

E AND R AMENDMENTS TO LB 595

Introduced by McKinney, 11, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 37-327.02, Revised Statutes Cumulative
4 Supplement, 2020, is amended to read:

5 37-327.02 (1) The Game and Parks Commission Capital Maintenance
6 Fund is created. The fund shall consist of money credited to the fund
7 pursuant to section 77-27,132, transfers authorized by the Legislature,
8 and any gifts, grants, bequests, or donations to the fund. The fund shall
9 be administered by the commission and shall be used to build, repair,
10 renovate, rehabilitate, restore, modify, or improve any infrastructure
11 within the statutory authority and administration of the commission. Any
12 money in the fund available for investment shall be invested by the state
13 investment officer pursuant to the Nebraska Capital Expansion Act and the
14 Nebraska State Funds Investment Act.

15 (2) On or before December 1, 2021, and on or before December 1 of
16 each year thereafter through 2027, the commission shall electronically
17 submit a report to the Clerk of the Legislature and the Revenue Committee
18 of the Legislature. The report shall include (a) a list of each project
19 that received funding from the Game and Parks Commission Capital
20 Maintenance Fund under subsection (1) of this section during the most
21 recently completed fiscal year and (b) a list of projects that will
22 receive such funding during the current fiscal year.

23 (3) Transfers may be made from the Game and Parks Commission Capital
24 Maintenance Fund to the General Fund at the direction of the Legislature
25 through June 30, 2019. The State Treasurer shall transfer four million
26 five hundred thousand dollars from the Game and Parks Commission Capital
27 Maintenance Fund to the General Fund between June 1, 2018, and June 30,

1 2018, on such date as directed by the budget administrator of the budget
2 division of the Department of Administrative Services. The State
3 Treasurer shall transfer eight million five hundred thousand dollars from
4 the Game and Parks Commission Capital Maintenance Fund to the General
5 Fund between June 1, 2019, and June 30, 2019, on such date as directed by
6 the budget administrator of the budget division of the Department of
7 Administrative Services.

8 Sec. 2. Section 77-2701, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,
11 77-27,236, 77-27,238, and 77-27,239 and section 7 of this act shall be
12 known and may be cited as the Nebraska Revenue Act of 1967.

13 Sec. 3. Section 77-2701.04, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and
16 77-27,239 and section 7 of this act, unless the context otherwise
17 requires, the definitions found in sections 77-2701.05 to 77-2701.55
18 shall be used.

19 Sec. 4. Section 77-2701.16, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 77-2701.16 (1) Gross receipts means the total amount of the sale or
22 lease or rental price, as the case may be, of the retail sales of
23 retailers.

24 (2) Gross receipts of every person engaged as a public utility
25 specified in this subsection, as a community antenna television service
26 operator, or as a satellite service operator or any person involved in
27 connecting and installing services defined in subdivision (2)(a), (b), or
28 (d) of this section means:

29 (a)(i) In the furnishing of telephone communication service, other
30 than mobile telecommunications service as described in section
31 77-2703.04, the gross income received from furnishing ancillary services,

1 except for conference bridging services, and intrastate
2 telecommunications services, except for value-added, nonvoice data
3 service.

4 (ii) In the furnishing of mobile telecommunications service as
5 described in section 77-2703.04, the gross income received from
6 furnishing mobile telecommunications service that originates and
7 terminates in the same state to a customer with a place of primary use in
8 Nebraska;

9 (b) In the furnishing of telegraph service, the gross income
10 received from the furnishing of intrastate telegraph services;

11 (c)(i) In the furnishing of gas, sewer, water, and electricity
12 service, other than electricity service to a customer-generator as
13 defined in section 70-2002, the gross income received from the furnishing
14 of such services upon billings or statements rendered to consumers for
15 such utility services.

