

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 208

FINAL READING

Introduced by von Gillern, 4.

Read first time January 14, 2025

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend sections
2 77-2712.03 and 77-27,143, Reissue Revised Statutes of Nebraska, and
3 sections 77-2708, 77-2711, 77-2715.07, 77-27,241, 77-7012, and
4 77-7203, Revised Statutes Cumulative Supplement, 2024; to change
5 provisions relating to sales tax collection fees, confidentiality of
6 sales tax information, the streamlined sales and use tax agreement,
7 a database for sales tax zip code information, annual limits for
8 certain tax credits, and certain tax credits for parents and legal
9 guardians; to harmonize provisions; and to repeal the original
10 sections.
11 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 77-2708, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

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

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

30 The Tax Commissioner may adopt and promulgate rules and regulations
31 to allow annual, semiannual, or quarterly returns for any retailer making

1 monthly remittances or payments of sales and use taxes by electronic
2 funds transfer or for any retailer remitting tax to the state pursuant to
3 the streamlined sales and use tax agreement. Such rules and regulations
4 may establish a method of determining the amount of the payment that will
5 result in substantially all of the tax liability being paid each quarter.
6 At least once each year, the difference between the amount paid and the
7 amount due shall be reconciled. If the difference is more than ten
8 percent of the amount paid, a penalty of fifty percent of the unpaid
9 amount shall be imposed.

10 (ii) For purposes of the sales tax, a return shall be filed by every
11 retailer liable for collection from a purchaser and payment to the state
12 of the tax, except that a combined sales tax return may be filed for all
13 licensed locations which are subject to common ownership. For purposes of
14 this subdivision, common ownership means the same person or persons own
15 eighty percent or more of each licensed location. For purposes of the use
16 tax, a return shall be filed by every retailer engaged in business in
17 this state and by every person who has purchased property, the storage,
18 use, or other consumption of which is subject to the use tax, but who has
19 not paid the use tax due to a retailer required to collect the tax.

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

23 (iv) A taxpayer who keeps his or her regular books and records on a
24 cash basis, an accrual basis, or any generally recognized accounting
25 basis which correctly reflects the operation of the business may file the
26 sales and use tax returns required by the Nebraska Revenue Act of 1967 on
27 the same accounting basis that is used for the regular books and records,
28 except that on credit, conditional, and installment sales, the retailer
29 who keeps his or her books on an accrual basis may report such sales on
30 the cash basis and pay the tax upon the collections made during each
31 month. If a taxpayer transfers, sells, assigns, or otherwise disposes of

1 an account receivable, he or she shall be deemed to have received the
2 full balance of the consideration for the original sale and shall be
3 liable for the remittance of the sales tax on the balance of the total
4 sale price not previously reported, except that such transfer, sale,
5 assignment, or other disposition of an account receivable by a retailer
6 to a subsidiary shall not be deemed to require the retailer to pay the
7 sales tax on the credit sale represented by the account transferred prior
8 to the time the customer makes payment on such account. If the subsidiary
9 does not obtain a Nebraska sales tax permit, the taxpayer shall obtain a
10 surety bond in favor of the State of Nebraska to insure payment of the
11 tax and any interest and penalty imposed thereon under this section in an
12 amount not less than two times the amount of tax payable on outstanding
13 accounts receivable held by the subsidiary as of the end of the prior
14 calendar year. Failure to obtain either a sales tax permit or a surety
15 bond in accordance with this section shall result in the payment on the
16 next required filing date of all sales taxes not previously remitted.
17 When the retailer has adopted one basis or the other of reporting credit,
18 conditional, or installment sales and paying the tax thereon, he or she
19 will not be permitted to change from that basis without first having
20 notified the Tax Commissioner.

21 (c) Except as provided in the streamlined sales and use tax
22 agreement, the taxpayer required to file the return shall deliver or mail
23 any required return together with a remittance of the net amount of the
24 tax due to the office of the Tax Commissioner on or before the required
25 filing date. Failure to file the return, filing after the required filing
26 date, failure to remit the net amount of the tax due, or remitting the
27 net amount of the tax due after the required filing date shall be cause
28 for a penalty, in addition to interest, of ten percent of the amount of
29 tax not paid by the required filing date or twenty-five dollars,
30 whichever is greater, unless the penalty is being collected under
31 subdivision (1)(i), (1)(j)(i), or (1)(k)(i) of section 77-2703 by a

1 county treasurer or the Department of Motor Vehicles, in which case the
2 penalty shall be five dollars.

3 (d) The taxpayer shall deduct and withhold, from the taxes otherwise
4 due from him or her on his or her tax return, three percent of the first
5 five thousand dollars remitted each month to reimburse himself or herself
6 for the cost of collecting the tax. Taxpayers filing a combined return as
7 allowed by subdivision (1)(b)(ii) of this subsection shall compute such
8 collection fees on the basis of the receipts and liability of each
9 licensed location. If a model 1 seller's sales and use tax functions are
10 performed by a certified service provider and the certified service
11 provider is compensated pursuant to the streamlined sales and use tax
12 agreement for performing such functions, then the model 1 seller shall
13 not receive any collection fees under this subdivision.

14 (e) A retailer that makes sales into Nebraska using a multivendor
15 marketplace platform is relieved of its obligation to collect and remit
16 sales taxes to Nebraska with regard to any sales taxes collected and
17 remitted by the multivendor marketplace platform. Such a retailer must
18 include all sales into Nebraska in its gross receipts in its return, but
19 may claim credit for any sales taxes collected and remitted by the
20 multivendor marketplace platform with respect to such retailer's sales.
21 Such retailer is liable for the sales tax due on sales into Nebraska as
22 provided in section 77-2704.35.

23 (f) A multivendor marketplace platform is relieved of its obligation
24 to collect and remit the correct amount of state and local sales taxes to
25 Nebraska to the extent that the multivendor marketplace platform can
26 establish that the error was due to insufficient or incorrect information
27 given to the multivendor marketplace platform by the seller and relied on
28 by the multivendor marketplace platform. This subdivision shall not apply
29 if the multivendor marketplace platform and the seller are related
30 persons under either section 267(b) or (c) or section 707(b) of the
31 Internal Revenue Code of 1986 or if the seller is also the multivendor

1 marketplace platform operator.

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

12 (b) No refund shall be allowed unless a claim therefor is filed with
13 the Tax Commissioner by the person who made the overpayment or his or her
14 attorney, executor, or administrator within three years from the required
15 filing date following the close of the period for which the overpayment
16 was made, within six months after any determination becomes final under
17 section 77-2709, or within six months from the date of overpayment with
18 respect to such determinations, whichever of these three periods expires
19 later, unless the credit relates to a period for which a waiver has been
20 given. Failure to file a claim within the time prescribed in this
21 subsection shall constitute a waiver of any demand against the state on
22 account of overpayment.

