

AMENDMENTS TO LB468

Introduced by Clements, 2.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           **Section 1.** Section 8-1120, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5           8-1120 (1) Except as otherwise provided in this section, the  
6 Securities Act of Nebraska shall be administered by the Director of  
7 Banking and Finance who may employ such deputies, examiners, assistants,  
8 or counsel as may be reasonably necessary for the purpose thereof. The  
9 employment of any person for the administration of the act is subject to  
10 section 49-1499.07. The director may delegate to a deputy director or  
11 counsel any powers, authority, and duties imposed upon or granted to the  
12 director under the act, such as may be lawfully delegated under the  
13 common law or the statutes of this state. The director may also employ  
14 special counsel with respect to any investigation conducted by him or her  
15 under the act or with respect to any litigation to which the director is  
16 a party under the act.

17           (2) A security issued by and representing an interest in or a debt  
18 of, or guaranteed by, any insurance company shall be registered, pursuant  
19 to the provisions of sections 8-1104 to 8-1109, with the Director of  
20 Insurance who shall as to such registrations administer and enforce the  
21 act, and as pertains to the administration and enforcement of such  
22 registration of such securities all references in the act to director  
23 shall mean the Director of Insurance.

24           (3)(a) It shall be unlawful for the director or any of his or her  
25 employees to use for personal benefit any information which is filed with  
26 or obtained by the director and which is not made public. Neither the  
27 director nor any of his or her employees shall disclose any confidential

1 information except among themselves, when necessary or appropriate in a  
2 proceeding, examination, or investigation under the act, or as authorized  
3 in subdivision (3)(b) of this subsection. No provision of the act shall  
4 either create or derogate from any privilege which exists at common law  
5 or otherwise when documentary or other evidence is sought under a  
6 subpoena directed to the director or any of his or her employees.

7 (b)(i) In administering the act, the director may also:

8 (A) Enter into agreements or relationships with other government  
9 officials, including, but not limited to, the securities administrator of  
10 a foreign state and the Securities and Exchange Commission, or self-  
11 regulatory organizations, to share resources, standardized or uniform  
12 methods or procedures, and documents, records, and information; or

13 (B) Accept and rely on examination or investigation reports made by  
14 other government officials, including, but not limited to, the securities  
15 administrator of a foreign state and the Securities and Exchange  
16 Commission, or self-regulatory organizations.

17 (ii) For purposes of this subdivision, foreign state means any state  
18 of the United States, other than the State of Nebraska, any territory of  
19 the United States, including Puerto Rico, Guam, American Samoa, the Trust  
20 Territory of the Pacific Islands, or the Virgin Islands, and the District  
21 of Columbia.

22 (4) The director may adopt and promulgate rules and regulations and  
23 prescribe forms to carry out the act. No rule and regulation may be  
24 adopted and promulgated or form may be prescribed unless the director  
25 finds that the action is necessary or appropriate in the public interest  
26 or for the protection of investors and consistent with the purposes  
27 fairly intended by the policy and provisions of the act. In adopting and  
28 promulgating rules and regulations and prescribing forms the director may  
29 cooperate with the securities administrators of the other states and the  
30 Securities and Exchange Commission with a view to effectuating the policy  
31 of the Securities Act of Nebraska to achieve maximum uniformity in the

1 form and content of registration statements, applications, and reports  
2 wherever practicable. All rules and regulations and forms of the director  
3 shall be published and made available to any person upon request.

4 (5) No provision of the act imposing any liability shall apply to  
5 any act done or omitted in good faith in conformity with any rule and  
6 regulation, form, or order of the director, notwithstanding that the rule  
7 and regulation or form may later be amended or rescinded or be determined  
8 by judicial or other authority to be invalid for any reason.

9 (6) Every hearing in an administrative proceeding shall be public  
10 unless the director in his or her discretion grants a request joined in  
11 by all the respondents that the hearing be conducted privately.

12 (7)(a) The Securities Act Cash Fund is created. All filing fees,  
13 registration fees, and all other fees and all money collected by or paid  
14 to the director under any of the provisions of the act shall be remitted  
15 to the State Treasurer for credit to the fund, except that registration  
16 fees collected by or paid to the Director of Insurance pursuant to the  
17 provisions of the act shall be credited to the Department of Insurance  
18 Cash Fund. The Securities Act Cash Fund shall be used for the purpose of  
19 administering and enforcing the provisions of the act, except that  
20 transfers may be made to the General Fund at the direction of the  
21 Legislature and distributions to counties may be made as provided in  
22 subdivision (7)(c) of this section. Any money in the Securities Act Cash  
23 Fund available for investment shall be invested by the state investment  
24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
25 State Funds Investment Act.