16 (ii) In the furnishing of electricity service to a customer-
17 generator as defined in section 70-2002, the net energy use upon billings
18 or statements rendered to customer-generators for such electricity
19 service;

20 (d) In the furnishing of community antenna television service or
21 satellite service, the gross income received from the furnishing of such
22 community antenna television service as regulated under sections 18-2201
23 to 18-2205 or 23-383 to 23-388 or satellite service; and

24 (e) The gross income received from the provision, installation,
25 construction, servicing, or removal of property used in conjunction with
26 the furnishing, installing, or connecting of any public utility services
27 specified in subdivision (2)(a) or (b) of this section or community
28 antenna television service or satellite service specified in subdivision
29 (2)(d) of this section, except when acting as a subcontractor for a
30 public utility, this subdivision does not apply to the gross income
31 received by a contractor electing to be treated as a consumer of building

1 materials under subdivision (2) or (3) of section 77-2701.10 for any such
2 services performed on the customer's side of the utility demarcation
3 point. This subdivision also does not apply to:

4 (i) The ~~the~~ gross income received by a political subdivision of the
5 state, an electric cooperative, or an electric membership association for
6 the lease or use of, or by a contractor for the construction of or
7 services provided on, electric generation, transmission, distribution, or
8 street lighting structures or facilities owned by a political subdivision
9 of the state, an electric cooperative, or an electric membership
10 association; or -

11 (ii) The gross income received for the lease or use of towers or
12 other structures primarily used in conjunction with the furnishing of
13 Internet access service.

14 (3) Gross receipts of every person engaged in selling, leasing, or
15 otherwise providing intellectual or entertainment property means:

16 (a) In the furnishing of computer software, the gross income
17 received, including the charges for coding, punching, or otherwise
18 producing any computer software and the charges for the tapes, disks,
19 punched cards, or other properties furnished by the seller; and

20 (b) In the furnishing of videotapes, movie film, satellite
21 programming, satellite programming service, and satellite television
22 signal descrambling or decoding devices, the gross income received from
23 the license, franchise, or other method establishing the charge.

24 (4) Gross receipts for providing a service means:

25 (a) The gross income received for building cleaning and maintenance,
26 pest control, and security;

27 (b) The gross income received for motor vehicle washing, waxing,
28 towing, and painting;

29 (c) The gross income received for computer software training;

30 (d) The gross income received for installing and applying tangible
31 personal property if the sale of the property is subject to tax. If any

1 or all of the charge for installation is free to the customer and is paid
2 by a third-party service provider to the installer, any tax due on that
3 part of the activation commission, finder's fee, installation charge, or
4 similar payment made by the third-party service provider shall be paid
5 and remitted by the third-party service provider;

6 (e) The gross income received for services of recreational vehicle
7 parks;

8 (f) The gross income received for labor for repair or maintenance
9 services performed with regard to tangible personal property the sale of
10 which would be subject to sales and use taxes, excluding motor vehicles,
11 except as otherwise provided in section 77-2704.26 or 77-2704.50;

12 (g) The gross income received for animal specialty services except
13 (i) veterinary services, (ii) specialty services performed on livestock
14 as defined in section 54-183, and (iii) animal grooming performed by a
15 licensed veterinarian or a licensed veterinary technician in conjunction
16 with medical treatment; and

17 (h) The gross income received for detective services.

18 (5) Gross receipts includes the sale of admissions. When an
19 admission to an activity or a membership constituting an admission is
20 combined with the solicitation of a contribution, the portion or the
21 amount charged representing the fair market price of the admission shall
22 be considered a retail sale subject to the tax imposed by section
23 77-2703. The organization conducting the activity shall determine the
24 amount properly attributable to the purchase of the privilege, benefit,
25 or other consideration in advance, and such amount shall be clearly
26 indicated on any ticket, receipt, or other evidence issued in connection
27 with the payment.

28 (6) Gross receipts includes the sale of live plants incorporated
29 into real estate except when such incorporation is incidental to the
30 transfer of an improvement upon real estate or the real estate.

31 (7) Gross receipts includes the sale of any building materials

1 annexed to real estate by a person electing to be taxed as a retailer
2 pursuant to subdivision (1) of section 77-2701.10.

3 (8) Gross receipts includes the sale of and recharge of prepaid
4 calling service and prepaid wireless calling service.

5 (9) Gross receipts includes the retail sale of digital audio works,
6 digital audiovisual works, digital codes, and digital books delivered
7 electronically if the products are taxable when delivered on tangible
8 storage media. A sale includes the transfer of a permanent right of use,
9 the transfer of a right of use that terminates on some condition, and the
10 transfer of a right of use conditioned upon the receipt of continued
11 payments.

