

AMENDMENTS TO LB310

(Amendments to Standing Committee amendments, AM739)

Introduced by Vargas, 7.

1 1. Insert the following new section:

2 Sec. 2. Section 77-5601, Revised Statutes Supplement, 2019, is
3 amended to read:

4 77-5601 (1) From August 1, 2004, through October 31, 2004, there
5 shall be conducted a tax amnesty program with regard to taxes due and
6 owing that have not been reported to the Department of Revenue. Any
7 person applying for tax amnesty shall pay all unreported taxes that were
8 due on or before April 1, 2004. Any person that applies for tax amnesty
9 and is accepted by the Tax Commissioner shall have any penalties and
10 interest waived on unreported and delinquent taxes notwithstanding any
11 other provisions of law to the contrary.

12 (2) To be eligible for the tax amnesty provided by this section, the
13 person shall apply for amnesty within the amnesty period, file a return
14 for each taxable period for which the amnesty is requested by December
15 31, 2004, if no return has been filed, and pay in full all taxes for
16 which amnesty is sought with the return or within thirty days after the
17 application if a return was filed prior to the amnesty period. Tax
18 amnesty shall not be available for any person that is under civil or
19 criminal audit, investigation, or prosecution for unreported or
20 delinquent taxes by this state or the United States Government on or
21 before April 16, 2004.

22 (3) The department shall not seek civil or criminal prosecution
23 against any person for any taxable period for which amnesty has been
24 granted. The Tax Commissioner shall develop forms for applying for the
25 tax amnesty program, develop procedures for qualification for tax
26 amnesty, and conduct a public awareness campaign publicizing the program.

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

6 (5)(a) Except for any local option sales tax collected and returned
7 to the appropriate municipality and any motor vehicle fuel, diesel fuel,
8 and compressed fuel taxes, which shall be deposited in the Highway Trust
9 Fund or Highway Allocation Fund as provided by law, no less than eighty
10 percent of all revenue received pursuant to the tax amnesty program shall
11 be deposited in the General Fund and ten percent, not to exceed five
12 hundred thousand dollars, shall be deposited in the Department of Revenue
13 Enforcement Fund. Any amount that would otherwise be deposited in the
14 Department of Revenue Enforcement Fund that is in excess of the five-
15 hundred-thousand-dollar limitation shall be deposited in the General
16 Fund.

17 (b) For fiscal year 2005-06, all proceeds in the Department of
18 Revenue Enforcement Fund shall be appropriated to the department for
19 purposes of employing investigators, agents, and auditors and otherwise
20 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.

21 (c) For fiscal years after fiscal year 2005-06, twenty percent of
22 all proceeds received during the previous calendar year due to the
23 efforts of auditors and investigators hired pursuant to subdivision (5)
24 (b) of this section, not to exceed seven hundred fifty thousand dollars,
25 shall be deposited in the Department of Revenue Enforcement Fund for
26 purposes of employing investigators and auditors or continuing such
27 employment for purposes of increasing enforcement of the act.

28 (d) Ten percent of all proceeds received during each calendar year
29 due to the contracts entered into pursuant to section 77-367 shall be
30 deposited in the Department of Revenue Enforcement Fund for purposes of
31 identifying nonfilers of returns, underreporters, nonpayers of taxes, and

1 improper or fraudulent payments.

2 (6)(a) The department shall prepare a report by April 1, 2005, and
3 by February 1 of each year thereafter detailing the results of the tax
4 amnesty program and the subsequent enforcement efforts. For the report
5 due April 1, 2005, the report shall include (i) the amount of revenue
6 obtained as a result of the tax amnesty program broken down by tax
7 program, (ii) the amount obtained from instate taxpayers and from out-of-
8 state taxpayers, and (iii) the amount obtained from individual taxpayers
9 and from business enterprises.

10 (b) For reports due in subsequent years, the report shall include
11 (i) the number of personnel hired for purposes of subdivision (5)(b) of
12 this section and their duties, (ii) a description of lists, software,
13 programming, computer equipment, and other technological methods acquired
14 and the purposes of each, and (iii) the amount of new revenue obtained as
15 a result of the new personnel and acquisitions during the prior calendar
16 year, broken down into the same categories as described in subdivision
17 (6)(a) of this section.

18 (7) The Department of Revenue Enforcement Fund is created. Transfers
19 may be made from the Department of Revenue Enforcement Fund to the
20 General Fund at the direction of the Legislature. The Department of
21 Revenue Enforcement Fund may receive transfers from the Civic and
22 Community Center Financing Fund at the direction of the Legislature for
23 the purpose of administering the Sports Arena Facility Financing
24 Assistance Act. The Department of Revenue Enforcement Fund shall include
25 any money credited to the fund (a) under section 77-2703, and such money
26 shall be used by the Department of Revenue to defray the costs incurred
27 to implement Laws 2019, LB237, and (b) under the Mechanical Amusement
28 Device Tax Act, and such money shall be used by the department to defray
29 the costs incurred to implement and enforce Laws 2019, LB538, and any
30 rules and regulations adopted and promulgated to carry out Laws 2019,
31 LB538, and (c) under section 77-2906, and such money shall be used by the

1 Department of Revenue to defray the costs incurred to implement this
2 legislative bill. Any money in the Department of Revenue Enforcement Fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 (8) For purposes of this section, taxes mean any taxes collected by
7 the department, including, but not limited to state and local sales and
8 use taxes, individual and corporate income taxes, financial institutions
9 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel
10 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

11 2. On page 3, strike lines 19 through 22 and insert:

12 "(b) A fee equal to six-tenths of one percent of the credit amount.
13 The department shall remit such fees to the State Treasurer for credit to
14 the Department of Revenue Enforcement Fund."

15 3. Renumber the remaining section and correct the repealer
16 accordingly.