

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1094

Introduced by Flood, 19.

Read first time January 19, 2022

Committee: Revenue

1 A BILL FOR AN ACT relating to the Imagine Nebraska Act; to amend section
2 77-6815, Revised Statutes Cumulative Supplement, 2020; to change
3 provisions relating to the number of new employees; and to repeal
4 the original section.

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

1 Section 1. Section 77-6815, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 77-6815 (1) Number of new employees, for purposes of subdivisions
4 (1)(b), (4)(d), (5)(c), and (8)(b)(iii) of section 77-6831, means the
5 lesser of:

6 (a) The number of equivalent employees that are employed at the
7 qualified location or locations during a year that are in excess of the
8 number of equivalent employees during the base year; or

9 (b) The sum of:

10 (i) The number of equivalent employees employed full-time at the
11 qualified location or locations during a year who are not base-year
12 employees, who meet the health coverage requirement of subsection (7) of
13 this section, and who are paid compensation at a rate equal to at least
14 one hundred fifty percent of the Nebraska statewide average hourly wage
15 for the year of application; and

16 (ii) The number of equivalent employees who were not employed full-
17 time at the qualified location during the base year and became employed
18 full-time at the qualified location after the base year, after
19 subtracting the hours worked by such employees in the base year, who meet
20 the health coverage requirement of subsection (7) of this section, and
21 who are paid compensation at a rate equal to at least one hundred fifty
22 percent of the Nebraska statewide average hourly wage for the year of
23 application.

24 (2) Number of new employees, for purposes of subdivisions (4)(a)(i)
25 and (5)(a)(i) of section 77-6831, means the lesser of:

26 (a) The number of equivalent employees that are employed at the
27 qualified location or locations during a year that are in excess of the
28 number of equivalent employees during the base year; or

29 (b) The sum of:

30 (i) The number of equivalent employees employed full-time at the
31 qualified location or locations during a year who are not base-year

1 employees, who meet the health coverage requirement of subsection (7) of
2 this section, and who are paid compensation at a rate equal to at least
3 ninety percent of the Nebraska statewide average hourly wage for the year
4 of application; and

5 (ii) The number of equivalent employees who were not employed full-
6 time at the qualified location during the base year and became employed
7 full-time at the qualified location after the base year, after
8 subtracting the hours worked by such employees in the base year, who meet
9 the health coverage requirement of subsection (7) of this section, and
10 who are paid compensation at a rate equal to at least ninety percent of
11 the Nebraska statewide average hourly wage for the year of application.

12 (3) Number of new employees, for purposes of subdivisions (4)(a)(ii)
13 and (5)(a)(ii) of section 77-6831, means the lesser of:

14 (a) The number of equivalent employees that are employed at the
15 qualified location or locations during a year that are in excess of the
16 number of equivalent employees during the base year; or

17 (b) The sum of:

18 (i) The number of equivalent employees employed full-time at the
19 qualified location or locations during a year who are not base-year
20 employees, who meet the health coverage requirement of subsection (7) of
21 this section, and who are paid compensation at a rate equal to at least
22 seventy-five percent of the Nebraska statewide average hourly wage for
23 the year of application; and

24 (ii) The number of equivalent employees who were not employed full-
25 time at the qualified location during the base year and became employed
26 full-time at the qualified location after the base year, after
27 subtracting the hours worked by such employees in the base year, who meet
28 the health coverage requirement of subsection (7) of this section, and
29 who are paid compensation at a rate equal to at least seventy-five
30 percent of the Nebraska statewide average hourly wage for the year of
31 application.

1 (4) Number of new employees, for purposes of subdivisions (4)(a)
2 (iii), (4)(e), (5)(a)(iii), and (5)(d) of section 77-6831, means the
3 lesser of:

4 (a) The number of equivalent employees that are employed at the
5 qualified location or locations during a year that are in excess of the
6 number of equivalent employees during the base year; or

7 (b) The sum of:

8 (i) The number of equivalent employees employed full-time at the
9 qualified location or locations during a year who are not base-year
10 employees, who meet the health coverage requirement of subsection (7) of
11 this section, and who are paid compensation at a rate equal to at least
12 seventy percent of the Nebraska statewide average hourly wage for the
13 year of application; and

14 (ii) The number of equivalent employees who were not employed full-
15 time at the qualified location during the base year and became employed
16 full-time at the qualified location after the base year, after
17 subtracting the hours worked by such employees in the base year, who meet
18 the health coverage requirement of subsection (7) of this section, and
19 who are paid compensation at a rate equal to at least seventy percent of
20 the Nebraska statewide average hourly wage for the year of application.

21 (5) Number of new employees, for all other purposes, except as
22 otherwise provided in the Imagine Nebraska Act, means the lesser of:

23 (a) The number of equivalent employees that are employed at the
24 qualified location or locations during a year that are in excess of the
25 number of equivalent employees during the base year; or

26 (b) The sum of:

27 (i) The number of equivalent employees employed full-time at the
28 qualified location or locations during a year who are not base-year
29 employees, who meet the health coverage requirement of subsection (7) of
30 this section, and who are paid compensation at a rate equal to at least
31 the Nebraska statewide average hourly wage for the year of application;

1 and

2 (ii) The number of equivalent employees who were not employed full-
3 time at the qualified location during the base year and became employed
4 full-time at the qualified location after the base year, after
5 subtracting the hours worked by such employees in the base year, who meet
6 the health coverage requirement of subsection (7) of this section, and
7 who are paid compensation at a rate equal to at least the Nebraska
8 statewide average hourly wage for the year of application.

9 (6) For employees who work both at a qualified location and also
10 perform services for the taxpayer at other nonqualified locations, they
11 will be included in determining the number of new employees if more than
12 fifty percent of the time for which they are compensated is spent at the
13 qualified location. For any year other than the base year, employees who
14 work at the qualified location fifty percent or less of the time for
15 which they are compensated are not considered employed at the qualified
16 location. For employees who work both at a qualified location and also
17 perform services for the taxpayer at the employee's Nebraska residence,
18 the time for which an employee is compensated for services performed at
19 the employee's Nebraska residence will be considered spent at the
20 qualified location.

21 (7) An employee meets the health coverage requirement if the
22 taxpayer offers to that employee, for that year, the opportunity to
23 enroll in minimum essential coverage under an eligible employer-sponsored
24 plan, as those terms are defined and described in section 5000A of the
25 Internal Revenue Code of 1986, as amended, and the regulations for such
26 section.

27 (8) For purposes of this section, employed full-time means that the
28 employee is a full-time employee as defined and described in section
29 4980H of the Internal Revenue Code of 1986, as amended, and the
30 regulations for such section.

31 Sec. 2. Original section 77-6815, Revised Statutes Cumulative

1 Supplement, 2020, is repealed.