12 (10) Gross receipts includes any receipts from sales of tangible
13 personal property made over a multivendor marketplace platform that acts
14 as the intermediary by facilitating sales between a seller and the
15 purchaser and that, either directly or indirectly through agreements or
16 arrangements with third parties, collects payment from the purchaser and
17 transmits payment to the seller.

18 (11) Gross receipts does not include:

19 (a) The amount of any rebate granted by a motor vehicle or motorboat
20 manufacturer or dealer at the time of sale of the motor vehicle or
21 motorboat, which rebate functions as a discount from the sales price of
22 the motor vehicle or motorboat; or

23 (b) The price of property or services returned or rejected by
24 customers when the full sales price is refunded either in cash or credit.

25 Sec. 5. Section 77-2701.41, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 77-2701.41 Taxpayer means any person subject to a tax imposed by
28 sections 77-2701 to 77-2713 and section 7 of this act.

29 Sec. 6. Section 77-2704.36, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 77-2704.36 (1) Sales and use tax shall not be imposed on the gross

1 receipts from the sale, lease, or rental of depreciable agricultural
2 machinery and equipment purchased, leased, or rented on or after January
3 1, 1993, for use in commercial agriculture.

4 (2) For purposes of this section: 7

5 (a) Agricultural machinery and equipment means tangible personal
6 property that is used directly in (i) cultivating or harvesting a crop,
7 (ii) raising or caring for animal life, (iii) protecting the health and
8 welfare of animal life, including fans, curtains, and climate control
9 equipment within livestock buildings, or (iv) collecting or processing an
10 agricultural product on a farm or ranch, regardless of the degree of
11 attachment to any real property; and

12 (b) Agricultural ~~agricultural~~ machinery and equipment includes, but
13 is not limited to, header trailers, head haulers, header transports, and
14 seed tender trailers and excludes any current tractor model as defined in
15 section 2-2701.01 not permitted for sale in Nebraska pursuant to sections
16 2-2701 to 2-2711.

17 Sec. 7. Sales and use taxes shall not be imposed on the gross
18 receipts from the sale, lease, or rental of and the storage, use, or
19 other consumption in this state of enzymes, yeast, and related products
20 used in the process of manufacturing ethyl alcohol.

21 Sec. 8. Section 77-2711, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 77-2711 (1)(a) The Tax Commissioner shall enforce sections
24 77-2701.04 to 77-2713 and section 7 of this act and may prescribe, adopt,
25 and enforce rules and regulations relating to the administration and
26 enforcement of such sections.

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

29 (2) The Tax Commissioner may employ accountants, auditors,
30 investigators, assistants, and clerks necessary for the efficient
31 administration of the Nebraska Revenue Act of 1967 and may delegate

1 authority to his or her representatives to conduct hearings, prescribe
2 regulations, or perform any other duties imposed by such act.

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

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

10 (4) The Tax Commissioner or any person authorized in writing by him
11 or her may examine the books, papers, records, and equipment of any
12 person selling property and any person liable for the use tax and may
13 investigate the character of the business of the person in order to
14 verify the accuracy of any return made or, if no return is made by the
15 person, to ascertain and determine the amount required to be paid. In the
16 examination of any person selling property or of any person liable for
17 the use tax, an inquiry shall be made as to the accuracy of the reporting
18 of city and county sales and use taxes for which the person is liable
19 under the Local Option Revenue Act or sections 13-319, 13-324, 13-2813,
20 and 77-6403 and the accuracy of the allocation made between the various
21 counties, cities, villages, and municipal counties of the tax due. The
22 Tax Commissioner may make or cause to be made copies of resale or
23 exemption certificates and may pay a reasonable amount to the person
24 having custody of the records for providing such copies.

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

28 (6) In administration of the use tax, the Tax Commissioner may
29 require the filing of reports by any person or class of persons having in
30 his, her, or their possession or custody information relating to sales of
31 property, the storage, use, or other consumption of which is subject to

1 the tax. The report shall be filed when the Tax Commissioner requires and
2 shall set forth the names and addresses of purchasers of the property,
3 the sales price of the property, the date of sale, and such other
4 information as the Tax Commissioner may require.

