections 77-5701 to 77-5735 and section 2 of this act shall
4 be known and may be cited as the Nebraska Advantage Act.

5 **Sec. 2.** (1) If a taxpayer who has met the required levels of
6 employment and investment contained in an agreement for a tier 6 project
7 sells or transfers a portion of the business operations that were subject
8 to such agreement, whether through a sale or other disposition pursuant
9 to section 355 of the Internal Revenue Code of 1986, and the business
10 operations that were sold or transferred continue to operate under an
11 entity that is not part of the same unitary group as the taxpayer, the
12 Department of Revenue shall recalculate the taxpayer's base-year
13 employees by subtracting the number of equivalent employees employed at
14 the business operations that were sold or transferred from the number of
15 base-year employees calculated for the taxpayer on the last Form 312N
16 filed prior to the date of the sale or transfer.

17 (2) This section shall not apply:

18 (a) If the business operations that were sold or transferred as
19 described in subsection (1) of this section cease all operations within
20 twenty-four months after the date of the sale or transfer; or

21 (b) If the primary business purpose of the sale or transfer
22 described in subsection (1) of this section was to close a location.

23 (3) Any credits or other incentives generated prior to a sale or
24 transfer described in subsection (1) of this section shall not be
25 recalculated.

26 (4) This section applies to agreements entered into after December
27 31, 2016.

28 **Sec. 3.** Original section 77-5701, Reissue Revised Statutes of
29 Nebraska, is repealed.