

AMENDMENTS TO LB720

(Amendments to Standing Committee amendments, AM1614)

Introduced by Wishart, 27.

1 1. Strike sections 16 and 76 and insert the following new sections:

2 Sec. 16. (1) Number of new employees, for purposes of subdivisions  
3 (1)(b), (4)(d), (5)(c), and (8)(b)(iii) of section 32 of this act, means  
4 the number of equivalent employees that are employed at the qualified  
5 location or locations during a year that are in excess of the number of  
6 equivalent employees during the base year, not to exceed the number of  
7 equivalent employees employed full-time at the qualified location or  
8 locations during a year who are not base-year employees, who meet the  
9 health coverage requirement of subsection (5) of this section, and who  
10 are paid wages at a rate equal to at least one hundred fifty percent of  
11 the Nebraska statewide average hourly wage for the year of application.

12 (2) Number of new employees, for purposes of subdivisions (4)(a) and  
13 (5)(a) of section 32 of this act, means the number of equivalent  
14 employees that are employed at the qualified location or locations during  
15 a year that are in excess of the number of equivalent employees during  
16 the base year, not to exceed the number of equivalent employees employed  
17 full-time at the qualified location or locations during a year who are  
18 not base-year employees, who meet the health coverage requirement of  
19 subsection (5) of this section, and who are paid wages at a rate equal to  
20 at least the Nebraska ninety-county average hourly wage for the year of  
21 application.

22 (3) Number of new employees, for all other purposes, except as  
23 otherwise provided in the Imagine Nebraska Act, means the number of  
24 equivalent employees that are employed at the qualified location or  
25 locations during a year that are in excess of the number of equivalent  
26 employees during the base year, not to exceed the number of equivalent

1 employees employed full-time at the qualified location or locations  
2 during a year who are not base-year employees, who meet the health  
3 coverage requirement of subsection (5) of this section, and who are paid  
4 wages at a rate equal to at least the Nebraska statewide average hourly  
5 wage for the year of application.

6 (4) For employees who work both at a qualified location and also  
7 perform services for the taxpayer at other nonqualified locations, they  
8 will be included in determining the number of new employees if more than  
9 fifty percent of the time for which they are compensated is spent at the  
10 qualified location. For any year other than the base year, employees who  
11 work at the qualified location fifty percent or less of the time for  
12 which they are compensated are not considered employed at the qualified  
13 location.

14 (5) An employee meets the health coverage requirement if the  
15 employee does not constitute a full-time employee, as defined and  
16 described in section 4980H of the Internal Revenue Code of 1986, as  
17 amended, and the regulations for such section, or the taxpayer offers to  
18 that employee, for that year, the opportunity to enroll in minimum  
19 essential coverage under an eligible employer-sponsored plan, as those  
20 terms are defined and described in section 5000A of the Internal Revenue  
21 Code of 1986, as amended, and the regulations for such section.

22 (6) For purposes of this section, employed full-time means that the  
23 employee is a full-time employee as defined and described in section  
24 4980H of the Internal Revenue Code of 1986, as amended, and the  
25 regulations for such section.

26 Sec. 56. Sections 56 to 63 of this act shall be known and may be  
27 cited as the Community Economic Opportunities Act.

28 Sec. 57. The purpose of the Community Economic Opportunities Act is  
29 to provide capital for economic development projects in areas of the  
30 state that are underserved by Nebraska's employment and investment  
31 incentive programs.

1           Sec. 58. For purposes of the Community Economic Opportunities Act:

2           (1) Board means the Community Economic Opportunities Board  
3 established in section 59 of this act;

4           (2) Department means the Department of Economic Development;

5           (3) Eligible community means a county in Nebraska with fewer than  
6 forty thousand residents as determined by the most recent federal  
7 decennial census; and

8           (4) Eligible project means an economic development project proposed  
9 by a private business that:

10           (a) By its terms is not eligible to receive incentives under the  
11 Imagine Nebraska Act;

12           (b) Will provide employment, investment, or both, to an eligible  
13 community; and

14           (c) Is determined by the department to have a likelihood of  
15 resulting in a high rate of return on investment.

16           Sec. 59. (1) The Community Economic Opportunities Board is  
17 established. The board shall be comprised of two persons representing  
18 economic developers, two persons representing counties or municipalities,  
19 and one person representing business. Members shall be appointed by the  
20 Governor and approved by the Legislature with at least one member  
21 residing in each of Nebraska's congressional districts. Additionally, the  
22 Speaker of the Legislature, the chairperson of the Appropriations  
23 Committee of the Legislature, and the chairperson of the Revenue  
24 Committee of the Legislature shall serve as nonvoting members on the  
25 board. Appointed members shall serve two-year terms, except that the  
26 terms of one person representing economic developers and one person  
27 representing counties or municipalities appointed upon the creation of  
28 the board shall be for three years. The board shall select a chairperson  
29 from among its members. Members shall serve without compensation but  
30 shall be reimbursed for their actual and necessary expenses as provided  
31 in sections 81-1174 to 81-1177. Board meetings may be conducted by

1 telephone or teleconference.

2 (2) The board shall meet at the call of the chairperson to select  
3 projects for funding under the Community Economic Opportunities Act from  
4 recommendations by the department. The board may approve up to two  
5 million dollars of funding each year for eligible projects.

6 Sec. 60. The department shall develop procedures for applying for  
7 funding under the Community Economic Opportunities Act and shall develop  
8 guidelines and parameters for rating and selecting projects for  
9 submission to the board.