5 (7) It shall be a Class I misdemeanor for the Tax Commissioner or
6 any official or employee of the Tax Commissioner, the State Treasurer, or
7 the Department of Administrative Services to make known in any manner
8 whatever the business affairs, operations, or information obtained by an
9 investigation of records and activities of any retailer or any other
10 person visited or examined in the discharge of official duty or the
11 amount or source of income, profits, losses, expenditures, or any
12 particular thereof, set forth or disclosed in any return, or to permit
13 any return or copy thereof, or any book containing any abstract or
14 particulars thereof to be seen or examined by any person not connected
15 with the Tax Commissioner. Nothing in this section shall be construed to
16 prohibit (a) the delivery to a taxpayer, his or her duly authorized
17 representative, or his or her successors, receivers, trustees, executors,
18 administrators, assignees, or guarantors, if directly interested, of a
19 certified copy of any return or report in connection with his or her tax,
20 (b) the publication of statistics so classified as to prevent the
21 identification of particular reports or returns and the items thereof,
22 (c) the inspection by the Attorney General, other legal representative of
23 the state, or county attorney of the reports or returns of any taxpayer
24 when either (i) information on the reports or returns is considered by
25 the Attorney General to be relevant to any action or proceeding
26 instituted by the taxpayer or against whom an action or proceeding is
27 being considered or has been commenced by any state agency or the county
28 or (ii) the taxpayer has instituted an action to review the tax based
29 thereon or an action or proceeding against the taxpayer for collection of
30 tax or failure to comply with the Nebraska Revenue Act of 1967 is being
31 considered or has been commenced, (d) the furnishing of any information

1 to the United States Government or to states allowing similar privileges
2 to the Tax Commissioner, (e) the disclosure of information and records to
3 a collection agency contracting with the Tax Commissioner pursuant to
4 sections 77-377.01 to 77-377.04, (f) the disclosure to another party to a
5 transaction of information and records concerning the transaction between
6 the taxpayer and the other party, (g) the disclosure of information
7 pursuant to section 77-27,195, 77-5731, 77-6837, or 77-6839, or (h) the
8 disclosure of information to the Department of Labor necessary for the
9 administration of the Employment Security Law, the Contractor
10 Registration Act, or the Employee Classification Act.

11 (8) Notwithstanding the provisions of subsection (7) of this
12 section, the Tax Commissioner may permit the Postal Inspector of the
13 United States Postal Service or his or her delegates to inspect the
14 reports or returns of any person filed pursuant to the Nebraska Revenue
15 Act of 1967 when information on the reports or returns is relevant to any
16 action or proceeding instituted or being considered by the United States
17 Postal Service against such person for the fraudulent use of the mails to
18 carry and deliver false and fraudulent tax returns to the Tax
19 Commissioner with the intent to defraud the State of Nebraska or to evade
20 the payment of Nebraska state taxes.

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

28 (10) Notwithstanding the provisions of subsection (7) of this
29 section, the Tax Commissioner may, upon request, provide the county board
30 of any county which has exercised the authority granted by section
31 81-3716 with a list of the names and addresses of the hotels located

1 within the county for which lodging sales tax returns have been filed or
2 for which lodging sales taxes have been remitted for the county's County
3 Visitors Promotion Fund under the Nebraska Visitors Development Act.

4 The information provided by the Tax Commissioner shall indicate only
5 the names and addresses of the hotels located within the requesting
6 county for which lodging sales tax returns have been filed for a
7 specified period and the fact that lodging sales taxes remitted by or on
8 behalf of the hotel have constituted a portion of the total sum remitted
9 by the state to the county for a specified period under the provisions of
10 the Nebraska Visitors Development Act. No additional information shall be
11 revealed.

12 (11)(a) Notwithstanding the provisions of subsection (7) of this
13 section, the Tax Commissioner shall, upon written request by the Auditor
14 of Public Accounts or the office of Legislative Audit, make tax returns
15 and tax return information open to inspection by or disclosure to the
16 Auditor of Public Accounts or employees of the office of Legislative
17 Audit for the purpose of and to the extent necessary in making an audit
18 of the Department of Revenue pursuant to section 50-1205 or 84-304.
19 Confidential tax returns and tax return information shall be audited only
20 upon the premises of the Department of Revenue. All audit workpapers
21 pertaining to the audit of the Department of Revenue shall be stored in a
22 secure place in the Department of Revenue.