26 (b) The State Treasurer shall transfer twenty-eight ~~thirty-four~~  
27 million four hundred thousand dollars from the Securities Act Cash Fund  
28 to the General Fund on or before June 30, 2026, on such dates and in such  
29 amounts as directed by the budget administrator of the budget division of  
30 the Department of Administrative Services. The State Treasurer shall  
31 transfer twenty-two ~~twenty-eight~~ million four hundred thousand dollars

1 from the Securities Act Cash Fund to the General Fund on or before June  
2 30, 2027, on such dates and in such amounts as directed by the budget  
3 administrator of the budget division of the Department of Administrative  
4 Services. The State Treasurer shall transfer ~~twenty-two~~ ~~twenty-eight~~  
5 million four hundred thousand dollars from the Securities Act Cash Fund  
6 to the General Fund on or before June 30, 2028, on such dates and in such  
7 amounts as directed by the budget administrator of the budget division of  
8 the Department of Administrative Services. The State Treasurer shall  
9 transfer ~~twenty-two~~ ~~twenty-eight~~ million four hundred thousand dollars  
10 from the Securities Act Cash Fund to the General Fund on or before June  
11 30, 2029, on such dates and in such amounts as directed by the budget  
12 administrator of the budget division of the Department of Administrative  
13 Services.

14 (c) Beginning July 1, 2025, the State Treasurer shall distribute  
15 five million six hundred thousand dollars annually from the Securities  
16 Act Cash Fund to the counties proportionately in the proportion that the  
17 total taxable valuation of all real and personal property in the county  
18 bears to the total taxable valuation of all real and personal property in  
19 the state.

20 (8) A document is filed when it is received by the director. The  
21 director shall keep a register of all applications for registration and  
22 registration statements which are or have ever been effective under the  
23 Securities Act of Nebraska and all denial, suspension, or revocation  
24 orders which have ever been entered under the act. The register shall be  
25 open for public inspection. The information contained in or filed with  
26 any registration statement, application, or report may be made available  
27 to the public under such conditions as the director may prescribe.

28 (9) The director may, by rule and regulation or order, authorize or  
29 require the filing of any document required to be filed under the act by  
30 electronic or other means, processes, or systems.

31 (10) Upon request and at such reasonable charges as he or she shall

1 prescribe, the director shall furnish to any person photostatic or other  
2 copies, certified under his or her seal of office if requested, of any  
3 entry in the register or any document which is a matter of public record.  
4 In any proceeding or prosecution under the act, any copy so certified  
5 shall be prima facie evidence of the contents of the entry or document  
6 certified.

7 (11) The director in his or her discretion may honor requests from  
8 interested persons for interpretative opinions.

9 **Sec. 2.** Section 33-110, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 33-110 (1) County clerks shall receive no fee for the performance of  
12 the following services: For issuing certificates of election; for  
13 performing the duties of clerk of the county board; for taking  
14 acknowledgments of claims against the county; for attesting or certifying  
15 any document authorized by the county board or required by the  
16 departments of the state; or for recording Army or Navy discharges or  
17 furnishing certified copies thereof to be used in connection with any  
18 claim for compensation or disability. A charge of twenty-five cents shall  
19 be made for any other certificate and seal unless otherwise provided. The  
20 fees collected shall be credited to the county general fund.

21 (2) County clerks shall receive a fee of fifty ~~twenty-five~~ dollars  
22 for the entire proceedings of issuing a marriage license, administering  
23 the related oaths or affirmations, and recording a marriage certificate.  
24 An additional fee of twenty nine ~~nine~~ dollars shall be made for each certified  
25 copy of a marriage record on file in the office of the county clerk. Both  
26 such fees shall be deposited in the county general fund. It is the intent  
27 of the Legislature to examine the amount of the fees provided in this  
28 subsection at least once every five years beginning in 2030 in order to  
29 determine whether such fees should be adjusted.

30 **Sec. 3.** Section 60-158, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           60-158 (1) For each identification inspection conducted by the  
2 patrol, the fee shall be ten dollars, which shall be remitted to the  
3 State Treasurer for credit to the Nebraska State Patrol Cash Fund.

