

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 707**

Introduced by von Gillern, 4.

Read first time January 22, 2025

Committee: Revenue

- 1 A BILL FOR AN ACT relating to the Good Life Transformational Projects
- 2 Act; to amend section 77-4405, Revised Statutes Cumulative
- 3 Supplement, 2024; to change provisions relating to project
- 4 eligibility; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 77-4405, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           77-4405 (1) If the department finds that creation of the good life  
4 district would not exceed the limits prescribed in subsection (4) of  
5 section 77-4404 and the project described in the application meets the  
6 eligibility requirements of this section, the application shall be  
7 approved.

8           (2) A project is eligible if:

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

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

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

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

18           (iv) One hundred million dollars if the project will be located in a  
19 city of the first class, city of the second class, village, or sanitary  
20 and improvement district within a county with a population of less than  
21 one hundred thousand inhabitants;

22           (b) The applicant sufficiently demonstrates that the project will  
23 directly or indirectly result in the creation of:

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

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

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

31           (iv) Fifty new jobs if the project will be located in a city of the

1 first class, city of the second class, village, or sanitary and  
2 improvement district within a county with a population of less than one  
3 hundred thousand inhabitants; and

4 (c)(i) For a project that will be located in a county with a  
5 population of one hundred thousand inhabitants or more, the applicant  
6 demonstrates that, upon completion of the project, at least twenty  
7 percent of sales at the project will be made to persons residing outside  
8 the State of Nebraska or the project will generate a minimum of six  
9 hundred thousand visitors per year who reside outside the State of  
10 Nebraska and the project will attract new-to-market retail to the state  
11 and will generate a minimum of three million visitors per year. Students  
12 from another state who attend a Nebraska public or private university  
13 shall not be counted as out-of-state residents for purposes of this  
14 subdivision; or

15 (ii) For a project that will be located in a county with a  
16 population of less than one hundred thousand inhabitants, the applicant  
17 demonstrates that, upon completion of the project, at least twenty  
18 percent of sales at the project will be made to persons residing outside  
19 the State of Nebraska. Students from another state who attend a Nebraska  
20 public or private university shall not be counted as out-of-state  
21 residents for purposes of this subdivision.

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

26 (4) A project is not eligible if:

27 (a) The project includes a licensed racetrack enclosure or an  
28 authorized gaming operator as such terms are defined in section 9-1103,  
29 except that this subdivision shall not apply to infrastructure or  
30 facilities that are (i) publicly owned or (ii) used by or at the  
31 direction of the Nebraska State Fair Board, so long as no gaming devices

1 or games of chance are expected to be operated by an authorized gaming  
2 operator within any such facilities;

3 (b) The project received funds pursuant to the Shovel-Ready Capital  
4 Recovery and Investment Act or the Economic Recovery Act, except that  
5 this subdivision shall not apply to any project located in a qualified  
6 inland port district; or

7 (c) The project includes any portion of a public or private  
8 university.

9 (5) Approval of an application under this section shall establish  
10 the good life district as that area depicted in the map accompanying the  
11 application as submitted pursuant to subdivision (1)(b) of section  
12 77-4404. Such district shall last for thirty years and shall not exceed  
13 two thousand acres in size if in a city of the metropolitan class, three  
14 thousand acres in size if in any other class of city or village, or, for  
15 any good life district created within a qualified inland port district,  
16 the size of the qualified inland port district.

17 (6)(a) Prior to July 1, 2024, any transactions occurring within a  
18 good life district shall be subject to a reduced state sales tax rate as  
19 provided in subdivision (5) of section 77-2701.02.

20 (b) On and after July 1, 2024, any transactions occurring within a  
21 good life district shall be subject to a reduced state sales tax rate as  
22 provided in subdivision (6) of section 77-2701.02.

23 (7) After establishment of a good life district pursuant to this  
24 section, a good life district applicant may adjust the boundaries of the  
25 district by filing an amended map with the department and updates or  
26 supplements to the application materials originally submitted by the good  
27 life district applicant to demonstrate the eligibility criteria in  
28 subsection (2) of this section will be met after the boundaries are  
29 adjusted. The department shall approve the new boundaries on the  
30 following conditions:

31 (a) The department determines that the eligibility criteria in

1 subsection (2) of this section will continue to be met after the proposed  
2 boundary adjustment based on the materials submitted by the good life  
3 district applicant; and

4 (b) For any area being removed from the district:

