

AMENDMENTS TO LB 989

(Amendments to Standing Committee amendments, AM2516)

1 1. Insert the following new sections:

2 "Section 1. Section 39-2215, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-2215. (1) There is hereby created in the state
5 treasury a special fund to be known as the Highway Trust Fund.

6 (2) All funds credited to the Highway Trust Fund pursuant
7 to sections 66-4,140, 66-4,147, 66-669, and 66-6,108, and related
8 penalties and interest, shall be allocated as provided in such
9 sections. The State Treasurer shall make the transfer to the
10 General Fund required by section 66-499.

11 (3) All other motor vehicle fuel taxes, diesel fuel
12 taxes, compressed fuel taxes, and alternative fuel taxes related to
13 highway use retained by the state, all motor vehicle registration
14 fees retained by the state other than those fees credited to the
15 State Recreation Road Fund pursuant to section 60-302, and other
16 highway-user taxes imposed by state law and allocated to the
17 Highway Trust Fund, except for the proceeds of the sales and use
18 taxes derived from motor vehicles, trailers, and semitrailers
19 credited to the fund pursuant to section 77-27,132, are hereby
20 irrevocably pledged for the terms of the bonds issued prior to
21 January 1, 1988, to the payment of the principal, interest, and
22 redemption premium, if any, of such bonds as they mature and become
23 due at maturity or prior redemption and for any reserves therefor

1 and shall, as received by the State Treasurer, be deposited in the
2 fund for such purpose.

3 (4) Of the money in the fund specified in subsection (3)
4 of this section which is not required for the use specified in such
5 subsection, (a) an amount equal to three dollars times the number
6 of motorcycles registered during the previous month shall be placed
7 in the Motorcycle Safety Education Fund, (b) an amount to be
8 determined annually by the Legislature through the appropriations
9 process may be transferred to the Motor Fuel Tax Enforcement and
10 Collection Cash Fund for use as provided in section 66-738 on a
11 monthly or other less frequent basis as determined by the
12 appropriation language, (c) an amount to be determined annually by
13 the Legislature through the appropriations process shall be
14 transferred to the License Plate Cash Fund as needed to meet the
15 current obligations associated with the manufacture of license
16 plates and stickers or tabs provided for in sections 60-311,
17 60-311.02, and 60-1804, as certified by the Director of Motor
18 Vehicles, and (d) the remaining money may be used for the purchase
19 for retirement of the bonds issued prior to January 1, 1988, in the
20 open market.

21 (5) The State Treasurer shall monthly transfer, from the
22 proceeds of the sales and use taxes credited to the Highway Trust
23 Fund and any money remaining in the fund after the requirements of
24 subsections (2) through (4) of this section are satisfied, (a)
25 thirty thousand dollars to the Grade Crossing Protection Fund and
26 (b) the amount calculated pursuant to section 13-1210 for financing
27 the operating costs of public transportation systems to the Highway

1 Cash Fund.

2 (6) Except as provided in subsection (7) of this section,
3 the balance of the Highway Trust Fund shall be allocated
4 fifty-three and one-third percent, less the amount provided for in
5 section 39-847.01, to the Department of Roads, twenty-three and
6 one-third percent, less the amount provided for in section
7 39-847.01, to the various counties for road purposes, and
8 twenty-three and one-third percent to the various municipalities
9 for street purposes. If bonds are issued pursuant to subsection
10 (2) of section 39-2223, the portion allocated to the Department of
11 Roads shall be credited monthly to the Highway Restoration and
12 Improvement Bond Fund, and if no bonds are issued pursuant to such
13 subsection, the portion allocated to the department shall be
14 credited monthly to the Highway Cash Fund. The portions allocated
15 to the counties and municipalities shall be credited monthly to the
16 Highway Allocation Fund and distributed monthly as provided by law.
17 Vehicles accorded prorated registration pursuant to section
18 60-305.09 shall not be included in any formula involving motor
19 vehicle registrations used to determine the allocation and
20 distribution of state funds for highway purposes to political
21 subdivisions.

22 (7) If it is determined by December 20 of any year that a
23 county will receive from its allocation of state-collected highway
24 revenue and from any funds relinquished to it by municipalities
25 within its boundaries an amount in such year which is less than
26 such county received in state-collected highway revenue in calendar
27 year 1969, based upon the 1976 tax rates for highway-user fuels and

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1 registration fees, the Department of Roads shall notify the State
2 Treasurer that an amount equal to the sum necessary to provide such
3 county with funds equal to such county's 1969 highway allocation
4 for such year shall be transferred to such county from the Highway
5 Trust Fund. Such makeup funds shall be matched by the county as
6 provided in sections 39-2501 to 39-2510. The balance remaining in
7 the fund after such transfer shall then be reallocated as provided
8 in subsection (6) of this section.

9 (8) The State Treasurer shall disburse the money in the
10 Highway Trust Fund as directed by resolution of the commission.
11 All disbursements from the fund shall be made upon warrants drawn
12 by the Director of Administrative Services. Any money in the fund
13 available for investment shall be invested by the state investment
14 officer pursuant to the Nebraska Capital Expansion Act and the
15 Nebraska State Funds Investment Act and the earnings, if any,
16 credited to the fund.

17 Sec. 2. Section 49-801.01, Revised Statutes Supplement,
18 2001, is amended to read:

19 49-801.01. Except as provided by Article VIII, section
20 1B, of the Constitution of Nebraska and in sections 77-2701.01,
21 77-2714 to 77-27,123, 77-27,191, 77-4103, 77-4104, 77-4108,
22 77-5509, 77-5515, 77-5527 to 77-5529, and 77-5539, any reference to
23 the Internal Revenue Code refers to the Internal Revenue Code of
24 1986 as it exists on ~~February 7, 2001~~ the effective date of this
25 act.

26 Sec. 21. Since an emergency exists, this act takes
27 effect when passed and approved according to law."

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- 1 2. On page 26, line 27, strike "28-1425" and insert
- 2 "39-2215".
- 3 3. On page 27, line 2, strike "and"; and in line 4 after
- 4 the comma insert "and section 49-801.01, Revised Statutes
- 5 Supplement, 2001,".
- 6 4. Rename the remaining sections and correct internal
- 7 references accordingly.