4           (2) For each identification inspection conducted by a county  
5 sheriff, the fee shall be thirty dollars plus mileage at the rate  
6 provided in section 33-117 for each mile in excess of ten miles that was  
7 actually and necessarily traveled in conducting the identification  
8 inspection ~~ten dollars~~, which shall be paid to the county treasurer and  
9 credited to the county sheriff's vehicle inspection account within the  
10 county general fund. It is the intent of the Legislature to examine the  
11 amount of the fee provided in this subsection at least once every five  
12 years beginning in 2030 in order to determine whether such fee should be  
13 adjusted.

14           **Sec. 4.** Section 60-3,186, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           60-3,186 (1) The department shall annually determine the motor  
17 vehicle tax on each motor vehicle registered pursuant to section 60-3,187  
18 and shall cause a notice of the amount to be delivered to the registrant.  
19 The notice may be delivered to the registrant at the address shown upon  
20 his or her registration certificate or the registrant's most recent  
21 address according to information received by the department from the  
22 National Change of Address program of the United States Postal Service or  
23 delivered electronically to the registrant if the registrant has provided  
24 electronic contact information to the department. The notice shall be  
25 provided on or before the first day of the last month of the registration  
26 period.

27           (2)(a) The motor vehicle tax, motor vehicle fee, registration fee,  
28 sales tax, and any other applicable taxes and fees shall be paid to the  
29 county treasurer prior to the registration of the motor vehicle for the  
30 following registration period. If the motor vehicle being registered has  
31 been transferred as a gift or for a nominal amount, any sales tax owed by

1 the transferor on the purchase of the motor vehicle shall have been paid  
2 or be paid to the county treasurer prior to the registration of the motor  
3 vehicle for the following registration period.

4 (b) After retaining two ~~one~~ percent of the motor vehicle tax  
5 proceeds collected for costs incurred by the county treasurer, and after  
6 transferring one percent of the motor vehicle tax proceeds collected to  
7 the State Treasurer for credit to the Vehicle Title and Registration  
8 System Replacement and Maintenance Cash Fund, the remaining motor vehicle  
9 tax proceeds shall be allocated to each county, local school system,  
10 school district, city, and village in the tax district in which the motor  
11 vehicle has situs.

12 (c)(i) Twenty-one and eight-tenths ~~Twenty-two~~ percent of the  
13 remaining motor vehicle tax proceeds shall be allocated to the county,  
14 (ii) sixty percent shall be allocated to the local school system or  
15 school district, and (iii) eighteen and two-tenths percent shall be  
16 allocated to the city or village, except that (A) if the tax district is  
17 not in a city or village, forty percent shall be allocated to the county,  
18 and (B) in counties containing a city of the metropolitan class,  
19 seventeen and eight-tenths ~~eighteen~~ percent shall be allocated to the  
20 county and twenty-two and two-tenths percent shall be allocated to the  
21 city or village.

22 (d) The amount allocated to a local school system shall be  
23 distributed to school districts in the same manner as property taxes.

24 (3) Proceeds from the motor vehicle tax shall be treated as property  
25 tax revenue for purposes of expenditure limitations, matching of state or  
26 federal funds, and other purposes.

27 **Sec. 5.** Section 77-684, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 77-684 (1) The Property Tax Administrator shall, on or before  
30 January 15 each year, establish a tax rate for purposes of taxation  
31 against the taxable value as provided in sections 77-682 and 77-683 at a

1 rate which shall be equal to the total property taxes levied in the state  
2 divided by the total taxable value of all taxable property in the state  
3 as certified pursuant to section 77-1613.01. The date when such tax rate  
4 is determined shall be deemed to be the levy date for the property. The  
5 Property Tax Administrator shall send to each car line company a  
6 statement showing the taxable value, the tax rate, and the amount of the  
7 tax and a statement that such tax is due and payable to the Property Tax  
8 Administrator on January 31 next following the levy thereof. If a car  
9 line company feels aggrieved, such company may, on or before February 15,  
10 file an appeal with the Tax Commissioner. The Tax Commissioner shall act  
11 upon the appeal and shall issue a written order mailed to the company  
12 within seven days after the date of the order. The order may be appealed  
13 within thirty days after the date of the order to the Tax Equalization  
14 and Review Commission in accordance with section 77-5013.