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

29 (c) Any person who violates the provisions of this subsection shall
30 be guilty of a Class I misdemeanor. For purposes of this subsection,
31 employee includes a former Auditor of Public Accounts or office of

1 Legislative Audit employee.

2 (12) For purposes of this subsection and subsections (11) and (14)
3 of this section:

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

6 (b) Return information means:

7 (i) A taxpayer's identification number and (A) the nature, source,
8 or amount of his or her income, payments, receipts, deductions,
9 exemptions, credits, assets, liabilities, net worth, tax liability, tax
10 withheld, deficiencies, overassessments, or tax payments, whether the
11 taxpayer's return was, is being, or will be examined or subject to other
12 investigation or processing or (B) any other data received by, recorded
13 by, prepared by, furnished to, or collected by the Tax Commissioner with
14 respect to a return or the determination of the existence or possible
15 existence of liability or the amount of liability of any person for any
16 tax, penalty, interest, fine, forfeiture, or other imposition or offense;
17 and

18 (ii) Any part of any written determination or any background file
19 document relating to such written determination; and

20 (c) Tax return or return means any tax or information return or
21 claim for refund required by, provided for, or permitted under sections
22 77-2701 to 77-2713 and section 7 of this act which is filed with the Tax
23 Commissioner by, on behalf of, or with respect to any person and any
24 amendment or supplement thereto, including supporting schedules,
25 attachments, or lists which are supplemental to or part of the filed
26 return.

27 (13) Notwithstanding the provisions of subsection (7) of this
28 section, the Tax Commissioner shall, upon request, provide any
29 municipality which has adopted the local option sales tax under the Local
30 Option Revenue Act with a list of the names and addresses of the
31 retailers which have collected the local option sales tax for the

1 municipality. The request may be made annually and shall be submitted to
2 the Tax Commissioner on or before June 30 of each year. The information
3 provided by the Tax Commissioner shall indicate only the names and
4 addresses of the retailers. The Tax Commissioner may provide additional
5 information to a municipality so long as the information does not include
6 any data detailing the specific revenue, expenses, or operations of any
7 particular business.

8 (14)(a) Notwithstanding the provisions of subsection (7) of this
9 section, the Tax Commissioner shall, upon written request, provide an
10 individual certified under subdivision (b) of this subsection
11 representing a municipality which has adopted the local option sales and
12 use tax under the Local Option Revenue Act with confidential sales and
13 use tax returns and sales and use tax return information regarding
14 taxpayers that possess a sales tax permit and the amounts remitted by
15 such permitholders at locations within the boundaries of the requesting
16 municipality or with confidential business use tax returns and business
17 use tax return information regarding taxpayers that file a Nebraska and
18 Local Business Use Tax Return and the amounts remitted by such taxpayers
19 at locations within the boundaries of the requesting municipality. Any
20 written request pursuant to this subsection shall provide the Department
21 of Revenue with no less than ten business days to prepare the sales and
22 use tax returns and sales and use tax return information requested. The
23 individual certified under subdivision (b) of this subsection shall
24 review such returns and return information only upon the premises of the
25 department, except that such limitation shall not apply if the certifying
26 municipality has an agreement in effect under the Nebraska Advantage
27 Transformational Tourism and Redevelopment Act. In such case, the
28 individual certified under subdivision (b) of this subsection may request
29 that copies of such returns and return information be sent to him or her
30 by electronic transmission, secured in a manner as determined by the Tax
31 Commissioner.

1 (b) Each municipality that seeks to request information under
2 subdivision (a) of this subsection shall certify to the Department of
3 Revenue one individual who is authorized by such municipality to make
4 such request and review the documents described in subdivision (a) of
5 this subsection. The individual may be a municipal employee or an
6 individual who contracts with the requesting municipality to provide
7 financial, accounting, or other administrative services.

8 (c) No individual certified by a municipality pursuant to
9 subdivision (b) of this subsection shall disclose to any person any
10 information obtained pursuant to a review under this subsection. An
11 individual certified by a municipality pursuant to subdivision (b) of
12 this subsection shall remain subject to this subsection after he or she
13 (i) is no longer certified or (ii) is no longer in the employment of or
14 under contract with the certifying municipality.

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

17 (e) The Department of Revenue shall not be held liable by any person
18 for an impermissible disclosure by a municipality or any agent or
19 employee thereof of any information obtained pursuant to a review under
20 this subsection.

