

# Tax Incentive Claim for Refund of Sales and Use Tax

Nebraska ID Number _____	Federal Employer ID or Social Security Number _____	<b>Please Do Not Write in This Space</b>
Claim Period Beginning _____, _____ and Ending _____, _____		

Name and Location Address of Taxpayer	Name and Mailing Address of Taxpayer
Name _____	Name _____
Street Address _____	Street or Other Mailing Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____

	Amount Claimed	Incentive Program	Type of Claim
<b>1</b> Nebraska sales and use tax paid . . . . .	<b>1</b>	Application/Project No. _____	<input type="checkbox"/> Direct Refund
<b>2</b> Local sales and use tax paid:		<input type="checkbox"/> ImagiNE Nebraska Act	<input type="checkbox"/> Credit Refund
<b>Local Taxing Jurisdiction</b>	<b>Amount of Tax</b>	<input type="checkbox"/> Nebraska Advantage Act	<input type="checkbox"/> Aircraft Refund
		<input type="checkbox"/> LB 775	
		<input type="checkbox"/> Other _____	
<b>3</b> Total of line 2 . . . . .	<b>3</b>		
<b>4</b> Total of lines 1 and 3. . . . .	<b>4</b>		

**5** Select payment method:  ACH payment; or  Credit to sales/use tax account (**do not use credit until it appears on account**).

**6** Person authorized to be contacted regarding this claim:

Authorized Contact Person (please print) _____	Email Address _____	Phone Number _____
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I declare under penalties of law that I have examined this claim, and to the best of my knowledge and belief, it is correct and complete. I also declare that payment of this claim has not been previously made by the state, nor have I claimed or received a refund from the retailer.

**sign here**

Authorized Signature _____	Phone Number _____	Signature of Preparer Other Than Taxpayer _____	Phone Number _____
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Print Name _____	Print Name _____	Print Name _____	Print Name _____
Title _____	Date _____	Firm's Name _____	Date _____

Action Taken by the Nebraska Department of Revenue			For DOR Use Only
	<b>Amount Approved</b>	<input type="checkbox"/> Approved <input type="checkbox"/> Approved as revised, see amend statement or letter dated _____. Your refund, except for delayed refund amounts, will be issued in four to six weeks after approval.	ACH <input type="checkbox"/> Yes <input type="checkbox"/> No Ref. Type _____ Box _____
<b>Code</b>	<b>2</b>	<b>Local Tax Amount</b>	<b>Motor Vehicle Tax</b>
			State _____
			Local _____
			Code _____
<b>Total</b>	<b>4</b>		
ImagiNE Nebraska Act Fee	<b>5</b>		
<b>Net refund</b>	<b>6</b>		
		Current refund amount to be issued: _____	
		Total delayed refund amounts: _____	
		Total refund amount: _____	

Comments: \_\_\_\_\_

Nebraska Department of Revenue Authorized Signature _____	Date _____
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Mail this claim and supporting documentation to:  
**Nebraska Department of Revenue, PO Box 98944, Lincoln, NE 68509-8944.**  
**revenue.nebraska.gov, 800-742-7474 (NE and IA), 402-471-5729**

## Instructions

**Who May File.** A refund claim (claim) can be filed by a taxpayer who has qualified under the following acts:

- ImagiNE Nebraska Act;
- Nebraska Advantage Act;
- Employment and Investment Growth Act (LB 775);
- Nebraska Advantage Research and Development Act (R&D);
- Nebraska Advantage Rural Development Act; and
- Urban Redevelopment Act.

A separate form must be filed for each type of claim (direct, credit, and aircraft) and each tax incentive act.

A direct claim can also be filed by the owner of a building leased to a qualified company under either the ImagiNE Nebraska Act, Nebraska Advantage Act, or LB 775 for sales tax paid on the construction and improvements to the building.