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

27 (d) The Tax Commissioner shall allow or disallow a claim within one
28 hundred eighty days after it has been filed. A request for a hearing
29 shall constitute a waiver of the one-hundred-eighty-day period. The
30 claimant and the Tax Commissioner may also agree to extend the one-
31 hundred-eighty-day period. If a hearing has not been requested and the

1 Tax Commissioner has neither allowed nor disallowed a claim within either
2 the one hundred eighty days or the period agreed to by the claimant and
3 the Tax Commissioner, the claim shall be deemed to have been allowed.

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

8 (f) Within thirty days after the mailing of the notice of the Tax
9 Commissioner's action upon a claim filed pursuant to the Nebraska Revenue
10 Act of 1967, the action of the Tax Commissioner shall be final unless the
11 taxpayer seeks review of the Tax Commissioner's determination as provided
12 in section 77-27,127.

13 (g) Upon the allowance of a credit or refund of any sum erroneously
14 or illegally assessed or collected, of any penalty collected without
15 authority, or of any sum which was excessive or in any manner wrongfully
16 collected, interest shall be allowed and paid on the amount of such
17 credit or refund at the rate specified in section 45-104.02, as such rate
18 may from time to time be adjusted, from the date such sum was paid or
19 from the date the return was required to be filed, whichever date is
20 later, to the date of the allowance of the refund or, in the case of a
21 credit, to the due date of the amount against which the credit is
22 allowed, but in the case of a voluntary and unrequested payment in excess
23 of actual tax liability or a refund under section 77-2708.01, no interest
24 shall be allowed when such excess is refunded or credited.

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

29 (i) The Tax Commissioner may recover any refund or part thereof
30 which is erroneously made and any credit or part thereof which is
31 erroneously allowed by issuing a deficiency determination within one year

1 from the date of refund or credit or within the period otherwise allowed
2 for issuing a deficiency determination, whichever expires later.

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

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

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

26 (iv) When the amount of bad debt exceeds the amount of taxable sales
27 for the period during which the bad debt is written off, a refund claim
28 may be filed within the otherwise applicable statute of limitations for
29 refund claims. The statute of limitations shall be measured from the due
30 date of the return on which the bad debt could first be claimed.

31 (v) If filing responsibilities have been assumed by a certified

1 service provider, the service provider may claim, on behalf of the
2 retailer, any bad debt allowance provided by this section. The certified
3 service provider shall credit or refund the full amount of any bad debt
4 allowance or refund received to the retailer.

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

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

14 (3) Beginning July 1, 2020, if a refund claim under this section
15 involves a refund of a tax imposed under the Local Option Revenue Act or
16 section 13-319, 13-2813, or 77-6403 and the amount of such tax to be
17 refunded is at least five thousand dollars, the Tax Commissioner shall
18 notify the affected city, village, county, or municipal county of such
19 claim within twenty days after receiving the claim. If the Tax
20 Commissioner allows the claim and the refund of such tax is at least five
21 thousand dollars, the Tax Commissioner shall notify the affected city,
22 village, county, or municipal county of such refund and shall give the
23 city, village, county, or municipal county the option of having such
24 refund deducted from its tax proceeds in one lump sum or in twelve equal
25 monthly installments. The city, village, county, or municipal county
26 shall make its selection and shall certify the selection to the Tax
27 Commissioner within twenty days after receiving notice of the refund. The
28 Tax Commissioner shall then deduct such refund from the applicable tax
29 proceeds in accordance with the selection when he or she deducts refunds
30 pursuant to section 13-324, 13-2814, or 77-6403 or subsection (1) of
31 section 77-27,144, whichever is applicable. This subsection shall not

1 apply to any refund that is subject to subdivision (2)(a) or (2)(b)(ii)
2 or subsection (3) or (4) of section 77-27,144.

3 **Sec. 2.** Section 77-2711, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 77-2711 (1)(a) The Tax Commissioner shall enforce sections
6 77-2701.04 to 77-2713 and may prescribe, adopt, and enforce rules and
7 regulations relating to the administration and enforcement of such
8 sections.

9 (b) The Tax Commissioner may prescribe the extent to which any
10 ruling or regulation shall be applied without retroactive effect.

11 (2) The Tax Commissioner may employ accountants, auditors,
12 investigators, assistants, and clerks necessary for the efficient
13 administration of the Nebraska Revenue Act of 1967 and may delegate
14 authority to his or her representatives to conduct hearings, prescribe
15 regulations, or perform any other duties imposed by such act.

16 (3)(a) Every seller, every retailer, and every person storing,
17 using, or otherwise consuming in this state property purchased from a
18 retailer shall keep such records, receipts, invoices, and other pertinent
19 papers in such form as the Tax Commissioner may reasonably require.

20 (b) Every such seller, retailer, or person shall keep such records
21 for not less than three years from the making of such records unless the
22 Tax Commissioner in writing sooner authorized their destruction.

23 (4) The Tax Commissioner or any person authorized in writing by him
24 or her may examine the books, papers, records, and equipment of any
25 person selling property and any person liable for the use tax and may
26 investigate the character of the business of the person in order to
27 verify the accuracy of any return made or, if no return is made by the
28 person, to ascertain and determine the amount required to be paid. In the
29 examination of any person selling property or of any person liable for
30 the use tax, an inquiry shall be made as to the accuracy of the reporting
31 of city and county sales and use taxes for which the person is liable

1 under the Local Option Revenue Act or sections 13-319, 13-324, 13-2813,
2 and 77-6403 and the accuracy of the allocation made between the various
3 counties, cities, villages, and municipal counties of the tax due. The
4 Tax Commissioner may make or cause to be made copies of resale or
5 exemption certificates and may pay a reasonable amount to the person
6 having custody of the records for providing such copies.

7 (5) The taxpayer shall have the right to keep or store his or her
8 records at a point outside this state and shall make his or her records
9 available to the Tax Commissioner at all times.

10 (6) In administration of the use tax, the Tax Commissioner may
11 require the filing of reports by any person or class of persons having in
12 his, her, or their possession or custody information relating to sales of
13 property, the storage, use, or other consumption of which is subject to
14 the tax. The report shall be filed when the Tax Commissioner requires and
15 shall set forth the names and addresses of purchasers of the property,
16 the sales price of the property, the date of sale, and such other
17 information as the Tax Commissioner may require.

