

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 488

Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; Harr, 8; Schumacher, 22; Sullivan, 41.

Read first time January 23, 2013

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections
2 14-109, 15-202, 15-203, 16-205, and 17-525, Reissue
3 Revised Statutes of Nebraska; to change provisions
4 relating to municipal occupation taxes; and to repeal the
5 original sections.

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

1 Section 1. Section 14-109, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 14-109 (1)(a) The city council shall have power to tax
4 for revenue, license, and regulate any person within the limits of
5 the city by ordinance except as otherwise provided in this section.
6 Such tax may include both a tax for revenue and license. The city
7 council may raise revenue by levying and collecting a tax on any
8 occupation or business within the limits of the city. Any occupation
9 tax imposed pursuant to this section shall make a reasonable
10 classification of businesses, users of space, or kinds of
11 transactions for purposes of imposing such tax, except that no
12 occupation tax shall be imposed on any transaction which is subject
13 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,
14 66-4,146, 77-2602, or 77-4008. The occupation tax shall be imposed in
15 the manner provided in section 18-1208, except that section 18-1208
16 does not apply to an occupation tax subject to section 86-704. All
17 such taxes shall be uniform in respect to the class upon which they
18 are imposed. All scientific and literary lectures and entertainments
19 shall be exempt from taxation, as well as concerts and all other
20 musical entertainments given exclusively by the citizens of the city.
21 It shall be the duty of the city clerk to deliver to the city
22 treasurer the certified copy of the ordinance levying such tax, and
23 the city clerk shall append thereto a warrant requiring the city
24 treasurer to collect such tax.

25 (b) For purposes of this subsection, limits of the city

1 does not include the extraterritorial zoning jurisdiction of such
2 city.

3 (2)(a) Except as otherwise provided in subdivision (c) of
4 this subsection, the city council shall also have power to require
5 any individual whose primary residence or person who owns a place of
6 business which is within the limits of the city and that owns and
7 operates a motor vehicle within such limits to annually register such
8 motor vehicle in such manner as may be provided and to require such
9 person to pay an annual motor vehicle fee therefor and to require the
10 payment of such fee upon the change of ownership of such vehicle. All
11 such fees which may be provided for under this subsection shall be
12 credited to a separate fund of the city, thereby created, to be used
13 exclusively for constructing, repairing, maintaining, or improving
14 streets, roads, alleys, public ways, or parts thereof or for the
15 amortization of bonded indebtedness when created for such purposes.

16 (b) No motor vehicle fee shall be required under this
17 subsection if (i) a vehicle is used or stored but temporarily in such
18 city for a period of six months or less in a twelve-month period,
19 (ii) an individual does not have a primary residence or a person does
20 not own a place of business within the limits of the city and does
21 not own and operate a motor vehicle within the limits of the city, or
22 (iii) an individual is a full-time student attending a postsecondary
23 institution within the limits of the city and the motor vehicle's
24 situs under the Motor Vehicle Certificate of Title Act is different
25 from the place at which he or she is attending such institution.

1 (c) After December 31, 2012, no motor vehicle fee shall
2 be required of any individual whose primary residence is or person
3 who owns a place of business within the extraterritorial zoning
4 jurisdiction of such city.

5 (d) For purposes of this subsection, limits of the city
6 includes the extraterritorial zoning jurisdiction of such city.

7 (3) For purposes of this section, person includes bodies
8 corporate, societies, communities, the public generally, individuals,
9 partnerships, limited liability companies, joint-stock companies,
10 cooperatives, and associations. Person does not include any federal,
11 state, or local government or any political subdivision thereof.

12 Sec. 2. Section 15-202, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 15-202 A city of the primary class shall have power to
15 levy taxes for general revenue purposes on all property within the
16 corporate limits of the city taxable according to the laws of
17 Nebraska and to levy an occupation tax on public service property or
18 corporations in such amounts as may be proper and necessary, in the
19 judgment of the mayor and council, for purposes of revenue. All such
20 taxes shall be uniform with respect to the class upon which they are
21 imposed. The occupation tax may be based upon a certain percentage of
22 the gross receipts of such public service corporation or upon such
23 other basis as may be determined upon by the mayor and council. Any
24 occupation tax imposed pursuant to this section shall make a
25 reasonable classification of businesses, users of space, or kinds of

1 transactions for purposes of imposing such tax, except that no
2 occupation tax shall be imposed on any transaction which is subject
3 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,
4 66-4,146, 77-2602, or 77-4008. The occupation tax ~~and~~ shall be
5 imposed in the manner provided in section 18-1208, except that
6 section 18-1208 does not apply to an occupation tax subject to
7 section 86-704.

8 Sec. 3. Section 15-203, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 15-203 A city of the primary class shall have power to
11 raise revenue by levying and collecting a license or occupation tax
12 on any person, partnership, limited liability company, corporation,
13 or business within the limits of the city and regulate the same by
14 ordinance except as otherwise provided in this section and in section
15 15-212. Any occupation tax imposed pursuant to this section shall
16 make a reasonable classification of businesses, users of space, or
17 kinds of transactions for purposes of imposing such tax, except that
18 no occupation tax shall be imposed on any transaction which is
19 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,
20 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax shall be
21 imposed in the manner provided in section 18-1208, except that
22 section 18-1208 does not apply to an occupation tax subject to
23 section 86-704. All such taxes shall be uniform in respect to the
24 class upon which they are imposed. All scientific and literary
25 lectures and entertainments shall be exempt from such taxation as

1 well as concerts and all other musical entertainments given
2 exclusively by the citizens of the city.

3 Sec. 4. Section 16-205, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 16-205 A city of the first class may raise revenue by
6 levying and collecting a license or occupation tax on any person,
7 partnership, limited liability company, corporation, or business
8 within the limits of the city and ~~to—may~~ regulate the same by
9 ordinance. Any occupation tax imposed pursuant to this section shall
10 make a reasonable classification of businesses, users of space, or
11 kinds of transactions for purposes of imposing such tax, except that
12 no occupation tax shall be imposed on any transaction which is
13 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,
14 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax shall be
15 imposed in the manner provided in section 18-1208, except that
16 section 18-1208 does not apply to an occupation tax subject to
17 section 86-704. All such taxes shall be uniform in respect to the
18 class upon which they are imposed. All scientific and literary
19 lectures and entertainments shall be exempt from such taxation as
20 well as concerts and all other musical entertainments given
21 exclusively by the citizens of the city.

22 Sec. 5. Section 17-525, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 17-525 Second-class cities and villages shall have power
25 to raise revenue by levying and collecting a license tax on any

1 occupation or business within the limits of the city or village, and
2 regulate the same by ordinance. Any occupation tax imposed pursuant
3 to this section shall make a reasonable classification of businesses,
4 users of space, or kinds of transactions for purposes of imposing
5 such tax, except that no occupation tax shall be imposed on any
6 transaction which is subject to tax under section 53-160, 66-489,
7 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008. The
8 occupation tax shall be imposed in the manner provided in section
9 18-1208, except that section 18-1208 does not apply to an occupation
10 tax subject to section 86-704. All such taxes shall be uniform in
11 respect to the classes upon which they are imposed. All scientific
12 and literary lectures and entertainments shall be exempt from such
13 taxation, as well as concerts and other musical entertainments given
14 exclusively by the citizens of the city or village.

15 Sec. 6. Original sections 14-109, 15-202, 15-203, 16-205,
16 and 17-525, Reissue Revised Statutes of Nebraska, are repealed.