

pressing and compelling reason to adopt my amendment. We should not be burdening the employees who work for the companies that qualify for 829 credits in that fashion. It's okay to burden the administrators, the CEOs, the corporate treasurers, let them figure out how to file an income tax return and claim the proper amount of the credit. We have no business placing that burden on the employees, and furthermore we have no business denying the employees refunds that they might otherwise be entitled to so that the company they're employed at can enjoy the benefits of an economic development initiative. That is inappropriate.

SENATOR WILL: Thank you, Senator Wickersham. Senator Brashear.

SENATOR BRASHEAR: Mr. Chairman, members of the body, I continue to rise in opposition to the Wickersham amendment. I understand that sometimes we ask questions and then we keep repeating and asking questions, and then ultimately we claim that there's a great evil here to be corrected. I don't think that's the case in this instance. I want to suggest to you that it says, at 77...Nebraska Revised Statutes 77-4927, Section 4, which is a part of the Quality Jobs Act, and if you read all of the sections there I will represent to you, you see the word repeatedly over and over "project year", "project year" and an upper cap of 5 percent of compensation for the project year, for the eligible employee. Now, admittedly, I do not have the details of the agreements that are entered into by the department with the employers. I don't think it was contemplated in 829 that we would have legislative approval of the agreement, nor is it contemplated by 1368. But there is a certain logic here that is inescapable. If you are allowed, and we're talking about the 1368 methodology now, if you are allowed the calculation based upon the percentage of the annual salary of the employee, and you cannot prove that you've spent it on the kinds of programs that need to be spent, that it is required to be spent for, then you can't take the credit on your income tax. And the income tax return is filed annually and it's subject to annual audits, although I'm not representing they're audited annually. There are special audits contemplated by the act. So we are talking year to year that you obtain or withhold, that you utilize, that you claim and deduct the credits. I don't think that part is confused. There is a clear difference of philosophy between the Wickersham amendment and what I am urging to the body. With 1368 without the Wickersham amendment, you could use either the individualized agreement