**When to File.** A claim must be filed within the statute of limitations period. This is generally the latest of the following periods:

- Three years from the 20th day of the month following the close of the period for which the payment of tax was made,
- Six months after a deficiency determination issued by the Nebraska Department of Revenue (DOR) becomes final,
- Six months after the date of payment with respect to such determination,
- A period for which a [Nebraska Extension of Statute of Limitations, Form 872N](#) has been given, or
- Within three calendar years after the end of the year the required levels of employment and investment are first met (ImagiNE Nebraska Act, Nebraska Advantage Act, and LB 775).

**What is a Valid Claim.** A valid claim must have all of these items.

1. All applicable lines and boxes on the form must be completed. If the space provided is not sufficient, a letter of explanation must be attached.
2. The claim must be signed by an authorized person. If authorized by a [Power of Attorney, Form 33](#), a copy must be included.
3. The claim must have adequate documentation for DOR to determine its validity. If a claim does not meet the requirements, the review and payment of the claim will be delayed. The following are the minimum requirements for adequate documentation –
  - a. Enclose one detailed listing of the invoices and indicate the amount of the sales and use taxes paid. Submit the list on a spreadsheet via [DOR's secure file sharing system](#) here. The detailed list must include the following information and be in the format shown.

Asset Number	Placed in Service Date	Vendor Name	Item Description	Invoice Number	Invoice Date	Taxable Amount	Nebraska Sales Tax Paid	Local Sales Tax Paid	Name of Municipality or County	Nebraska Use Tax Paid	Local Use Tax Paid	Month Use Tax Paid	Total Tax Paid
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- b. If the claim is being filed for the Nebraska Advantage Act, LB 775, the Nebraska Advantage Rural Development Act, or the Urban Redevelopment Act, attach a copy of the qualification letter. Attach legible copies of all invoices claiming sales and use taxes at or above the dollar threshold set by DOR. If a dollar threshold has not been set by DOR, all invoices must be included. Arrange the invoice copies in the **same order** that the invoices appear on the list. The invoices need to clearly show the total purchase price and the amount of Nebraska and local sales tax paid.
- c. If you are claiming a refund of sales and use taxes paid on a motor vehicle, include a copy of the Nebraska Sales/Use Tax and Tire Fee Statement for Motor Vehicle and Trailer Sales, Form 6 and a copy of the motor vehicle registration or other document showing sales tax was paid.
- d. Additional invoices may be requested by DOR after the review of the initial submission. If you are claiming a refund of use tax paid, submit a copy of the [Nebraska and Local Sales and Use Tax Return, Form 10](#), or [Nebraska and Local Business Use Tax Return, Form 2](#), and the supporting list of the purchases on which use tax was paid.
- e. If the claim is for a refund of sales or use tax paid on an aircraft, attach an affidavit signed by an authorized individual stating whether that aircraft has ever been used to transport elected public officials or used for fundraising activities.
- f. If the claim is for a direct refund of sales or use tax paid on computer software, attach the [tax incentive software cover sheet](#).

## Specific Instructions

**Line 1.** Enter the amount of state sales or use tax paid.

**Line 2.** Enter the name of each local taxing jurisdiction and the amount of local sales or use tax paid. If the space provided is not sufficient, attach a schedule listing the additional information.

**Line 5.** Check the appropriate box to select how the claim should be refunded. A credit to the sales or use tax account may be used to offset future sales or use tax liabilities. If you anticipate the approved credit will be greater than your reported tax liabilities over the next 24 months, you should request a refund. If no election is made, a refund will be issued.

**Line 6.** An Authorized Contact Person designated on line 6 will have the authority to receive and discuss confidential information regarding this claim. Including an email address for the Authorized Contact Person allows DOR to send all confidential information by secure email or by [DOR's secure file sharing system](#).

**Incentive Program and Type of Claim.** Identify the application number or project number. Check the appropriate boxes for the incentive act and the type of refund claim being filed.

