

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 159

Introduced by Schumacher, 22.

Read first time January 14, 2013

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 77-2713, Reissue Revised Statutes of Nebraska, and
3 sections 77-2701, 77-2701.04, 77-2708, and 77-2709,
4 Revised Statutes Cumulative Supplement, 2012; to provide
5 a sales and use tax amnesty for gold, silver, and
6 platinum commodities purchased for investment; to
7 authorize a partial refund of state sales and use tax
8 paid on purchases of gold, silver, and platinum
9 commodities for investment; to change sales tax
10 enforcement provisions relating to sales and purchases of
11 gold, silver, and platinum commodities for investment; to
12 harmonize provisions; to provide an operative date; and
13 to repeal the original sections.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-2701, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to
4 77-27,236 and sections 3 and 4 of this act shall be known and may be
5 cited as the Nebraska Revenue Act of 1967.

6 Sec. 2. Section 77-2701.04, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 77-2701.04 For purposes of sections 77-2701.04 to 77-2713
9 and sections 3 and 4 of this act, unless the context otherwise
10 requires, the definitions found in sections 77-2701.05 to 77-2701.55
11 shall be used.

12 Sec. 3. (1) A tax amnesty program shall be conducted with
13 regard to sales and use taxes due and owing on the sale or use in
14 this state of gold, silver, and platinum commodities purchased for
15 investment that have not been paid or reported to the Department of
16 Revenue. The amnesty period shall begin on October 1, 2013, and end
17 on December 31, 2013. Any person applying for tax amnesty shall pay
18 the unreported sales and use taxes that were due on or before
19 December 31, 2013. Any person that applies for tax amnesty and is
20 accepted by the Tax Commissioner shall have any penalties and
21 interest waived on unreported and delinquent sales and use taxes for
22 such gold, silver, and platinum commodities notwithstanding any other
23 provisions of law to the contrary.

24 (2) To be eligible for the tax amnesty provided by this
25 section, the person shall apply for amnesty within the amnesty

1 period, file a return for each taxable period for which the amnesty
2 is requested by December 31, 2013, if no return has been filed, and
3 pay the unreported sales and use taxes for which amnesty is sought
4 with the return or within thirty days after the application if a
5 return was filed prior to the amnesty period. Tax amnesty shall not
6 be available for any person that is under civil or criminal audit,
7 investigation, or prosecution for unreported or delinquent taxes by
8 this state or the United States Government on or before October 1,
9 2013.

10 (3) The department shall not seek civil or criminal
11 prosecution against any person for any taxable period for which tax
12 amnesty has been granted. The Tax Commissioner shall develop forms
13 for applying for the tax amnesty program, develop procedures for
14 qualification for tax amnesty, and conduct a public awareness
15 campaign publicizing the tax amnesty program.

16 (4) If a person elects to participate in the tax amnesty
17 program, the election shall constitute an express and irrevocable
18 relinquishment of all administrative and judicial rights to challenge
19 the imposition of the tax or its amount. Nothing in this section
20 shall prohibit the department from adjusting a return as a result of
21 any state or federal audit.

22 (5) Except for any local option sales tax collected and
23 returned to the appropriate political subdivision, all revenue
24 received pursuant to the tax amnesty program shall be deposited in
25 the General Fund.

1 (6) The department shall prepare a report by December 31,
2 2014, detailing the results of the tax amnesty program. The report
3 shall include the amount of sales and use tax revenue obtained as a
4 result of the tax amnesty program.

5 Sec. 4. Any purchaser of silver, gold, or platinum
6 commodities purchased for investment on or after October 1, 2013, may
7 apply for a refund of XX percent of the Nebraska state sales or use
8 taxes paid on the commodity. The purchaser shall file a claim within
9 three years after the date of purchase with the Tax Commissioner
10 pursuant to section 77-2708. As part of the claim, the purchaser
11 shall:

12 (1) Affirm or swear that he or she has paid all sales and
13 use tax due on his or her purchases of gold, silver, or platinum
14 commodities for investment since January 1, 2007, and disclose the
15 identities of the sellers of such commodities; and

16 (2) Agree to disclose the seller, amount of commodity
17 purchased, and the dollar amount for each purchase of gold, silver,
18 or platinum commodities for investment on and after October 1, 2013.