18 (7) It shall be a Class I misdemeanor for the Tax Commissioner, ~~or~~
19 any official or employee of the Tax Commissioner, the State Treasurer, or
20 the Department of Administrative Services, or any other person to make
21 known in any manner whatever the business affairs, operations, or
22 information obtained by an investigation of records and activities of any
23 retailer or any other person visited or examined in the discharge of
24 official duty or the amount or source of income, profits, losses,
25 expenditures, or any particular thereof, set forth or disclosed in any
26 return, or to permit any return or copy thereof, or any book containing
27 any abstract or particulars thereof to be seen or examined by any person
28 not connected with the Tax Commissioner. Nothing in this section shall be
29 construed to prohibit (a) the delivery to a taxpayer, his or her duly
30 authorized representative, or his or her successors, receivers, trustees,
31 executors, administrators, assignees, or guarantors, if directly

1 interested, of a certified copy of any return or report in connection
2 with his or her tax, (b) the publication of statistics so classified as
3 to prevent the identification of particular reports or returns and the
4 items thereof, (c) the inspection by the Attorney General, other legal
5 representative of the state, or county attorney of the reports or returns
6 of any taxpayer when either (i) information on the reports or returns is
7 considered by the Attorney General to be relevant to any action or
8 proceeding instituted by the taxpayer or against whom an action or
9 proceeding is being considered or has been commenced by any state agency
10 or the county or (ii) the taxpayer has instituted an action to review the
11 tax based thereon or an action or proceeding against the taxpayer for
12 collection of tax or failure to comply with the Nebraska Revenue Act of
13 1967 is being considered or has been commenced, (d) the furnishing of any
14 information to the United States Government or to states allowing similar
15 privileges to the Tax Commissioner, (e) the disclosure of information and
16 records to a collection agency contracting with the Tax Commissioner
17 pursuant to sections 77-377.01 to 77-377.04, (f) the disclosure to
18 another party to a transaction of information and records concerning the
19 transaction between the taxpayer and the other party, (g) the disclosure
20 of information pursuant to section 77-27,195, 77-5731, 77-6837, 77-6839,
21 or 77-6928, or (h) the disclosure of information to the Department of
22 Labor necessary for the administration of the Employment Security Law,
23 the Contractor Registration Act, or the Employee Classification Act.

24 (8) Notwithstanding the provisions of subsection (7) of this
25 section, the Tax Commissioner may permit the Postal Inspector of the
26 United States Postal Service or his or her delegates to inspect the
27 reports or returns of any person filed pursuant to the Nebraska Revenue
28 Act of 1967 when information on the reports or returns is relevant to any
29 action or proceeding instituted or being considered by the United States
30 Postal Service against such person for the fraudulent use of the mails to
31 carry and deliver false and fraudulent tax returns to the Tax

1 Commissioner with the intent to defraud the State of Nebraska or to evade
2 the payment of Nebraska state taxes.

3 (9) Notwithstanding the provisions of subsection (7) of this
4 section, the Tax Commissioner may permit other tax officials of this
5 state to inspect the tax returns, reports, and applications filed under
6 sections 77-2701.04 to 77-2713, but such inspection shall be permitted
7 only for purposes of enforcing a tax law and only to the extent and under
8 the conditions prescribed by the rules and regulations of the Tax
9 Commissioner.

10 (10) Notwithstanding the provisions of subsection (7) of this
11 section, the Tax Commissioner may, upon request, provide the county board
12 of any county which has exercised the authority granted by section
13 81-3716 with a list of the names and addresses of the hotels located
14 within the county for which lodging sales tax returns have been filed or
15 for which lodging sales taxes have been remitted for the county's County
16 Visitors Promotion Fund under the Nebraska Visitors Development Act.

17 The information provided by the Tax Commissioner shall indicate only
18 the names and addresses of the hotels located within the requesting
19 county for which lodging sales tax returns have been filed for a
20 specified period and the fact that lodging sales taxes remitted by or on
21 behalf of the hotel have constituted a portion of the total sum remitted
22 by the state to the county for a specified period under the provisions of
23 the Nebraska Visitors Development Act. No additional information shall be
24 revealed.

25 (11)(a) Notwithstanding the provisions of subsection (7) of this
26 section, the Tax Commissioner shall, upon written request by the Auditor
27 of Public Accounts or the office of Legislative Audit, make tax returns
28 and tax return information open to inspection by or disclosure to the
29 Auditor of Public Accounts or employees of the office of Legislative
30 Audit for the purpose of and to the extent necessary in making an audit
31 of the Department of Revenue pursuant to section 50-1205 or 84-304.

1 Confidential tax returns and tax return information shall be audited only
2 upon the premises of the Department of Revenue. All audit work papers
3 pertaining to the audit of the Department of Revenue shall be stored in a
4 secure place in the Department of Revenue.

5 (b) No employee of the Auditor of Public Accounts or the office of
6 Legislative Audit shall disclose to any person, other than another
7 Auditor of Public Accounts or office employee whose official duties
8 require such disclosure, any return or return information described in
9 the Nebraska Revenue Act of 1967 in a form which can be associated with
10 or otherwise identify, directly or indirectly, a particular taxpayer.

11 (c) Any person who violates the provisions of this subsection shall
12 be guilty of a Class I misdemeanor. For purposes of this subsection,
13 employee includes a former Auditor of Public Accounts or office of
14 Legislative Audit employee.

15 (12) For purposes of this subsection and subsections (11) and (14)
16 of this section:

17 (a) Disclosure means the making known to any person in any manner a
18 tax return or return information;

19 (b) Return information means:

20 (i) A taxpayer's identification number and (A) the nature, source,
21 or amount of his or her income, payments, receipts, deductions,
22 exemptions, credits, assets, liabilities, net worth, tax liability, tax
23 withheld, deficiencies, over assessments, or tax payments, whether the
24 taxpayer's return was, is being, or will be examined or subject to other
25 investigation or processing or (B) any other data received by, recorded
26 by, prepared by, furnished to, or collected by the Tax Commissioner with
27 respect to a return or the determination of the existence or possible
28 existence of liability or the amount of liability of any person for any
29 tax, penalty, interest, fine, forfeiture, or other imposition or offense;
30 and

31 (ii) Any part of any written determination or any background file

1 document relating to such written determination; and

2 (c) Tax return or return means any tax or information return or
3 claim for refund required by, provided for, or permitted under sections
4 77-2701 to 77-2713 which is filed with the Tax Commissioner by, on behalf
5 of, or with respect to any person and any amendment or supplement
6 thereto, including supporting schedules, attachments, or lists which are
7 supplemental to or part of the filed return.

8 (13) Notwithstanding the provisions of subsection (7) of this
9 section, the Tax Commissioner shall, upon request, provide any
10 municipality which has adopted the local option sales tax under the Local
11 Option Revenue Act with a list of the names and addresses of the
12 retailers which have collected the local option sales tax for the
13 municipality. The request may be made annually and shall be submitted to
14 the Tax Commissioner on or before June 30 of each year. The information
15 provided by the Tax Commissioner shall indicate only the names and
16 addresses of the retailers. The Tax Commissioner may provide additional
17 information to a municipality so long as the information does not include
18 any data detailing the specific revenue, expenses, or operations of any
19 particular business.

