

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 954

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 a portion of the business operations that were subject to such
8 agreement and the business operations that were sold continue to operate
9 under an entity that is not part of the same unitary group as the
10 taxpayer, the Department of Revenue shall recalculate the taxpayer's
11 base-year employees by subtracting the number of equivalent employees
12 employed at the business operations that were sold from the number of
13 base-year employees calculated for the taxpayer on the last Form 312N
14 filed prior to the date of sale.

15 (2) This section shall not apply:

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

19 (b) If the primary business purpose of the sale described in
20 subsection (1) of this section was to close a location.

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

23 (4) This section applies to agreements entered into after December
24 31, 2016.

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26 Nebraska, is repealed.