19 Any person receiving a refund under this section who
20 subsequently fails to make a disclosure under subdivision (2) of this
21 section shall be liable for return of all refunds received under this
22 section with interest at the rate provided for in section 45-104.02,
23 as such rate may be from time to time adjusted, from the date of each
24 refund until the date of payment.

25 Sec. 5. Section 77-2708, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 77-2708 (1)(a) The sales and use taxes imposed by the
3 Nebraska Revenue Act of 1967 shall be due and payable to the Tax
4 Commissioner monthly on or before the twentieth day of the month next
5 succeeding each monthly period unless otherwise provided pursuant to
6 the Nebraska Revenue Act of 1967.

7 (b)(i) On or before the twentieth day of the month
8 following each monthly period or such other period as the Tax
9 Commissioner may require, a return for such period, along with all
10 taxes due, shall be filed with the Tax Commissioner in such form and
11 content as the Tax Commissioner may prescribe and containing such
12 information as the Tax Commissioner deems necessary for the proper
13 administration of the Nebraska Revenue Act of 1967. The Tax
14 Commissioner, if he or she deems it necessary in order to insure
15 payment to or facilitate the collection by the state of the amount of
16 sales or use taxes due, may require returns and payment of the amount
17 of such taxes for periods other than monthly periods in the case of a
18 particular seller, retailer, or purchaser, as the case may be. The
19 Tax Commissioner shall by rule and regulation require reports and tax
20 payments from sellers, retailers, or purchasers depending on their
21 yearly tax liability. Except as required by the streamlined sales and
22 use tax agreement, annual returns shall be required if such sellers',
23 retailers', or purchasers' yearly tax liability is less than nine
24 hundred dollars, quarterly returns shall be required if their yearly
25 tax liability is nine hundred dollars or more and less than three

1 thousand dollars, and monthly returns shall be required if their
2 yearly tax liability is three thousand dollars or more. The Tax
3 Commissioner shall have the discretion to allow an annual return for
4 seasonal retailers, even when their yearly tax liability exceeds the
5 amounts listed in this subdivision.

6 The Tax Commissioner may adopt and promulgate rules and
7 regulations to allow annual, semiannual, or quarterly returns for any
8 retailer making monthly remittances or payments of sales and use
9 taxes by electronic funds transfer or for any retailer remitting tax
10 to the state pursuant to the streamlined sales and use tax agreement.
11 Such rules and regulations may establish a method of determining the
12 amount of the payment that will result in substantially all of the
13 tax liability being paid each quarter. At least once each year, the
14 difference between the amount paid and the amount due shall be
15 reconciled. If the difference is more than ten percent of the amount
16 paid, a penalty of fifty percent of the unpaid amount shall be
17 imposed.

18 (ii) For purposes of the sales tax, a return shall be
19 filed by every retailer liable for collection from a purchaser and
20 payment to the state of the tax, except that a combined sales tax
21 return may be filed for all licensed locations which are subject to
22 common ownership. For purposes of this subdivision, common ownership
23 means the same person or persons own eighty percent or more of each
24 licensed location. For purposes of the use tax, a return shall be
25 filed by every retailer engaged in business in this state and by

1 every person who has purchased property, the storage, use, or other
2 consumption of which is subject to the use tax, but who has not paid
3 the use tax due to a retailer required to collect the tax.

4 (iii) The Tax Commissioner may require that returns be
5 signed by the person required to file the return or by his or her
6 duly authorized agent but need not be verified by oath.

7 (iv) A taxpayer who keeps his or her regular books and
8 records on a cash basis, an accrual basis, or any generally
9 recognized accounting basis which correctly reflects the operation of
10 the business may file the sales and use tax returns required by the
11 Nebraska Revenue Act of 1967 on the same accounting basis that is
12 used for the regular books and records, except that on credit,
13 conditional, and installment sales, the retailer who keeps his or her
14 books on an accrual basis may report such sales on the cash basis and
15 pay the tax upon the collections made during each month. If a
16 taxpayer transfers, sells, assigns, or otherwise disposes of an
17 account receivable, he or she shall be deemed to have received the
18 full balance of the consideration for the original sale and shall be
19 liable for the remittance of the sales tax on the balance of the
20 total sale price not previously reported, except that such transfer,
21 sale, assignment, or other disposition of an account receivable by a
22 retailer to a subsidiary shall not be deemed to require the retailer
23 to pay the sales tax on the credit sale represented by the account
24 transferred prior to the time the customer makes payment on such
25 account. If the subsidiary does not obtain a Nebraska sales tax