20 (14)(a) Notwithstanding the provisions of subsection (7) of this
21 section, the Tax Commissioner shall, upon written request, provide an
22 individual certified under subdivision (b) of this subsection
23 representing a municipality which has adopted the local option sales and
24 use tax under the Local Option Revenue Act with confidential sales and
25 use tax returns and sales and use tax return information regarding
26 taxpayers that possess a sales tax permit and the amounts remitted by
27 such permitholders at locations within the boundaries of the requesting
28 municipality or with confidential business use tax returns and business
29 use tax return information regarding taxpayers that file a Nebraska and
30 Local Business Use Tax Return and the amounts remitted by such taxpayers
31 at locations within the boundaries of the requesting municipality. Any

1 written request pursuant to this subsection shall provide the Department
2 of Revenue with no less than ten business days to prepare the sales and
3 use tax returns and sales and use tax return information requested. The
4 individual certified under subdivision (b) of this subsection shall
5 review such returns and return information only upon the premises of the
6 department, except that such limitation shall not apply if the certifying
7 municipality has an agreement in effect under the Nebraska Advantage
8 Transformational Tourism and Redevelopment Act. In such case, the
9 individual certified under subdivision (b) of this subsection may request
10 that copies of such returns and return information be sent to him or her
11 by electronic transmission, secured in a manner as determined by the Tax
12 Commissioner.

13 (b) Each municipality that seeks to request information under
14 subdivision (a) of this subsection shall certify to the Department of
15 Revenue one individual who is authorized by such municipality to make
16 such request and review the documents described in subdivision (a) of
17 this subsection. The individual may be a municipal employee or an
18 individual who contracts with the requesting municipality to provide
19 financial, accounting, or other administrative services.

20 (c) No individual certified by a municipality pursuant to
21 subdivision (b) of this subsection shall disclose to any person any
22 information obtained pursuant to a review under this subsection. An
23 individual certified by a municipality pursuant to subdivision (b) of
24 this subsection shall remain subject to this subsection after he or she
25 (i) is no longer certified or (ii) is no longer in the employment of or
26 under contract with the certifying municipality.

27 (d) Any person who violates the provisions of this subsection shall
28 be guilty of a Class I misdemeanor.

29 (e) The Department of Revenue shall not be held liable by any person
30 for an impermissible disclosure by a municipality or any agent or
31 employee thereof of any information obtained pursuant to a review under

1 this subsection.

2 (15) In all proceedings under the Nebraska Revenue Act of 1967, the
3 Tax Commissioner may act for and on behalf of the people of the State of
4 Nebraska. The Tax Commissioner in his or her discretion may waive all or
5 part of any penalties provided by the provisions of such act or interest
6 on delinquent taxes specified in section 45-104.02, as such rate may from
7 time to time be adjusted.

8 (16)(a) The purpose of this subsection is to set forth the state's
9 policy for the protection of the confidentiality rights of all
10 participants in the system operated pursuant to the streamlined sales and
11 use tax agreement and of the privacy interests of consumers who deal with
12 model 1 sellers.

13 (b) For purposes of this subsection:

14 (i) Anonymous data means information that does not identify a
15 person;

16 (ii) Confidential taxpayer information means all information that is
17 protected under a member state's laws, regulations, and privileges; and

18 (iii) Personally identifiable information means information that
19 identifies a person.

20 (c) The state agrees that a fundamental precept for model 1 sellers
21 is to preserve the privacy of consumers by protecting their anonymity.
22 With very limited exceptions, a certified service provider shall perform
23 its tax calculation, remittance, and reporting functions without
24 retaining the personally identifiable information of consumers.

25 (d) The governing board of the member states in the streamlined
26 sales and use tax agreement may certify a certified service provider only
27 if that certified service provider certifies that:

28 (i) Its system has been designed and tested to ensure that the
29 fundamental precept of anonymity is respected;

30 (ii) Personally identifiable information is only used and retained
31 to the extent necessary for the administration of model 1 with respect to

1 exempt purchasers;

2 (iii) It provides consumers clear and conspicuous notice of its
3 information practices, including what information it collects, how it
4 collects the information, how it uses the information, how long, if at
5 all, it retains the information, and whether it discloses the information
6 to member states. Such notice shall be satisfied by a written privacy
7 policy statement accessible by the public on the website of the certified
8 service provider;

9 (iv) Its collection, use, and retention of personally identifiable
10 information is limited to that required by the member states to ensure
11 the validity of exemptions from taxation that are claimed by reason of a
12 consumer's status or the intended use of the goods or services purchased;
13 and

14 (v) It provides adequate technical, physical, and administrative
15 safeguards so as to protect personally identifiable information from
16 unauthorized access and disclosure.

17 (e) The state shall provide public notification to consumers,
18 including exempt purchasers, of the state's practices relating to the
19 collection, use, and retention of personally identifiable information.

20 (f) When any personally identifiable information that has been
21 collected and retained is no longer required for the purposes set forth
22 in subdivision (16)(d)(iv) of this section, such information shall no
23 longer be retained by the member states.

24 (g) When personally identifiable information regarding an individual
25 is retained by or on behalf of the state, it shall provide reasonable
26 access by such individual to his or her own information in the state's
27 possession and a right to correct any inaccurately recorded information.

28 (h) If anyone other than a member state, or a person authorized by
29 that state's law or the agreement, seeks to discover personally
30 identifiable information, the state from whom the information is sought
31 should make a reasonable and timely effort to notify the individual of

1 such request.

2 (i) This privacy policy is subject to enforcement by the Attorney
3 General.

4 (j) All other laws and regulations regarding the collection, use,
5 and maintenance of confidential taxpayer information remain fully
6 applicable and binding. Without limitation, this subsection does not
7 enlarge or limit the state's authority to:

8 (i) Conduct audits or other reviews as provided under the agreement
9 and state law;

10 (ii) Provide records pursuant to the federal Freedom of Information
11 Act, disclosure laws with governmental agencies, or other regulations;

12 (iii) Prevent, consistent with state law, disclosure of confidential
13 taxpayer information;

14 (iv) Prevent, consistent with federal law, disclosure or misuse of
15 federal return information obtained under a disclosure agreement with the
16 Internal Revenue Service; and

17 (v) Collect, disclose, disseminate, or otherwise use anonymous data
18 for governmental purposes.

19 **Sec. 3.** Section 77-2712.03, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 77-2712.03 (1) The streamlined sales and use tax agreement, as
22 adopted by the streamlined sales tax implementing states on November 12,
23 2002, including amendments through December 31, 2024 ~~2015~~, is hereby
24 ratified by the Legislature. The Governor shall enter into the agreement
25 with one or more states to simplify and modernize sales and use tax
26 administration in order to substantially reduce the burden of tax
27 compliance for all sellers and for all types of commerce. In furtherance
28 of the agreement, the Department of Revenue is authorized to act jointly
29 with other states that are members under Articles VII or VIII of the
30 agreement to establish standards for certification of a certified service
31 provider and certified automated system and establish performance

1 standards for multistate sellers. The department is further authorized to
2 take other actions permissible under law reasonably required to implement
3 the provisions set forth in the agreement. Other actions authorized by
4 this section include, but are not limited to, the adoption and
5 promulgation of rules and regulations and the joint procurement, with
6 other member states, of goods and services in furtherance of the
7 agreement.