- **Direct Refund.** A direct refund is a refund to the applicant of Nebraska and local sales and use taxes paid on the purchase or lease of qualified property for use at the project or ImagiNE Nebraska Act qualified location(s). For Nebraska Advantage Act Tier 1 projects, only 50% of the sales and use taxes paid are eligible for refund.
- **Credit Refund.** A credit refund is a refund to the applicant of Nebraska and local sales and use taxes paid on otherwise non-refundable purchases made after the year the required levels of investment and employment were met, through the end of the carryover period. The credits used must have been earned in a prior year.
  - **Nebraska Advantage Act Tiers 1, 2, 3, and 4.** Purchases eligible for the credit refund must have been used at the project. A Tier 1 applicant may claim the other 50% of sales and use taxes paid on qualified property placed in service after the year of qualification as a credit refund.
  - **Nebraska Advantage Act Tiers 2 Large Data Center and 6.** The purchases eligible for a credit refund must have been used in Nebraska. The applicant must file separate credit refund claims for Nebraska and local sales and use taxes paid at the project and Nebraska and local sales and use taxes paid at non-project locations.
  - **LB 775.** Purchases eligible for the credit refund must have been used at the project.
- **Aircraft Refund.** An aircraft refund is a refund to the applicant of Nebraska and local sales and use taxes paid on the purchase or lease of an aircraft for use in connection with the Nebraska Advantage Act or LB 775, project or the ImagiNE Nebraska Act qualified location(s), which is placed in service during the attainment/ramp-up or entitlement/performance period.

**Processing Procedure.** If additional information is necessary to process the claim, DOR expects a timely response (within 15 days) to any request. If a response is not received, DOR will partially deny or deny the claim in full, unless a hearing has been requested.

DOR must approve or deny a claim within 180 days of the filing unless:

- The taxpayer and DOR have agreed in writing to extend the 180-day period (Form 872E), or
- The taxpayer requests a hearing prior to denial of the claim.

DOR must send the taxpayer notice of the denied portion of a claim within 30 days after the denial.

**Appeal Procedure.** The denial of a claim in its entirety, or in part, is considered a final determination by DOR and may be appealed. If DOR's final action is appealed, the claimant must file its appeal with the District Court of Lancaster County within 30 days after the mailing of DOR's final determination. If an appeal is not made within 30 days, the determination becomes final.

**Payment Method.** DOR strongly encourages all claims to be paid by ACH payment. If an ACH Enrollment Form is not on file, complete one and submit to DOR through [DOR's secure file sharing system](#). You may also have the refund credited to your sales and use tax account. If the claim is credited to your account, do not use the credit until it appears on your account or sales and use tax return.

Payment of a Nebraska Advantage Act or ImagiNE Nebraska Act local sales tax refund exceeding \$25,000 for any one local government will be delayed based on the refund provisions of the Act:

- If the claim was filed on or before June 15, the approved local sales and use tax amount will be refunded after November 15 of the same calendar year.
- If the claim is submitted after June 15, the approved local sales and use tax amount will be refunded after November 15 of the following calendar year.

**Imagine Nebraska Act Fee.** The ImagineNE Nebraska Act requires a 0.5% fee be withheld when claiming refunds filed using Form 7-I. A credit is allowed against the fee for the amount of the application fee.

**Authorized Signature.** The claim submitted to DOR must be signed by the owner/taxpayer, partner, member, or corporate officer. If another person signs this claim there must be a power of attorney attached to this form, or DOR will be unable to process this claim.

Any person who is paid for preparing a taxpayer's claim must also sign the claim as preparer.

**Email.** By entering an email address, the taxpayer acknowledges that DOR may contact the taxpayer by email. The taxpayer accepts any risk to confidentiality associated with this method of communication. DOR will send all confidential information by secure email or the State of Nebraska's file sharing system. If you do not wish to be contacted by email, write "Opt Out" on the line labeled "email address."

**For Additional Information.** If you have any questions or need further assistance, visit DOR's Website at [revenue.nebraska.gov](http://revenue.nebraska.gov).