15 (2)(a) Prior to September 1, 2025, the The Property Tax  
16 Administrator shall remit the tax collected, less a three-percent  
17 collection fee, to the State Treasurer for distribution among the taxing  
18 subdivisions in proportion to all railroad taxes levied by taxing  
19 subdivisions. The collection fee shall be remitted to the State Treasurer  
20 for credit to the Department of Revenue Property Assessment Division Cash  
21 Fund.

22 (b) On and after September 1, 2025, the Property Tax Administrator  
23 shall remit the tax collected, less a three-percent collection fee, to  
24 the State Treasurer for distribution among the counties. The State  
25 Treasurer shall distribute ninety percent of such amount to the counties  
26 that levy railroad taxes in proportionate amounts based upon the ratio of  
27 the total railroad taxes levied by the county to the total railroad taxes  
28 levied by all counties. The State Treasurer shall distribute the  
29 remaining ten percent of such taxes to the counties that do not levy  
30 railroad taxes in proportionate amounts based upon the ratio of the total  
31 taxable valuation of all real and personal property in the county to the

1 total taxable valuation of all real and personal property within those  
2 counties that do not levy railroad taxes. The collection fee shall be  
3 remitted to the State Treasurer for credit to the Department of Revenue  
4 Property Assessment Division Cash Fund.

5 **Sec. 6.** Section 77-1720, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 77-1720 All fees allowed for issuing distress warrants, levy, and  
8 return of the warrants, in the cases above provided, shall be twenty two  
9 dollars for issuing each warrant, one dollar for levy, and mileage at the  
10 rate provided in section 33-117 for county sheriffs for each mile  
11 actually and necessarily traveled by such officer on each warrant. When  
12 the officer has more than one warrant in his or her hands for service, he  
13 or she shall charge only for the mileage actually and necessarily  
14 traveled in serving all of the warrants, in which case the mileage so  
15 charged shall be prorated among such warrants. Commission shall be  
16 allowed in addition on all taxes collected by distress and sale as  
17 follows: On all sums not exceeding one hundred dollars, ten cents on each  
18 dollar; and on all sums exceeding one hundred dollars, eight cents on  
19 each dollar. All fees, mileage, and commissions shall be taxed to the  
20 parties against whom the distress warrants run and shall be collected as  
21 the original tax. When the taxes are not collected by distress and sale,  
22 the mileage shall be paid as provided in section 33-117. When mileage has  
23 been paid as provided in section 33-117 and the tax, together with all  
24 fees, mileage, and commission are collected, then the amount collected as  
25 mileage shall be paid to the county treasurer with the fees and  
26 commission and credited by the county treasurer to the general fund of  
27 the county. It is the intent of the Legislature to examine the amount of  
28 the fees provided in this section at least once every five years  
29 beginning in 2030 in order to determine whether such fees should be  
30 adjusted.

31 **Sec. 7.** Section 77-1804, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 77-1804 (1) The county treasurer shall cause the list of real  
3 property subject to sale and accompanying notice to be published once a  
4 week for three consecutive weeks prior to the date of sale, commencing  
5 the first week in February, in a legal newspaper and, in counties having  
6 more than two hundred fifty thousand inhabitants, in a daily legal  
7 newspaper of general circulation, published in the English language in  
8 the county, and designated by the county board. The county treasurer  
9 shall also cause to be posted in some conspicuous place in his or her  
10 office a copy of such notice. The treasurer shall assess against each  
11 description the sum of twenty five dollars to defray the expenses of  
12 advertising, which sum shall be added to the total amount due on such  
13 real property and be collected in the same manner as taxes are collected.

14 (2) The county treasurer shall also forward an electronic copy of  
15 the list of real property subject to sale to the Property Tax  
16 Administrator who shall compile a list for all counties and publish the  
17 compiled list on the website of the Department of Revenue.

18 (3) It is the intent of the Legislature to examine the twenty-dollar  
19 fee provided in subsection (1) of this section at least once every five  
20 years beginning in 2030 in order to determine whether such fee should be  
21 adjusted.

22 **Sec. 8.** Section 77-2004, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 77-2004 (1) In the case of a father, mother, grandfather,  
25 grandmother, brother, sister, son, daughter, child or children legally  
26 adopted as such in conformity with the laws of the state where adopted,  
27 any lineal descendant, any lineal descendant legally adopted as such in  
28 conformity with the laws of the state where adopted, any person to whom  
29 the deceased for not less than ten years prior to death stood in the  
30 acknowledged relation of a parent, or the spouse or surviving spouse of  
31 any such persons, the rate of tax shall be:

1 (a) For decedents dying prior to January 1, 2023, one percent of the  
2 clear market value of the property received by each person in excess of  
3 forty thousand dollars; ~~and~~

4 (b) For decedents dying on or after January 1, 2023, and prior to  
5 July 1, 2025, one percent of the clear market value of the property  
6 received by each person in excess of one hundred thousand dollars; and -

7 (c) For decedents dying on or after July 1, 2025, one percent of the  
8 clear market value of the property received by each person in excess of  
9 one hundred fifty thousand dollars.