1 permit, the taxpayer shall obtain a surety bond in favor of the State
2 of Nebraska to insure payment of the tax and any interest and penalty
3 imposed thereon under this section in an amount not less than two
4 times the amount of tax payable on outstanding accounts receivable
5 held by the subsidiary as of the end of the prior calendar year.
6 Failure to obtain either a sales tax permit or a surety bond in
7 accordance with this section shall result in the payment on the next
8 required filing date of all sales taxes not previously remitted. When
9 the retailer has adopted one basis or the other of reporting credit,
10 conditional, or installment sales and paying the tax thereon, he or
11 she will not be permitted to change from that basis without first
12 having notified the Tax Commissioner.

13 (c) Except as provided in the streamlined sales and use
14 tax agreement, the taxpayer required to file the return shall deliver
15 or mail any required return together with a remittance of the net
16 amount of the tax due to the office of the Tax Commissioner on or
17 before the required filing date. Failure to file the return, filing
18 after the required filing date, failure to remit the net amount of
19 the tax due, or remitting the net amount of the tax due after the
20 required filing date shall be cause for a penalty, in addition to
21 interest, of ten percent of the amount of tax not paid by the
22 required filing date or twenty-five dollars, whichever is greater,
23 unless the penalty is being collected under subdivision (1)(i) or (1)
24 (j)(i) of section 77-2703 by a county treasurer or the Department of
25 Motor Vehicles, in which case the penalty shall be five dollars.

1 (d) The taxpayer shall deduct and withhold, from the
2 taxes otherwise due from him or her on his or her tax return, two and
3 one-half percent of the first three thousand dollars remitted each
4 month to reimburse himself or herself for the cost of collecting the
5 tax. Taxpayers filing a combined return as allowed by subdivision (1)
6 (b)(ii) of this subsection shall compute such collection fees on the
7 basis of the receipts and liability of each licensed location.

8 (2)(a) If the Tax Commissioner determines that any sales
9 or use tax amount, penalty, or interest has been paid more than once,
10 has been erroneously or illegally collected or computed, or has been
11 paid and the purchaser qualifies for a refund under section
12 77-2708.01 or section 4 of this act, the Tax Commissioner shall set
13 forth that fact in his or her records and the excess amount collected
14 or paid may be credited on any sales, use, or income tax amounts then
15 due and payable from the person under the Nebraska Revenue Act of
16 1967. Any balance may be refunded to the person by whom it was paid
17 or his or her successors, administrators, or executors.

18 (b) No refund shall be allowed unless a claim therefor is
19 filed with the Tax Commissioner by the person who made the
20 overpayment or his or her attorney, executor, or administrator within
21 three years from the required filing date following the close of the
22 period for which the overpayment was made, within six months after
23 any determination becomes final under section 77-2709, or within six
24 months from the date of overpayment with respect to such
25 determinations, whichever of these three periods expires later,

1 unless the credit relates to a period for which a waiver has been
2 given. Failure to file a claim within the time prescribed in this
3 subsection shall constitute a waiver of any demand against the state
4 on account of overpayment.

5 (c) Every claim shall be in writing on forms prescribed
6 by the Tax Commissioner and shall state the specific amount and
7 grounds upon which the claim is founded. No refund shall be made in
8 any amount less than two dollars.

9 (d) The Tax Commissioner shall allow or disallow a claim
10 within one hundred eighty days after it has been filed. A request for
11 a hearing shall constitute a waiver of the one-hundred-eighty-day
12 period. The claimant and the Tax Commissioner may also agree to
13 extend the one-hundred-eighty-day period. If a hearing has not been
14 requested and the Tax Commissioner has neither allowed nor disallowed
15 a claim within either the one hundred eighty days or the period
16 agreed to by the claimant and the Tax Commissioner, the claim shall
17 be deemed to have been allowed.

18 (e) Within thirty days after disallowing any claim in
19 whole or in part, the Tax Commissioner shall serve notice of his or
20 her action on the claimant in the manner prescribed for service of
21 notice of a deficiency determination.