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

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

1 (b) For purposes of this subsection:

2 (i) Anonymous data means information that does not identify a
3 person;

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

6 (iii) Personally identifiable information means information that
7 identifies a person.

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

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

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

18 (ii) Personally identifiable information is only used and retained
19 to the extent necessary for the administration of model 1 with respect to
20 exempt purchasers;

21 (iii) It provides consumers clear and conspicuous notice of its
22 information practices, including what information it collects, how it
23 collects the information, how it uses the information, how long, if at
24 all, it retains the information, and whether it discloses the information
25 to member states. Such notice shall be satisfied by a written privacy
26 policy statement accessible by the public on the web site of the
27 certified service provider;

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

1 and

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

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

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

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

16 (h) If anyone other than a member state, or a person authorized by
17 that state's law or the agreement, seeks to discover personally
18 identifiable information, the state from whom the information is sought
19 should make a reasonable and timely effort to notify the individual of
20 such request.

21 (i) This privacy policy is subject to enforcement by the Attorney
22 General.

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

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

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

31 (iii) Prevent, consistent with state law, disclosure of confidential

1 taxpayer information;

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

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

7 Sec. 9. Section 77-2713, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 77-2713 (1) Any person required under the provisions of sections
10 77-2701.04 to 77-2713 and section 7 of this act to collect, account for,
11 or pay over any tax imposed by the Nebraska Revenue Act of 1967 who
12 willfully fails to collect or truthfully account for or pay over such tax
13 and any person who willfully attempts in any manner to evade any tax
14 imposed by such provisions of such act or the payment thereof shall, in
15 addition to other penalties provided by law, be guilty of a Class IV
16 felony.

17 (2) Any person who willfully aids or assists in, procures, counsels,
18 or advises the preparation or presentation of a false or fraudulent
19 return, affidavit, claim, or document under or in connection with any
20 matter arising under sections 77-2701.04 to 77-2713 and section 7 of this
21 act shall, whether or not such falsity or fraud is with the knowledge or
22 consent of the person authorized or required to present such return,
23 affidavit, claim, or document, be guilty of a Class IV felony.

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

29 (4) Any person who gives a resale certificate to the seller for
30 property which he or she knows, at the time of purchase, is purchased for
31 the purpose of use rather than for the purpose of resale, lease, or

1 rental by him or her in the regular course of business shall be guilty of
2 a Class IV misdemeanor.

3 (5) Any violation of the provisions of sections 77-2701.04 to
4 77-2713 and section 7 of this act, except as otherwise provided, shall be
5 a Class IV misdemeanor.

6 (6) Any prosecution under sections 77-2701.04 to 77-2713 and section
7 7 of this act shall be instituted within three years after the commission
8 of the offense. If such offense is the failure to do an act required by
9 any of such sections to be done before a certain date, a prosecution for
10 such offense may be commenced not later than three years after such date.
11 The failure to do any act required by sections 77-2701.04 to 77-2713 and
12 section 7 of this act shall be deemed an act committed in part at the
13 principal office of the Tax Commissioner. Any prosecution under the
14 provisions of the Nebraska Revenue Act of 1967 may be conducted in any
15 county where the person or corporation to whose liability the proceeding
16 relates resides or has a place of business or in any county in which such
17 criminal act is committed. The Attorney General shall have concurrent
18 jurisdiction with the county attorney in the prosecution of any offenses
19 under the provisions of the Nebraska Revenue Act of 1967.

20 Sec. 10. Section 77-27,132, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 77-27,132 (1) There is hereby created a fund to be designated the
23 Revenue Distribution Fund which shall be set apart and maintained by the
24 Tax Commissioner. Revenue not required to be credited to the General Fund
25 or any other specified fund may be credited to the Revenue Distribution
26 Fund. Credits and refunds of such revenue shall be paid from the Revenue
27 Distribution Fund. The balance of the amount credited, after credits and
28 refunds, shall be allocated as provided by the statutes creating such
29 revenue.

