

NEBRASKA

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DEPARTMENT OF REVENUE

Annual Report to the Legislature under Neb. Rev. Stat. § 4-113

Tax Commissioner Tony Fulton

January 31, 2022

Each state agency administering any program of public benefits must electronically provide an annual report no later than January 31, for the prior year, to the Governor and the Clerk of the Legislature with respect to public funds provided to individuals. The report must include, but not be limited to, the total number of applicants for benefits and the number of applicants rejected for failure to comply with Nebraska Revenue Statutes sections 4-108 to 4-113. See [Neb. Rev. Stat. § 4-113](#).

Previous reports from the Nebraska Department of Revenue (DOR) can be found on the [DOR website](#).

Nebraska Advantage Programs

The Nebraska Advantage Rural Development Act and the Nebraska Advantage Microenterprise Tax Credit Act require a taxpayer to file an application to describe a project and to request participation in the incentive program. The applications and application guides include the requirement that the work eligibility of all newly-hired employees in Nebraska must be verified. For applications filed on or after October 1, 2009, the taxpayer is required to provide proof of registration for E-Verify, the federal electronic verification program, to verify the work eligibility status of all newly-hired employees employed in Nebraska. In some cases, the application date was delayed until the applicant documented the registration process.

The use of the E-Verify program for new employees is verified for qualified projects with an application date on or after October 1, 2009. The Nebraska Department of Revenue (DOR) audits compliance with E-Verify requirements and the eligibility of the newly-hired Nebraska employees when each project attains the minimum required levels of investment and employment necessary for benefits. In the qualification audits, the audit testing confirms that no benefits are allowed for employees that were not properly verified. Corrections are made for subsequent years for employees which were not properly verified. The results for 2021 are as follows:

Rural Development and Microenterprise Applications from Individuals*			
Received January 1, 2021 through December 31, 2021			
	Applications Received	Applications Rejected Due to E-Verify	Applications Delayed Due to E-Verify
Nebraska Advantage Rural Development Act	8	0	0
Nebraska Advantage Microenterprise Tax Credit Act	206	2	4

*Information for the Nebraska Advantage Act is not included in this report, since applications were no longer allowed after December 31, 2020.

The DOR website provides information to taxpayers planning to claim the Nebraska Advantage Research and Development Credit of the requirement to use E-Verify to confirm the work eligibility of all newly-hired employees employed in Nebraska.

The Research Tax Credit Worksheet, Form 3800N, Worksheet RD, includes several questions asking claimants to confirm they are using E-Verify for newly-hired employees. Use of the E-Verify program for new employees is not confirmed at the time the return is processed. DOR audits for compliance after returns claiming the credit have been processed.

Nebraska Advantage Research & Development Act		
Returns Processed for Individuals		
January 1, 2021 through December 31, 2021		
	Returns Processed	Claims for Credit Disallowed Due to E-Verify
Nebraska Advantage Research & Development Credit Act	77	0

[Nebraska Advantage Act Links \[relating to requirements of LB 403 \(2009\)\]:](#)

- [Nebraska Advantage Rural Development Act Application Guide](#)
- [Nebraska Advantage Microenterprise Tax Credit Act Application Guide](#)
- [Nebraska Advantage Act Research Tax Credit Worksheet, Form 3800N, Worksheet RD](#)

Charitable Gaming, Nebraska Lottery, and Nebraska Athletic Commission

The Charitable Gaming Division requires any new applicants for a county/city lottery worker license, utilization of funds member license, sales agent license, or gaming manager license to include the information required by the U.S. Citizenship Attestation Form.

The Nebraska Lottery requires all applicants for a retailer's contract who are individuals or sole proprietors to complete and submit the U.S. Citizenship Attestation Form.

The Nebraska Athletic Commission requires applicants for all licenses (contestants, seconds, judges, referees, physicians, and matchmakers) to complete and submit the U.S. Citizenship Attestation Form.

Gaming, Lottery, and Athletic Commission Applications		
January 1, 2021 through December 31, 2021		
	Applications Received	Applications Rejected Due to Citizenship/Immigration Status
Charitable Gaming	1,033	0
Nebraska Lottery	66	0
Nebraska Athletic Commission	254	0

Charitable Gaming, Nebraska Lottery, and Nebraska Athletic Commission Links [relating to requirements of LB 403 (2009)]:

- [Charitable Gaming Division Homepage](#)
- [Nebraska Lottery Legislative Update on LB 403](#)
- [Nebraska County/City Lottery Worker Application, Schedule III, Form 50G](#)
- [Nebraska Athletic Commission Homepage](#)

Property Assessment - Homestead Exemption

The Property Assessment Division requires all applicants for the homestead exemption to attest to their U.S. citizenship or provide their immigration status and alien number. The attestation is included on the Nebraska Homestead Exemption Application, Form 458.

Homestead exemption applications are filed after February 1 and on or before June 30 each year. All alien numbers are verified with U.S. Citizenship and Immigration Services of the Department of Homeland Security.

Homestead Applications		
January 1, 2021 through December 31, 2021		
	Applications Received	Applications Rejected Due to Citizenship/Immigration Status
Property Assessment	55,815	0

Property Assessment Division Link [relating to requirements of LB 403 (2009)]:

- [Nebraska Homestead Exemption Application, Form 458](#) (2022 form will be available on February 1, 2022)