22 (f) Within thirty days after the mailing of the notice of
23 the Tax Commissioner's action upon a claim filed pursuant to the
24 Nebraska Revenue Act of 1967, the action of the Tax Commissioner
25 shall be final unless the taxpayer seeks review of the Tax

1 Commissioner's determination as provided in section 77-27,127.

2 (g) Upon the allowance of a credit or refund of any sum
3 erroneously or illegally assessed or collected, of any penalty
4 collected without authority, or of any sum which was excessive or in
5 any manner wrongfully collected, interest shall be allowed and paid
6 on the amount of such credit or refund at the rate specified in
7 section 45-104.02, as such rate may from time to time be adjusted,
8 from the date such sum was paid or from the date the return was
9 required to be filed, whichever date is later, to the date of the
10 allowance of the refund or, in the case of a credit, to the due date
11 of the amount against which the credit is allowed, but in the case of
12 a voluntary and unrequested payment in excess of actual tax liability
13 or a refund under section 77-2708.01 or section 4 of this act, no
14 interest shall be allowed when such excess is refunded or credited.

15 (h) No suit or proceeding shall be maintained in any
16 court for the recovery of any amount alleged to have been erroneously
17 or illegally determined or collected unless a claim for refund or
18 credit has been duly filed.

19 (i) The Tax Commissioner may recover any refund or part
20 thereof which is erroneously made and any credit or part thereof
21 which is erroneously allowed by issuing a deficiency determination
22 within one year from the date of refund or credit or within the
23 period otherwise allowed for issuing a deficiency determination,
24 whichever expires later.

25 (j)(i) Credit shall be allowed to the retailer,

1 contractor, or repairperson for sales or use taxes paid pursuant to
2 the Nebraska Revenue Act of 1967 on any deduction taken that is
3 attributed to bad debts not including interest. Bad debt has the same
4 meaning as in 26 U.S.C. 166, as such section existed on January 1,
5 2003. However, the amount calculated pursuant to 26 U.S.C. 166 shall
6 be adjusted to exclude: Financing charges or interest; sales or use
7 taxes charged on the purchase price; uncollectible amounts on
8 property that remains in the possession of the seller until the full
9 purchase price is paid; and expenses incurred in attempting to
10 collect any debt and repossessed property.

11 (ii) Bad debts may be deducted on the return for the
12 period during which the bad debt is written off as uncollectible in
13 the claimant's books and records and is eligible to be deducted for
14 federal income tax purposes. A claimant who is not required to file
15 federal income tax returns may deduct a bad debt on a return filed
16 for the period in which the bad debt is written off as uncollectible
17 in the claimant's books and records and would be eligible for a bad
18 debt deduction for federal income tax purposes if the claimant was
19 required to file a federal income tax return.

20 (iii) If a deduction is taken for a bad debt and the debt
21 is subsequently collected in whole or in part, the tax on the amount
22 so collected must be paid and reported on the return filed for the
23 period in which the collection is made.

24 (iv) When the amount of bad debt exceeds the amount of
25 taxable sales for the period during which the bad debt is written

1 off, a refund claim may be filed within the otherwise applicable
2 statute of limitations for refund claims. The statute of limitations
3 shall be measured from the due date of the return on which the bad
4 debt could first be claimed.

5 (v) If filing responsibilities have been assumed by a
6 certified service provider, the service provider may claim, on behalf
7 of the retailer, any bad debt allowance provided by this section. The
8 certified service provider shall credit or refund the full amount of
9 any bad debt allowance or refund received to the retailer.

10 (vi) For purposes of reporting a payment received on a
11 previously claimed bad debt, any payments made on a debt or account
12 are applied first proportionally to the taxable price of the property
13 or service and the sales tax thereon, and secondly to interest,
14 service charges, and any other charges.

15 (vii) In situations in which the books and records of the
16 party claiming the bad debt allowance support an allocation of the
17 bad debts among the member states in the streamlined sales and use
18 tax agreement, the state shall permit the allocation.

19 Sec. 6. Section 77-2709, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 77-2709 (1) If the Tax Commissioner is not satisfied with
22 the return or returns of the tax or the amount of tax required to be
23 paid to the state by any person, he or she may compute and determine
24 the amount required to be paid upon the basis of the facts contained
25 in the return or returns or upon the basis of any information within

1 his or her possession or which may come into his or her possession.
2 One or more deficiency determinations of the amount due for one or
3 more than one period may be made. To the amount of the deficiency
4 determination for each period shall be added a penalty equal to ten
5 percent thereof or twenty-five dollars, whichever is greater. In
6 making a determination, the Tax Commissioner may offset overpayments
7 for a period or periods, together with interest on the overpayments,
8 against underpayments for other period or periods, against penalties,
9 and against the interest on the underpayments.