10 Sec. 61. The Community Economic Opportunities Fund is created. The  
11 fund shall be administered by the department to provide funding for  
12 eligible projects approved by the board under section 59 of this act. The  
13 fund shall consist of transfers and appropriations authorized by the  
14 Legislature and any gifts, grants, bequests, or donations to the fund.  
15 Any money in the fund available for investment shall be invested by the  
16 state investment officer pursuant to the Nebraska Capital Expansion Act  
17 and the Nebraska State Funds Investment Act.

18 Sec. 62. (1) On or before October 31, 2020, and each October 31  
19 thereafter, the Director of Economic Development shall electronically  
20 submit to the Legislature a report on the Community Economic  
21 Opportunities Act for the previous fiscal year.

22 (2) The report shall list projects that were approved for funding by  
23 the board and shall include the location of the project, the entity  
24 receiving funding, and a description of the project.

25 Sec. 63. It is the intent of the Legislature to appropriate two  
26 million dollars to the Community Economic Opportunities Fund for fiscal  
27 year 2019-20 and each fiscal year thereafter for purposes of carrying out  
28 the Community Economic Opportunities Act.

29 Sec. 82. This act becomes operative on January 1, 2020.

30 2. On page 2, lines 29 and 30, strike "the effective date of this  
31 act" and insert "January 1, 2019".

1           3. On page 10, line 2, strike "and"; after line 2 insert the  
2 following new subdivision:

3           "(h) Acknowledge that the taxpayer understands the requirements for  
4 providing a sufficient package of benefits to its employees as specified  
5 in the Imagine Nebraska Act; and"; and in line 3 strike "(h)" and insert  
6 "(i)".

7           4. On page 12, line 12, strike "and"; in line 14 strike the period  
8 and insert "; and"; and after line 14 insert the following new  
9 subdivision:

10           "(j) A requirement that the taxpayer provide a sufficient package of  
11 benefits to the employees employed full-time at the qualified location or  
12 locations during the year who are not base-year employees and who are  
13 paid the required wages. For purposes of this subdivision, benefits means  
14 nonwage compensation provided to an employee, including medical and  
15 dental insurance plans, pension, retirement, and profit-sharing plans,  
16 child care services, life insurance coverage, vision insurance coverage,  
17 disability insurance coverage, and any other nonwage compensation as  
18 determined by the director. The director may adopt and promulgate rules  
19 and regulations to specify what constitutes a sufficient package of  
20 benefits.".

21           5. On page 17, lines 14 and 15 and 20; and page 23, lines 24 and 29  
22 and 30, strike "as they existed on the effective date of this act".

23           6. On page 22, line 18, strike "(6)" and insert "(6)(a)"; in line 21  
24 strike "subsection" and insert "subdivision"; in line 24 strike "section  
25 18-2109" and insert "the Community Development Law"; and after line 25  
26 insert the following new subdivisions:

27           "(b) The credit percentages prescribed in subsections (4) and (5) of  
28 this section shall be increased by one percentage point if the taxpayer:

29           (i) Is a benefit corporation as defined in section 21-403 and has  
30 been such a corporation for at least one year prior to submitting an  
31 application under the Imagine Nebraska Act; and

1       (ii) Remains a benefit corporation as defined in section 21-403 for  
2 the duration of the taxpayer's agreement under the Imagine Nebraska Act.

3       (c) A taxpayer may, if qualified, receive one or both of the  
4 increases provided in this subsection."

5       7. On page 25, line 24, after the period insert "All fees collected  
6 under this subsection shall be remitted to the State Treasurer for credit  
7 to the Imagine Nebraska Cash Fund, which fund is hereby created. The fund  
8 shall consist of fees credited under this subsection and any other money  
9 appropriated to the fund by the Legislature. The fund shall be  
10 administered by the Department of Economic Development and shall be used  
11 for administration of the Imagine Nebraska Act. Any money in the fund  
12 available for investment shall be invested by the state investment  
13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
14 State Funds Investment Act."

15       8. On page 26, line 20; and page 27, line 1, after "to" insert "the  
16 number of".

17       9. On page 27, line 10, strike "(1)(h)" and insert "(1)(g)"; and  
18 strike lines 19 through 31.

19       10. On page 28, line 1, strike "(f)" and insert "(e)"; in line 21  
20 strike "(g)" and insert "(f)"; and in line 26 strike "(h)" and insert  
21 "(g)".

22       11. On page 37, strike beginning with "(i)" in line 28 through the  
23 first comma in line 29; in line 29 strike "(j)" and insert "(i)" and  
24 strike "(k)" and insert "(j)"; in line 30 strike "(l)" and insert "(k)";  
25 and in line 31 strike "(m)" and insert "(l)".

26       12. On page 38, line 1, strike "(n)" and insert "(m)"; in line 2  
27 strike "(o)" and insert "(n)" and strike "(p)" and insert "(o)"; in line  
28 3 strike "(q)" and insert "(p)"; strike beginning with "(r)" in line 4  
29 through the first comma in line 5; in line 5 strike "(s)" and insert  
30 "(q)"; in line 6 strike "(t)" and insert "(r)"; and in line 7 strike  
31 "(u)" and insert "(s)".

1           13. On page 46, line 11; page 99, lines 19, 20, and 24; page 100,  
2 lines 2, 3, 7, 12, 13, 17, 23, 24, and 28; and page 101, lines 9, 10, 14,  
3 22, 23, and 27, strike "effective" and insert "operative".

4           14. On page 114, line 23, strike "July 15, 2019" and insert "January  
5 15, 2020"; and in line 25 strike "July 15, 2020" and insert "January 15,  
6 2021".

7           15. Renumber the remaining sections accordingly.