

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 200

FINAL READING

Introduced by Davis, 43.

Read first time January 13, 2015

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
2 77-27,132, Revised Statutes Cumulative Supplement, 2014; to provide
3 duties for the Department of Revenue; to change the distribution of
4 sales and use tax revenue; to provide a termination date; and to
5 repeal the original section.

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

1 Section 1. If the federal government passes a law that expands the
2 state's authority to require out-of-state retailers to collect and remit
3 the tax imposed under section 77-2703 on purchases by Nebraska residents
4 and the state collects additional revenue under section 77-2703 as a
5 result of such federal law, then the Department of Revenue shall
6 determine the amount of such additional revenue collected during the
7 first twelve months following the date on which the state begins
8 collecting such additional revenue. The department shall certify such
9 amount to the Governor, the Legislature, and the State Treasurer, and the
10 certified amount shall be used for purposes of subdivision (2)(d) of
11 section 77-27,132. This section terminates three years after the
12 effective date of this act.

13 Sec. 2. Section 77-27,132, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 77-27,132 (1) There is hereby created a fund to be designated the
16 Revenue Distribution Fund which shall be set apart and maintained by the
17 Tax Commissioner. Revenue not required to be credited to the General Fund
18 or any other specified fund may be credited to the Revenue Distribution
19 Fund. Credits and refunds of such revenue shall be paid from the Revenue
20 Distribution Fund. The balance of the amount credited, after credits and
21 refunds, shall be allocated as provided by the statutes creating such
22 revenue.

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

28 (a) For transactions occurring on or after October 1, 2014, and
29 before October 1, 2019, credit to the Game and Parks Commission Capital
30 Maintenance Fund all of the proceeds of the sales and use taxes imposed
31 pursuant to section 77-2703 on the sale or lease of motorboats as defined

1 in section 37-1204, personal watercraft as defined in section 37-1204.01,
2 all-terrain vehicles as defined in section 60-103, and utility-type
3 vehicles as defined in section 60-135.01;

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

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

18 (d) Of the proceeds of the sales and use taxes derived from
19 transactions other than those listed in subdivisions (2)(a) and (b) of
20 this section, credit to the Property Tax Credit Cash Fund the amount
21 certified under section 1 of this act, if any such certification is made.

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

24 Sec. 3. Original section 77-27,132, Revised Statutes Cumulative
25 Supplement, 2014, is repealed.