5 (i) The department shall solicit and receive from the city or  
6 village in which all or a portion of the good life district is located  
7 confirmation that no area being removed is attributable to local sources  
8 of revenue which have been pledged for payment of bonds issued pursuant  
9 to the Good Life District Economic Development Act. Confirmation may  
10 include resolutions, meeting minutes, or other official measures adopted  
11 or taken by the city council or village board of trustees; and

12 (ii) Either the department has received written consent from the  
13 owners of real estate proposed to be removed from the good life district,  
14 or a hearing is held by the department in the manner described in this  
15 subdivision and the department finds that the removal of the affected  
16 property is in the best interests of the state and that the removal is  
17 consistent with the goals and purposes of the approved application for  
18 the good life district. In determining whether removal of the affected  
19 property is consistent with the goals and purposes of the approved  
20 application for the good life district, the department may consider any  
21 formal action taken by the city council or village board of trustees.  
22 Proof of such formal action may include resolutions, meeting minutes, or  
23 other official measures adopted or taken. Such hearing must be held at  
24 least ninety days after delivering written notice via certified mail to  
25 the owners of record for the affected real estate proposed to be removed  
26 from the good life district. The hearing must be open to the public and  
27 for the stated purpose of hearing testimony regarding the proposed  
28 removal of property from the good life district. Attendees must be given  
29 the opportunity to speak and submit documentary evidence at, prior to, or  
30 contemporaneously with such hearing for the department to consider in  
31 making its findings.

1 (8) After establishment of a good life district pursuant to this  
2 section, but within twelve months after the approval of the original  
3 application or after any modification is made to the boundaries of a good  
4 life district pursuant to this section, a city or village in which any  
5 part of the applicable good life district is located may file a  
6 supplemental request to the department to increase the size of the good  
7 life district by up to one thousand acres. Such supplemental request  
8 shall be accompanied by such materials and certifications necessary to  
9 demonstrate that such increase would not negatively impact the criteria  
10 that were necessary for the original establishment of such good life  
11 district.

12 (9) After establishment of a good life district pursuant to this  
13 section and after any modification is made to the boundaries of a good  
14 life district pursuant to this section, the department shall transmit to  
15 any city or village which includes such good life district within its  
16 boundaries or within its extraterritorial zoning jurisdiction (a) all  
17 information held by the department related to the application and  
18 approval of the application, (b) all documentation which describes the  
19 property included within the good life district, and (c) all  
20 documentation transmitted to the applicant for such good life district  
21 with approval of the application and establishment of the good life  
22 district. Such city or village shall be subject to the same  
23 confidentiality restrictions as provided in subsection (3) of section  
24 77-4404, except that all such documents, plans, and specifications  
25 included in the application which the city or village determine define or  
26 describe the project may be provided upon written request of any person  
27 who owns property in the applicable good life district.

28 (10) After establishment of a good life district that exceeds one  
29 thousand acres in size, the good life district applicant may apply to the  
30 department to establish development and design standards for the good  
31 life district. Such standards may include, but are not limited to,

1 standards for architectural design, landscape design, construction  
2 materials, and sustainability, but may not require property owners to  
3 utilize specific contractors, professionals, suppliers, or service  
4 providers. The department may approve the standards after holding a  
5 hearing after one hundred eighty days' notice to all property owners in  
6 the district if the department finds that the standards will ensure a  
7 comprehensive and cohesive character and aesthetic for development in the  
8 good life district, and that the standards will further the purposes of  
9 the Good Life Transformational Projects Act. The development and design  
10 standards must be commercially reasonable and consistent with terminology  
11 and accepted practices in the architecture industry, must not conflict  
12 with any building code or other similar law or regulation, and must not  
13 impose an undue burden on property owners in the district. If approved,  
14 the standards shall apply to all new construction inside of the good life  
15 district. Notwithstanding the foregoing, any such standards established  
16 by the department shall be in addition and supplemental to any local  
17 zoning, building code, comprehensive plan, or similar requirements of the  
18 city or village, which requirements of the city or village shall control  
19 to the extent of any conflict with any design standards established by  
20 the department.

21 (11) Demonstration of meeting the required new development costs for  
22 purposes of subdivision (2)(a) of this section may be established by  
23 evidence submitted by the good life district applicant, the city or  
24 village where the good life district is located, or any other person  
25 which submits satisfactory evidence to the department.

26 **Sec. 2.** Original section 77-4405, Revised Statutes Cumulative  
27 Supplement, 2024, is repealed.