8 (2) The Tax Commissioner or his or her designee and two
9 representatives of the Legislature appointed by the Executive Board of
10 the Legislative Council are authorized to represent Nebraska before the
11 other member states under the agreement. The state also agrees to
12 participate in and comply with the procedures of and decisions made by
13 the governing board of the member states. These provisions of the
14 agreement include the creation of the organization as provided in Article
15 VII of the agreement, the requirements for state entry and withdrawal as
16 provided in Article VIII of the agreement, amendments to the agreement as
17 provided in Article IX of the agreement, and a dispute resolution process
18 as provided in Article X of the agreement.

19 **Sec. 4.** Section 77-2715.07, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 77-2715.07 (1) There shall be allowed to qualified resident
22 individuals as a nonrefundable credit against the income tax imposed by
23 the Nebraska Revenue Act of 1967:

24 (a) A credit equal to the federal credit allowed under section 22 of
25 the Internal Revenue Code; and

26 (b) A credit for taxes paid to another state as provided in section
27 77-2730.

28 (2) There shall be allowed to qualified resident individuals against
29 the income tax imposed by the Nebraska Revenue Act of 1967:

30 (a) For returns filed reporting federal adjusted gross incomes of
31 greater than twenty-nine thousand dollars, a nonrefundable credit equal

1 to twenty-five percent of the federal credit allowed under section 21 of
2 the Internal Revenue Code of 1986, as amended, except that for taxable
3 years beginning or deemed to begin on or after January 1, 2015, such
4 nonrefundable credit shall be allowed only if the individual would have
5 received the federal credit allowed under section 21 of the code after
6 adding back in any carryforward of a net operating loss that was deducted
7 pursuant to such section in determining eligibility for the federal
8 credit;

9 (b) For returns filed reporting federal adjusted gross income of
10 twenty-nine thousand dollars or less, a refundable credit equal to a
11 percentage of the federal credit allowable under section 21 of the
12 Internal Revenue Code of 1986, as amended, whether or not the federal
13 credit was limited by the federal tax liability. The percentage of the
14 federal credit shall be one hundred percent for incomes not greater than
15 twenty-two thousand dollars, and the percentage shall be reduced by ten
16 percent for each one thousand dollars, or fraction thereof, by which the
17 reported federal adjusted gross income exceeds twenty-two thousand
18 dollars, except that for taxable years beginning or deemed to begin on or
19 after January 1, 2015, such refundable credit shall be allowed only if
20 the individual would have received the federal credit allowed under
21 section 21 of the code after adding back in any carryforward of a net
22 operating loss that was deducted pursuant to such section in determining
23 eligibility for the federal credit;

24 (c) A refundable credit as provided in section 77-5209.01 for
25 individuals who qualify for an income tax credit as a qualified beginning
26 farmer or livestock producer under the Beginning Farmer Tax Credit Act
27 for all taxable years beginning or deemed to begin on or after January 1,
28 2006, under the Internal Revenue Code of 1986, as amended;

29 (d) A refundable credit for individuals who qualify for an income
30 tax credit under the Angel Investment Tax Credit Act, the Nebraska
31 Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research

1 and Development Act, the Reverse Osmosis System Tax Credit Act, or the
2 Volunteer Emergency Responders Incentive Act; and

3 (e) A refundable credit equal to ten percent of the federal credit
4 allowed under section 32 of the Internal Revenue Code of 1986, as
5 amended, except that for taxable years beginning or deemed to begin on or
6 after January 1, 2015, such refundable credit shall be allowed only if
7 the individual would have received the federal credit allowed under
8 section 32 of the code after adding back in any carryforward of a net
9 operating loss that was deducted pursuant to such section in determining
10 eligibility for the federal credit; and -

11 (f) A refundable credit as provided in section 77-7203 for
12 individuals who qualify for an income tax credit under the Child Care Tax
13 Credit Act for all taxable years beginning or deemed to begin on or after
14 January 1, 2024, under the Internal Revenue Code of 1986, as amended.

15 (3) There shall be allowed to all individuals as a nonrefundable
16 credit against the income tax imposed by the Nebraska Revenue Act of
17 1967:

18 (a) A credit for personal exemptions allowed under section
19 77-2716.01;

20 (b) A credit for contributions to programs or projects certified for
21 tax credit status as provided in the Creating High Impact Economic
22 Futures Act. Each partner, each shareholder of an electing subchapter S
23 corporation, each beneficiary of an estate or trust, or each member of a
24 limited liability company shall report his or her share of the credit in
25 the same manner and proportion as he or she reports the partnership,
26 subchapter S corporation, estate, trust, or limited liability company
27 income;

28 (c) A credit for investment in a biodiesel facility as provided in
29 section 77-27,236;

30 (d) A credit as provided in the New Markets Job Growth Investment
31 Act;

1 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
2 Revitalization Act;

3 (f) A credit to employers as provided in sections 77-27,238 and
4 77-27,240;

5 (g) A credit as provided in the Affordable Housing Tax Credit Act;

6 (h) A credit to grocery store retailers, restaurants, and
7 agricultural producers as provided in section 77-27,241;

8 (i) A credit as provided in the Sustainable Aviation Fuel Tax Credit
9 Act;

10 (j) A credit as provided in the Nebraska Shortline Rail
11 Modernization Act;

12 (k) A credit as provided in the Nebraska Pregnancy Help Act; and

13 (l) A credit as provided in the Caregiver Tax Credit Act.

14 (4) There shall be allowed as a credit against the income tax
15 imposed by the Nebraska Revenue Act of 1967:

16 (a) A credit to all resident estates and trusts for taxes paid to
17 another state as provided in section 77-2730;

18 (b) A credit to all estates and trusts for contributions to programs
19 or projects certified for tax credit status as provided in the Creating
20 High Impact Economic Futures Act; and

21 (c) A refundable credit for individuals who qualify for an income
22 tax credit as an owner of agricultural assets under the Beginning Farmer
23 Tax Credit Act for all taxable years beginning or deemed to begin on or
24 after January 1, 2009, under the Internal Revenue Code of 1986, as
25 amended. The credit allowed for each partner, shareholder, member, or
26 beneficiary of a partnership, corporation, limited liability company, or
27 estate or trust qualifying for an income tax credit as an owner of
28 agricultural assets under the Beginning Farmer Tax Credit Act shall be
29 equal to the partner's, shareholder's, member's, or beneficiary's portion
30 of the amount of tax credit distributed pursuant to subsection (6) of
31 section 77-5211.

