

LEGISLATIVE BILL 139

Approved by the Governor May 11, 1977

Introduced by Nebraska Transportation Advisory Committee,
Savage, 10, Chmn.; Nichol, 48; Kremer, 34;
Keyes, 3

AN ACT to amend sections 39-2402 and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1976; to provide a basis for allocation of money; to increase certain tax rates; to provide an operative date; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2402. The State Treasurer shall monthly transfer from the Highway Allocation Fund to the Grade Crossing Protection Fund thirty thousand dollars and to the State Recreation Road Fund an amount equal to fifty cents for each motor vehicle registration during the preceding month. For the years 1970 and 1971, commencing January 1, 1970, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-five and one-third per cent to the various counties for road purposes, and twenty-one and one-third per cent to the various municipalities for street purposes; for the years 1972 and 1973, commencing January 1, 1972, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-four and one-third per cent to the various counties for road purposes, and twenty-two and one-third per cent to the various municipalities for street purposes; and for the year 1974 and thereafter, commencing January 1, 1974, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-three and one-third per cent to the various counties for road purposes, and twenty-three and one-third per cent to the various municipalities for street purposes; Provided, that for the calendar years 1970 and 1971, if it is determined by November 1 of each respective year that any county will receive from its allocation of state-collected highway revenue and from

any funds relinquished to it by municipalities within its boundaries, an amount in such year which is less than such county received in state-collected highway revenue in the calendar year 1967, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1967 highway allocation for such year shall be transferred from the Highway Allocation Fund to such county; provided further, for the calendar year 1972 and each year thereafter, if it is determined by November 1 of each year that any county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries an amount in such year which is less than such county received in state-collected highway revenue in calendar year 1969, based upon the 1976 tax rates for highway user fuels and registration fees, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1969 highway allocation for such year shall be transferred from the Highway Allocation Fund to such county; and provided further, that any such makeup funds must be matched by the county as provided in sections 39-2501 to 39-2510. The portion allocated to the Department of Roads shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be distributed monthly as provided by law.

Sec. 2. That section 66-410, Revised Statutes Supplement, 1976, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of eight nine and one half cents per gallon upon all motor vehicle fuels as shown by such statement; Provided, that effective January 1, 1973, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol of at least one hundred ninety proof shall be subject to a state motor fuel tax which is three cents per gallon less than gasoline which does not contain such a blend. When the sale in Nebraska of gasoline containing such a blend exceeds ten million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 3. That section 66-428, Revised Statutes Supplement, 1976, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of eight nine and one half cents per gallon

upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after ~~January~~ August 1, 1973 1977, shall be five six and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol of at least one hundred ninety proof, and eight nine and one half cents per gallon on gasoline which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 4. That section 66-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-605. There is hereby levied and imposed an excise tax of eight nine and one half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (7) of section 66-602. The tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer and be paid over to the motor fuel tax administrator as provided by sections 66-601 to 66-640.

Sec. 5. This act shall become operative on August 1, 1977.

Sec. 6. That original sections 39-2402 and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1976, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.