10 The interest on underpayments and overpayments shall be
11 computed in the manner set forth hereinafter.

12 (2) If any person fails to make a return, the Tax
13 Commissioner shall make an estimate of the amount of the gross
14 receipts of the person or, as the case may be, of the amount of the
15 total sales, rent, or lease price of property sold, rented, or leased
16 or purchased, by the person, the storage, use, or consumption of
17 which in this state is subject to the use tax. The estimate shall be
18 made for the period or periods in respect to which the person failed
19 to make a return and shall be based upon any information which is in
20 the Tax Commissioner's possession or may come into his or her
21 possession. Upon the basis of this estimate, the Tax Commissioner
22 shall compute and determine the amount required to be paid to the
23 state, adding to the sum thus arrived at a penalty equal to ten
24 percent thereof or twenty-five dollars, whichever is greater. One or
25 more determinations may be made for one or more than one period.

1 (3) The amount of the determination of any deficiency
2 exclusive of penalties shall bear interest at the rate specified in
3 section 45-104.02, as such rate may from time to time be adjusted,
4 from the twentieth of the month following the period for which the
5 amount should have been returned until the date of payment.

6 (4) If any part of a deficiency for which a deficiency
7 determination is made is the result of fraud or an intent to evade
8 the Nebraska Revenue Act of 1967 or authorized rules and regulations,
9 a penalty of twenty-five percent of the amount of the determination
10 or fifty dollars, whichever is greater, shall be added thereto.

11 (5)(a) Promptly after making his or her determination,
12 the Tax Commissioner shall give to the person written notice of his
13 or her determination.

14 (b) The notice may be served personally or by mail, and
15 if by mail the notice shall be addressed to the person at his or her
16 address as it appears in the records of the Tax Commissioner. In case
17 of service by mail of any notice required by the Nebraska Revenue Act
18 of 1967, the service is complete at the time of deposit in the United
19 States post office.

20 ~~(c) Every (c)(i) Except as provided in subdivision (ii)~~
21 of this subdivision, every notice of a deficiency determination shall
22 be personally served or mailed within three years after the last day
23 of the calendar month following the period for which the amount is
24 proposed to be determined or within three years after the return is
25 filed, whichever period expires the later, and in. ~~In the case of~~

1 failure to make a return, every notice of determination shall be
2 mailed or personally served within five years after the last day of
3 the calendar month following the period for which the amount is
4 proposed to be determined.

5 (ii) Every notice of a deficiency determination related
6 to the sale or purchase of gold, silver, or platinum commodities for
7 investment occurring on or after January 1, 2007, and before January
8 1, 2013, shall be personally served or mailed within twenty years
9 after the last day of the calendar month following the period for
10 which the amount is proposed to be determined or within twenty years
11 after the return is filed, whichever period expires the later.

12 (d) When, before the expiration of the time prescribed in
13 this section for the mailing of a notice of deficiency determination,
14 both the Tax Commissioner and the taxpayer have consented in writing
15 to its mailing after such time, the notice of the deficiency
16 determination may be mailed at any time prior to the expiration of
17 the period agreed upon. The agreed-upon period may be extended by
18 subsequent agreement, in writing, made before the expiration of the
19 period previously agreed upon.

20 (6) When a business is discontinued, a determination may
21 be made at any time thereafter within the periods specified in this
22 section as to liability arising out of that business, irrespective of
23 whether the determination is issued prior to the due date of the
24 liability as otherwise specified in the Nebraska Revenue Act of 1967.

25 (7) Any person against whom a determination is made under

1 subsections (1) and (2) of this section or any person directly
2 interested may petition for a redetermination within sixty days after
3 service upon the person of notice thereof. For the purposes of this
4 subsection, a person is directly interested in a deficiency
5 determination when such deficiency could be collected from such
6 person. If a petition for redetermination is not filed within the
7 sixty-day period, the determination becomes final at the expiration
8 of the period.