30 (2) The Tax Commissioner shall pay to a depository bank designated
31 by the State Treasurer all amounts collected under the Nebraska Revenue

1 Act of 1967. The Tax Commissioner shall present to the State Treasurer
2 bank receipts showing amounts so deposited in the bank, and of the
3 amounts so deposited the State Treasurer shall:

4 (a) For transactions occurring on or after October 1, 2014, and
5 before October 1, 2027 ~~2022~~, credit to the Game and Parks Commission
6 Capital Maintenance Fund all of the proceeds of the sales and use taxes
7 imposed pursuant to section 77-2703 on the sale or lease of motorboats as
8 defined in section 37-1204, personal watercraft as defined in section
9 37-1204.01, all-terrain vehicles as defined in section 60-103, and
10 utility-type vehicles as defined in section 60-135.01;

11 (b) Credit to the Highway Trust Fund all of the proceeds of the
12 sales and use taxes derived from the sale or lease for periods of more
13 than thirty-one days of motor vehicles, trailers, and semitrailers,
14 except that the proceeds equal to any sales tax rate provided for in
15 section 77-2701.02 that is in excess of five percent derived from the
16 sale or lease for periods of more than thirty-one days of motor vehicles,
17 trailers, and semitrailers shall be credited to the Highway Allocation
18 Fund;

19 (c) For transactions occurring on or after July 1, 2013, and before
20 July 1, 2033, of the proceeds of the sales and use taxes derived from
21 transactions other than those listed in subdivisions (2)(a) and (b) of
22 this section from a sales tax rate of one-quarter of one percent, credit
23 monthly eighty-five percent to the State Highway Capital Improvement Fund
24 and fifteen percent to the Highway Allocation Fund; and

25 (d) Of the proceeds of the sales and use taxes derived from
26 transactions other than those listed in subdivisions (2)(a) and (b) of
27 this section, credit to the Property Tax Credit Cash Fund the amount
28 certified under section 77-27,237, if any such certification is made.

29 The balance of all amounts collected under the Nebraska Revenue Act
30 of 1967 shall be credited to the General Fund.

31 Sec. 11. Section 77-27,223, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 77-27,223 A county may raise revenue by levying and collecting a
3 license or occupation tax on any person, partnership, limited liability
4 company, corporation, or business engaged in the sale of admissions to
5 recreational, cultural, entertainment, or concert events that are subject
6 to sales tax under sections 77-2701.04 to 77-2713 and section 7 of this
7 act that occur outside any incorporated municipality, but within the
8 boundary limits of the county. The tax shall be uniform in respect to the
9 class upon which it is imposed. The tax shall be based upon a certain
10 percentage of gross receipts from sales in the county of the person,
11 partnership, limited liability company, corporation, or business, and may
12 include sales of other goods and services at such locations and events,
13 not to exceed one and one-half percent. A county may not impose the tax
14 on sales that are within an incorporated city or village. No county shall
15 levy and collect a license or occupation tax under this section unless
16 approved by a majority of those voting on the question at a special,
17 primary, or general election.

18 Sec. 12. Sections 2, 3, 4, 5, 6, 7, 8, 9, 11, and 14 of this act
19 become operative on October 1, 2021. The other sections of this act
20 become operative on their effective date.

21 Sec. 13. Original section 77-27,132, Reissue Revised Statutes of
22 Nebraska, and section 37-327.02, Revised Statutes Cumulative Supplement,
23 2020, are repealed.

24 Sec. 14. Original sections 77-2701.41, 77-2704.36, 77-2713, and
25 77-27,223, Reissue Revised Statutes of Nebraska, and sections 77-2701,
26 77-2701.04, 77-2701.16, and 77-2711, Revised Statutes Cumulative
27 Supplement, 2020, are repealed.

28 2. On page 1, strike lines 2 through 7 and insert "77-2701.41,
29 77-2704.36, 77-2713, 77-27,132, and 77-27,223, Reissue Revised Statutes
30 of Nebraska, and sections 37-327.02, 77-2701, 77-2701.04, 77-2701.16, and
31 77-2711, Revised Statutes Cumulative Supplement, 2020; to require a

1 report on projects funded by the Game and Parks Commission Capital
2 Maintenance Fund; to exclude certain income from the definition of gross
3 receipts; to change a sales and use tax exemption relating to
4 agricultural machinery and equipment; to provide a sales and use tax
5 exemption for certain products used in the process of manufacturing ethyl
6 alcohol; to change provisions relating to the distribution of certain
7 sales and use tax revenue to the Game and Parks Commission Capital
8 Maintenance Fund; to harmonize provisions; to provide operative dates;
9 and to repeal the original sections."