1 (5)(a) For all taxable years beginning on or after January 1, 2007,
2 and before January 1, 2009, under the Internal Revenue Code of 1986, as
3 amended, there shall be allowed to each partner, shareholder, member, or
4 beneficiary of a partnership, subchapter S corporation, limited liability
5 company, or estate or trust a nonrefundable credit against the income tax
6 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
7 partner's, shareholder's, member's, or beneficiary's portion of the
8 amount of franchise tax paid to the state under sections 77-3801 to
9 77-3807 by a financial institution.

10 (b) For all taxable years beginning on or after January 1, 2009,
11 under the Internal Revenue Code of 1986, as amended, there shall be
12 allowed to each partner, shareholder, member, or beneficiary of a
13 partnership, subchapter S corporation, limited liability company, or
14 estate or trust a nonrefundable credit against the income tax imposed by
15 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
16 member's, or beneficiary's portion of the amount of franchise tax paid to
17 the state under sections 77-3801 to 77-3807 by a financial institution.

18 (c) Each partner, shareholder, member, or beneficiary shall report
19 his or her share of the credit in the same manner and proportion as he or
20 she reports the partnership, subchapter S corporation, limited liability
21 company, or estate or trust income. If any partner, shareholder, member,
22 or beneficiary cannot fully utilize the credit for that year, the credit
23 may not be carried forward or back.

24 (6) There shall be allowed to all individuals nonrefundable credits
25 against the income tax imposed by the Nebraska Revenue Act of 1967 as
26 provided in section 77-3604 and refundable credits against the income tax
27 imposed by the Nebraska Revenue Act of 1967 as provided in section
28 77-3605.

29 (7)(a) For taxable years beginning or deemed to begin on or after
30 January 1, 2020, and before January 1, 2026, under the Internal Revenue
31 Code of 1986, as amended, a nonrefundable credit against the income tax

1 imposed by the Nebraska Revenue Act of 1967 in the amount of five
2 thousand dollars shall be allowed to any individual who purchases a
3 residence during the taxable year if such residence:

4 (i) Is located within an area that has been declared an extremely
5 blighted area under section 18-2101.02;

6 (ii) Is the individual's primary residence; and

7 (iii) Was not purchased from a family member of the individual or a
8 family member of the individual's spouse.

9 (b) The credit provided in this subsection shall be claimed for the
10 taxable year in which the residence is purchased. If the individual
11 cannot fully utilize the credit for such year, the credit may be carried
12 forward to subsequent taxable years until fully utilized.

13 (c) No more than one credit may be claimed under this subsection
14 with respect to a single residence.

15 (d) The credit provided in this subsection shall be subject to
16 recapture by the Department of Revenue if the individual claiming the
17 credit sells or otherwise transfers the residence or quits using the
18 residence as his or her primary residence within five years after the end
19 of the taxable year in which the credit was claimed.

20 (e) For purposes of this subsection, family member means an
21 individual's spouse, child, parent, brother, sister, grandchild, or
22 grandparent, whether by blood, marriage, or adoption.

23 (8) There shall be allowed to all individuals refundable credits
24 against the income tax imposed by the Nebraska Revenue Act of 1967 as
25 provided in the Cast and Crew Nebraska Act, the Nebraska Biodiesel Tax
26 Credit Act, the Nebraska Higher Blend Tax Credit Act, the Nebraska
27 Property Tax Incentive Act, the Relocation Incentive Act, and the
28 Renewable Chemical Production Tax Credit Act.

29 (9)(a) For taxable years beginning or deemed to begin on or after
30 January 1, 2022, under the Internal Revenue Code of 1986, as amended, a
31 refundable credit against the income tax imposed by the Nebraska Revenue

1 Act of 1967 shall be allowed to the parent of a stillborn child if:

2 (i) A fetal death certificate is filed pursuant to subsection (1) of
3 section 71-606 for such child;

4 (ii) Such child had advanced to at least the twentieth week of
5 gestation; and

6 (iii) Such child would have been a dependent of the individual
7 claiming the credit.

8 (b) The amount of the credit shall be two thousand dollars.

9 (c) The credit shall be allowed for the taxable year in which the
10 stillbirth occurred.

11 (10) There shall be allowed to all individuals ~~refundable credits~~
12 ~~against the income tax imposed by the Nebraska Revenue Act of 1967 as~~
13 ~~provided in section 77-7203~~ and nonrefundable credits against the income
14 tax imposed by the Nebraska Revenue Act of 1967 as provided in section
15 77-7204.

16 (11) There shall be allowed to all individuals refundable credits
17 against the income tax imposed by the Nebraska Revenue Act of 1967 as
18 provided in section 77-3157 and nonrefundable credits against the income
19 tax imposed by the Nebraska Revenue Act of 1967 as provided in sections
20 77-3156, 77-3158, and 77-3159.

21 **Sec. 5.** Section 77-27,143, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 77-27,143 (1) The administration of all sales and use taxes adopted
24 under the Local Option Revenue Act shall be by the Tax Commissioner who
25 may prescribe forms and adopt and promulgate reasonable rules and
26 regulations in conformity with the act for the making of returns and for
27 the ascertainment, assessment, and collection of taxes imposed under such
28 act. The incorporated municipality shall furnish a certified copy of the
29 adopting or repealing ordinance to the Tax Commissioner in accordance
30 with such rules and regulations as he or she may adopt and promulgate.
31 For ordinances passed after October 1, 1969, the effective date shall be

1 the first day of the next calendar quarter which is at least one hundred
2 twenty days following receipt by the Tax Commissioner of the certified
3 copy of the ordinance. The Tax Commissioner shall provide at least sixty
4 days' notice of the change in tax to retailers. Notice shall be provided
5 to retailers within the municipality. Notice to retailers may be provided
6 through the website of the Department of Revenue or by other electronic
7 means.

8 (2) For ordinances containing a termination date and passed after
9 October 1, 1986, the termination date shall be the first day of a
10 calendar quarter. The incorporated municipality shall furnish a certified
11 statement to the Tax Commissioner no more than one hundred eighty days
12 and at least one hundred twenty days prior to the termination date that
13 the termination date stated in the ordinance is still valid. If the
14 certified statement is not furnished within the prescribed time, the tax
15 shall remain in effect, and the Tax Commissioner shall continue to
16 collect the tax until the first day of the calendar quarter which is at
17 least one hundred twenty days after receipt of the certified statement
18 notwithstanding the termination date stated in the ordinance. The Tax
19 Commissioner shall provide at least sixty days' notice of the termination
20 of the tax to retailers. Notice shall be provided to retailers within the
21 municipality. Notice to retailers may be provided through the website of
22 the department or by other electronic means.

23 (3) For sales and use tax purposes only, local jurisdiction boundary
24 changes apply only on the first day of a calendar quarter after a minimum
25 of one hundred twenty days' notice to the Tax Commissioner and sixty
26 days' notice to sellers.