9 (8) If a petition for redetermination is filed within the
10 sixty-day period, the Tax Commissioner shall reconsider the
11 determination and, if the person has so requested in his or her
12 petition, shall grant the person an oral hearing and shall give him
13 or her ten days' notice of the time and place of the hearing. The Tax
14 Commissioner may continue the hearing from time to time as may be
15 necessary.

16 (9) The Tax Commissioner may decrease or increase the
17 amount of the determination before it becomes final, but the amount
18 may be increased only if a claim for the increase is asserted by the
19 Tax Commissioner at or before the hearing, upon which assertion the
20 petitioner shall be entitled to a thirty-day continuance of the
21 hearing to allow him or her to obtain and produce further evidence
22 applicable to the items upon which the increase is based.

23 (10) The order or decision of the Tax Commissioner upon a
24 petition for redetermination shall become final thirty days after
25 service upon the petitioner of notice thereof.

1 (11) All determinations made by the Tax Commissioner
2 under the provisions of subsections (1) and (2) of this section are
3 due and payable at the time they become final. If they are not paid
4 when due and payable, a penalty of ten percent of the amount of the
5 determination, exclusive of interest and penalties, shall be added
6 thereto.

7 (12) Any notice required by this section shall be served
8 personally or by mail in the manner prescribed in subsection (5) of
9 this section.

10 Sec. 7. Section 77-2713, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 77-2713 (1) Any person required under the provisions of
13 sections 77-2701.04 to 77-2713 to collect, account for, or pay over
14 any tax imposed by the Nebraska Revenue Act of 1967 who willfully
15 fails to collect or truthfully account for or pay over such tax and
16 any person who willfully attempts in any manner to evade any tax
17 imposed by such provisions of such act or the payment thereof shall,
18 in addition to other penalties provided by law, be guilty of a Class
19 IV felony.

20 (2) Any person who willfully aids or assists in,
21 procures, counsels, or advises the preparation or presentation of a
22 false or fraudulent return, affidavit, claim, or document under or in
23 connection with any matter arising under sections 77-2701.04 to
24 77-2713 shall, whether or not such falsity or fraud is with the
25 knowledge or consent of the person authorized or required to present

1 such return, affidavit, claim, or document, be guilty of a Class IV
2 felony.

3 (3) A person who engages in business as a retailer in
4 this state without a permit or permits or after a permit has been
5 suspended and each officer of any corporation which so engages in
6 business shall be guilty of a Class IV misdemeanor. Each day of such
7 operation shall constitute a separate offense.

8 (4) Any person who gives a resale certificate to the
9 seller for property which he or she knows, at the time of purchase,
10 is purchased for the purpose of use rather than for the purpose of
11 resale, lease, or rental by him or her in the regular course of
12 business shall be guilty of a Class IV misdemeanor.

13 (5) Any violation of the provisions of sections
14 77-2701.04 to 77-2713, except as otherwise provided, shall be a Class
15 IV misdemeanor.

16 (6) Any prosecution under sections 77-2701.04 to 77-2713
17 shall be instituted within three years after the commission of the
18 offense, except that if the offense involved the sale or purchase of
19 gold, silver, or platinum commodities for investment on or after
20 January 1, 2007, and before January 1, 2013, then the prosecution
21 shall be instituted within twenty years after the commission of the
22 offense. If such offense is the failure to do an act required by any
23 of such sections to be done before a certain date, a prosecution for
24 such offense may be commenced not later than three years after such
25 date, except that if the offense involved the sale or purchase of

1 gold, silver, or platinum commodities for investment on or after
2 January 1, 2007, and before January 1, 2013, then a prosecution for
3 such offense may be commenced not later than twenty years after such
4 date. The failure to do any act required by sections 77-2701.04 to
5 77-2713 shall be deemed an act committed in part at the principal
6 office of the Tax Commissioner. Any prosecution under the provisions
7 of the Nebraska Revenue Act of 1967 may be conducted in any county
8 where the person or corporation to whose liability the proceeding
9 relates resides or has a place of business or in any county in which
10 such criminal act is committed. The Attorney General shall have
11 concurrent jurisdiction with the county attorney in the prosecution
12 of any offenses under the provisions of the Nebraska Revenue Act of
13 1967.

14 Sec. 8. This act becomes operative on October 1, 2013.

15 Sec. 9. Original section 77-2713, Reissue Revised
16 Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2708, and
17 77-2709, Revised Statutes Cumulative Supplement, 2012, are repealed.