

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 671

Introduced by Krist, 10.

Read first time January 06, 2016

Committee: Revenue

- 1 A BILL FOR AN ACT relating to roads; to amend section 39-2703, Revised
- 2 Statutes Cumulative Supplement, 2014, and sections 77-27,132 and
- 3 77-27,237, Revised Statutes Supplement, 2015; to repeal the Build
- 4 Nebraska Act; to terminate a fund; to change the distribution of
- 5 sales and use tax revenue; to harmonize provisions; to provide an
- 6 operative date; to repeal the original sections; to outright repeal
- 7 sections 39-2701, 39-2702, 39-2704, and 39-2705, Revised Statutes
- 8 Cumulative Supplement, 2014; and to declare an emergency.
- 9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-2703, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 39-2703 ~~(1) The State Highway Capital Improvement Fund terminates~~
4 ~~on the effective date of this act, and the State Treasurer shall transfer~~
5 ~~any money in the fund on such date to the General Fund is created. The~~
6 ~~fund shall consist of money credited to the fund pursuant to section~~
7 ~~77-27,132 and any other money as determined by the Legislature.~~

8 ~~(2) The department may create or direct the creation of accounts~~
9 ~~within the fund as the department determines to be appropriate and useful~~
10 ~~in administering the fund.~~

11 ~~(3) Any money in the fund available for investment shall be invested~~
12 ~~by the state investment officer pursuant to the Nebraska Capital~~
13 ~~Expansion Act and the Nebraska State Funds Investment Act. Investment~~
14 ~~earnings from investment of money in the fund shall be credited to the~~
15 ~~fund.~~

16 Sec. 2. Section 77-27,132, Revised Statutes Supplement, 2015, is
17 amended to read:

18 77-27,132 (1) There is hereby created a fund to be designated the
19 Revenue Distribution Fund which shall be set apart and maintained by the
20 Tax Commissioner. Revenue not required to be credited to the General Fund
21 or any other specified fund may be credited to the Revenue Distribution
22 Fund. Credits and refunds of such revenue shall be paid from the Revenue
23 Distribution Fund. The balance of the amount credited, after credits and
24 refunds, shall be allocated as provided by the statutes creating such
25 revenue.

26 (2) The Tax Commissioner shall pay to a depository bank designated
27 by the State Treasurer all amounts collected under the Nebraska Revenue
28 Act of 1967. The Tax Commissioner shall present to the State Treasurer
29 bank receipts showing amounts so deposited in the bank, and of the
30 amounts so deposited the State Treasurer shall:

31 (a) For transactions occurring on or after October 1, 2014, and

1 before October 1, 2019, credit to the Game and Parks Commission Capital
2 Maintenance Fund all of the proceeds of the sales and use taxes imposed
3 pursuant to section 77-2703 on the sale or lease of motorboats as defined
4 in section 37-1204, personal watercraft as defined in section 37-1204.01,
5 all-terrain vehicles as defined in section 60-103, and utility-type
6 vehicles as defined in section 60-135.01;

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

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

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

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

27 Sec. 3. Section 77-27,237, Revised Statutes Supplement, 2015, is
28 amended to read:

29 77-27,237 If the federal government passes a law that expands the
30 state's authority to require out-of-state retailers to collect and remit
31 the tax imposed under section 77-2703 on purchases by Nebraska residents

1 and the state collects additional revenue under section 77-2703 as a
2 result of such federal law, then the Department of Revenue shall
3 determine the amount of such additional revenue collected during the
4 first twelve months following the date on which the state begins
5 collecting such additional revenue. The department shall certify such
6 amount to the Governor, the Legislature, and the State Treasurer, and the
7 certified amount shall be used for purposes of subdivision (2)(c) ~~(2)(d)~~
8 of section 77-27,132. This section terminates three years after August
9 30, 2015.

10 Sec. 4. This act becomes operative on July 1, 2016.

11 Sec. 5. Original section 39-2703, Revised Statutes Cumulative
12 Supplement, 2014, and sections 77-27,132 and 77-27,237, Revised Statutes
13 Supplement, 2015, are repealed.

14 Sec. 6. The following sections are outright repealed: Sections
15 39-2701, 39-2702, 39-2704, and 39-2705, Revised Statutes Cumulative
16 Supplement, 2014.

17 Sec. 7. Since an emergency exists, this act takes effect when
18 passed and approved according to law.