27 (4) The state shall provide and maintain a database that describes
28 boundary changes for all local taxing jurisdictions. This database shall
29 include a description of any change and the effective date of the change
30 for sales and use tax purposes.

31 (5) The state shall provide and maintain a database of all sales and

1 use tax rates for all of the local jurisdictions levying taxes within the
2 state. For the identification of counties, cities, and villages, codes
3 corresponding to the rates shall be provided according to Federal
4 Information Processing Standards as developed by the National Institute
5 of Standards and Technology.

6 (6) The state shall provide and maintain a database that assigns
7 each five-digit and nine-digit zip code within the state to the proper
8 tax rates and jurisdictions. For purposes of the streamlined sales and
9 use tax agreement, the database shall apply the lowest combined tax rate
10 imposed in the nine-digit zip code area if the area includes more than
11 one tax rate in any level of taxing jurisdictions, and the database shall
12 apply the highest combined tax rate imposed in the five-digit zip code
13 area if the area includes more than one tax rate in any level of taxing
14 jurisdictions. If a nine-digit zip code designation is not available for
15 a street address or if a seller is unable to determine the nine-digit zip
16 code designation applicable to a purchase after exercising due diligence
17 to determine the designation, the seller or certified service provider
18 may apply the rate for the five-digit zip code area. For purposes of this
19 section, there is a rebuttable presumption that a seller or certified
20 service provider has exercised due diligence if the seller has attempted
21 to determine the nine-digit zip code designation by utilizing software
22 approved by the governing board that makes this designation from the
23 street address and the five-digit zip code applicable to a purchase.

24 (7) For purposes of the streamlined sales and use tax agreement, the
25 state may provide address-based boundary database records for assigning
26 taxing jurisdictions and their associated rates which shall be in
27 addition to the requirements of subsection (6) of this section. The
28 database records shall be in the same approved format as the database
29 records pursuant to subsection (6) of this section and shall meet the
30 requirements developed pursuant to the federal Mobile Telecommunications
31 Sourcing Act, 4 U.S.C. 119(a), as such act existed on January 1, 2003.

1 The governing board may allow a member state to require sellers that
2 register under the agreement to use an address-based boundary database
3 provided by that member state. If any member state develops an address-
4 based boundary database pursuant to the agreement, a seller or certified
5 service provider may use those database records in place of the five-
6 digit and nine-digit zip code database records provided for in subsection
7 (6) of this section. If a seller or certified service provider is unable
8 to determine the applicable rate and jurisdiction using an address-based
9 boundary database after exercising due diligence, the seller or certified
10 service provider may apply the nine-digit zip code designation applicable
11 to a purchase. If a nine-digit zip code designation is not available for
12 a street address or if a seller or certified service provider is unable
13 to determine the nine-digit zip code designation applicable to a purchase
14 after exercising due diligence to determine the designation, the seller
15 or certified service provider may apply the rate for the five-digit zip
16 code area. For the purposes of this section, there is a rebuttable
17 presumption that a seller or certified service provider has exercised due
18 diligence if the seller or certified service provider has attempted to
19 determine the tax rate and jurisdiction by utilizing software approved by
20 the governing board that makes this assignment from the address and zip
21 code information applicable to the purchase.

22 (8) The state may certify vendor-provided address-based boundary
23 databases for assigning tax rates and jurisdictions. The databases shall
24 be in the same approved format as the database records pursuant to
25 subsection (7) of this section and shall meet the requirements developed
26 pursuant to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.
27 119(a) as such act existed on January 1, 2003. If a state certifies a
28 vendor-provided address-based boundary database, a seller or certified
29 service provider may use that database in place of the database provided
30 for in subsection (6) or (7) of this section. Vendors providing address-
31 based boundary databases may request certification of their databases

1 from the governing board. Certification by the governing board does not
2 replace the requirement that the databases be certified by the states
3 individually.

4 (9) Pursuant to the streamlined sales and use tax agreement, the
5 state shall relieve retailers and certified service providers using
6 databases pursuant to subsection (6) or (7) of this section from
7 liability to the state and local jurisdictions for having charged and
8 collected the incorrect amount of sales or use tax resulting from the
9 retailer or certified service provider relying on erroneous data provided
10 by a member state on tax rates, boundaries, or taxing jurisdiction
11 assignments. After providing adequate notice determined by the governing
12 board, a member state that provides an address-based boundary database
13 for assigning taxing jurisdictions pursuant to subsection (7) or (8) of
14 this section may cease providing liability relief for errors resulting
15 from the reliance on the database provided by the member state under the
16 provisions of subsection (6) of this section. If a seller demonstrates
17 that requiring the use of the address-based boundary database would
18 create an undue hardship, the state and the governing board may extend
19 the relief of liability to such seller for a designated period of time.

20 (10) The databases provided for in this section shall be in a
21 downloadable format approved by the governing board pursuant to the
22 streamlined sales and use tax agreement. The databases may be directly
23 provided by the state or provided by a vendor as designated by the state.
24 A database provided by a vendor as designated by a state shall be
25 applicable to and subject to all provisions of this section. The
26 databases shall be provided at no cost to the user of the database. The
27 provisions of subsections (6) and (7) of this section do not apply when
28 the purchased product is received by the purchaser at the business
29 location of the seller.

30 (11) A seller that did not have a requirement to register in this
31 state prior to registering pursuant to the agreement or a certified

1 service provider shall not be required to collect sales or use taxes for
2 a state until the first day of the calendar quarter commencing more than
3 sixty days after the state has provided the databases required by this
4 section.

5 **Sec. 6.** Section 77-27,241, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 77-27,241 (1) For purposes of this section:

8 (a) Agricultural producer means an individual or entity whose income
9 is primarily attributable to crop or livestock production in the State of
10 Nebraska;

11 (b) Department means the Department of Revenue;

12 (c) Food bank means an organization in this state that:

13 (i) Is exempt from federal income taxation under section 501(c)(3)
14 of the Internal Revenue Code of 1986, as amended; and

15 (ii) Distributes food in ten or more counties in Nebraska and
16 qualifies for the Emergency Food Assistance Program administered by the
17 United States Department of Agriculture;

18 (d) Food pantry means an organization in this state that:

19 (i) Is exempt from federal income taxation under section 501(c)(3)
20 of the Internal Revenue Code of 1986, as amended; and

21 (ii) Distributes emergency food supplies to low-income individuals
22 in this state who would otherwise not have access to such food supplies;

23 (e) Food rescue means an organization in this state that:

24 (i) Is exempt from federal income taxation under section 501(c)(3)
25 of the Internal Revenue Code of 1986, as amended; and

26 (ii) Accepts donations of food and delivers such food to food banks
27 or food pantries so that such food may be distributed to low-income
28 individuals in this state;

29 (f) Grocery store retailer means a retailer located in this state
30 that is primarily engaged in business activities classified as code
31 445110 under the North American Industry Classification System;

1 (g) Qualifying agricultural food donation means a donation made by
2 an agricultural producer to a food bank, food pantry, or food rescue of
3 fresh or frozen fruits, vegetables, eggs, dairy products, or meat
4 products grown or produced in the State of Nebraska which meets all
5 applicable quality and labeling standards, along with any other
6 applicable requirements of the food bank, food pantry, or food rescue to
7 which the qualifying agricultural food donation is made; and

8 (h) Restaurant means a business located in this state that is
9 primarily engaged in business activities classified as code 722511,
10 722513, 722514, or 722515 under the North American Industry
11 Classification System.

12 (2) For taxable years beginning or deemed to begin on or after
13 January 1, 2025, under the Internal Revenue Code of 1986, as amended, a
14 credit against the income tax imposed by the Nebraska Revenue Act of 1967
15 shall be allowed to:

16 (a) Any grocery store retailer or restaurant that donates food to a
17 food bank, food pantry, or food rescue during the taxable year; and

18 (b) Any agricultural producer that makes a qualifying agricultural
19 food donation to a food bank, food pantry, or food rescue during the
20 taxable year.

21 (3) Subject to subsection (7) of this section, the credit provided
22 in this section shall be a nonrefundable credit in an amount equal to
23 fifty percent of the value of the food donations or qualifying
24 agricultural food donations made during the taxable year, not to exceed
25 two thousand five hundred dollars. Any amount of the credit that the
26 taxpayer is prohibited from claiming in a taxable year may be carried
27 forward to any of the three subsequent taxable years.

28 (4) For purposes of this section, food donated by a grocery store
29 retailer or restaurant shall be valued at its wholesale value. A
30 qualifying agricultural food donation shall be valued at the prevailing
31 market value of the product at the time of donation, plus the direct cost

1 incurred by the agricultural producer for processing the product.

2 (5) To receive a credit under this section, a taxpayer shall submit
3 an application to the department in a form and manner prescribed by the
4 department. The application shall include the amount of food donated
5 during the taxable year and any other information required by the
6 department.

7 (6) If the department determines that an application is complete and
8 that the taxpayer qualifies for credits, the department shall approve the
9 application within the limits set forth in this section and shall certify
10 the amount of credits approved to the taxpayer.

11 (7) The department may approve up to five hundred thousand dollars
12 of credits in fiscal year 2025-26 and each fiscal year thereafter. Once
13 credits have reached the annual limit for any fiscal year, no additional
14 credits shall be allowed for such fiscal year. Credits shall be prorated
15 among the credit requests received on the day the annual limit is
16 exceeded. ~~If the amount of credits requested by qualified taxpayers in~~
17 ~~any year exceeds such limit, the department shall allocate credits~~
18 ~~proportionally based on the amounts requested so that the limit is not~~
19 ~~exceeded.~~

20 (8) A taxpayer shall claim the credit by attaching the tax credit
21 certification received from the department under subsection (6) of this
22 section to the taxpayer's tax return.

23 (9) Any amount relating to such food donations or qualifying
24 agricultural food donations that was deducted as a charitable
25 contribution on the taxpayer's federal income tax return must be added
26 back in the determination of Nebraska taxable income before the credit
27 provided in this section may be claimed.

28 (10) No credit granted under this section shall be transferred,
29 sold, or assigned. No taxpayer shall be eligible to receive a credit
30 under this section if such taxpayer employs persons who are not
31 authorized to work in the United States under federal law. No taxpayer

1 shall be able to claim more than one credit under this section for a
2 single donation.

3 (11) A food bank, food pantry, or food rescue may accept or reject
4 any food donated under this section for any reason. Any food that is
5 rejected shall not qualify for a credit under this section.

6 (12) The department may adopt and promulgate rules and regulations
7 to carry out this section.

8 **Sec. 7.** Section 77-7012, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 77-7012 (1) If the department determines that an application is
11 complete and that the taxpayer qualifies for tax credits, the department
12 shall approve the application within the limits set forth in this section
13 and shall certify the amount of tax credits approved to the taxpayer.

14 (2) The department may approve up to one million dollars in tax
15 credits in fiscal year 2024-25 and up to one million five hundred
16 thousand dollars in tax credits in any fiscal year thereafter. Once
17 credits have reached the annual limit for any fiscal year, no additional
18 credits shall be allowed for such fiscal year. Credits shall be prorated
19 among the credit requests received on the day the annual limit is
20 exceeded. ~~If the total amount of tax credits requested in any fiscal year~~
21 ~~exceeds such limit, the department shall allocate the tax credits~~
22 ~~proportionally based upon amounts requested.~~

23 **Sec. 8.** Section 77-7203, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 77-7203 (1) For taxable years beginning or deemed to begin on or
26 after January 1, 2024, under the Internal Revenue Code of 1986, as
27 amended, a parent or legal guardian who is a resident of the State of
28 Nebraska shall be eligible to receive a credit against the income tax
29 imposed by the Nebraska Revenue Act of 1967 if:

30 (a) The parent's or legal guardian's child is enrolled in a child
31 care program licensed pursuant to the Child Care Licensing Act;

1 (b) The parent's or legal guardian's child receives care from an
2 approved license-exempt provider enrolled in the child care subsidy
3 program pursuant to sections 68-1202 and 68-1206; or

4 (c) The parent's or legal guardian's total household income is less
5 than or equal to one hundred percent of the federal poverty level.

6 (2) The credit provided in this section shall be a refundable tax
7 credit equal to:

8 (a) Two thousand dollars per child if the parent's or legal
9 guardian's total household income is no more than seventy-five thousand
10 dollars; or

11 (b) One thousand dollars per child if the parent's or legal
12 guardian's total household income is more than seventy-five thousand
13 dollars but no more than one hundred fifty thousand dollars.

14 (3) A parent or legal guardian shall not be eligible for a credit
15 under this section if the parent's or legal guardian's total household
16 income is more than one hundred fifty thousand dollars.

17 (4) A parent or legal guardian shall apply for the credit provided
18 in this section by submitting an application to the department with the
19 following information:

20 (a) The number of children for which the parent or legal guardian is
21 claiming a credit;

22 (b) Documentation of the parent's or legal guardian's total
23 household income; and

24 (c) Any other documentation required by the department.

25 (5) Subject to subsection (6) of this section, if the department
26 determines that the parent or legal guardian qualifies for tax credits
27 under this section, the department shall approve the application and
28 certify the amount of credits approved to the parent or legal guardian.

29 (6) The department shall consider applications in the order in which
30 they are received and may approve tax credits under this section each
31 year until the total amount of credits approved for the year equals

1 fifteen million dollars.

2 **Sec. 9.** Original sections 77-2712.03 and 77-27,143, Reissue Revised
3 Statutes of Nebraska, and sections 77-2708, 77-2711, 77-2715.07,
4 77-27,241, 77-7012, and 77-7203, Revised Statutes Cumulative Supplement,
5 2024, are repealed.