10 (2) Any interest in property, including any interest acquired in the  
11 manner set forth in section 77-2002, which may be valued at a sum less  
12 than or equal to the applicable exempt amount under subsection (1) of  
13 this section shall not be subject to tax. In addition the homestead  
14 allowance, exempt property, and family maintenance allowance shall not be  
15 subject to tax. Interests passing to the surviving spouse by will, in the  
16 manner set forth in section 77-2002, or in any other manner shall not be  
17 subject to tax. Any interest passing to a person described in subsection  
18 (1) of this section who is under twenty-two years of age shall not be  
19 subject to tax.

20 **Sec. 9.** Section 77-2005, Revised Statutes Cumulative Supplement,  
21 2024, is amended to read:

22 77-2005 (1) In the case of an uncle, aunt, niece, or nephew related  
23 to the deceased by blood or legal adoption, or other lineal descendant of  
24 the same, or the spouse or surviving spouse of any of such persons, the  
25 rate of tax shall be:

26 (a) For decedents dying prior to January 1, 2023, thirteen percent  
27 of the clear market value of the property received by each person in  
28 excess of fifteen thousand dollars; ~~and~~

29 (b) For decedents dying on or after January 1, 2023, and prior to  
30 July 1, 2025, eleven percent of the clear market value of the property  
31 received by each person in excess of forty thousand dollars; and -

1           (c) For decedents dying on or after July 1, 2025, seven percent of  
2 the clear market value of the property received by each person in excess  
3 of forty thousand dollars.

4           (2) If the clear market value of the beneficial interest is less  
5 than or equal to the applicable exempt amount under subsection (1) of  
6 this section, it shall not be subject to tax. In addition, any interest  
7 passing to a person described in subsection (1) of this section who is  
8 under twenty-two years of age shall not be subject to tax.

9           **Sec. 10.** Section 77-2006, Revised Statutes Cumulative Supplement,  
10 2024, is amended to read:

11           77-2006 (1) In all other cases the rate of tax shall be:

12           (a) For decedents dying prior to January 1, 2023, eighteen percent  
13 of the clear market value of the beneficial interests received by each  
14 person in excess of ten thousand dollars; ~~and~~

15           (b) For decedents dying on or after January 1, 2023, and prior to  
16 July 1, 2025, fifteen percent of the clear market value of the beneficial  
17 interests received by each person in excess of twenty-five thousand  
18 dollars; and -

19           (c) For decedents dying on or after July 1, 2025, seven percent of  
20 the clear market value of the beneficial interests received by each  
21 person in excess of forty thousand dollars.

22           (2) If the clear market value of the beneficial interest is less  
23 than or equal to the applicable exempt amount under subsection (1) of  
24 this section, it shall not be subject to any tax. In addition, any  
25 interest passing to a person who is under twenty-two years of age shall  
26 not be subject to tax.

27           **Sec. 11.** Section 77-6203, Revised Statutes Cumulative Supplement,  
28 2024, is amended to read:

29           77-6203 (1) The owner of a renewable energy generation facility  
30 annually shall pay a nameplate capacity tax equal to the total nameplate  
31 capacity of the commissioned renewable energy generation facility

1 multiplied by a tax rate of six thousand five hundred sixty three  
2 ~~thousand five hundred eighteen~~ dollars per megawatt.

3 (2) No tax shall be imposed on a renewable energy generation  
4 facility:

5 (a) Owned or operated by the federal government, the State of  
6 Nebraska, a public power district, a public power and irrigation  
7 district, an individual municipality, a registered group of  
8 municipalities, an electric membership association, or a cooperative; or

9 (b) That is a customer-generator as defined in section 70-2002.

10 (3) No tax levied pursuant to this section shall be construed to  
11 constitute restricted funds as defined in section 13-518 for the first  
12 five years after the renewable energy generation facility is  
13 commissioned.

14 (4) The presence of one or more renewable energy generation  
15 facilities or supporting infrastructure shall not be a factor in the  
16 assessment, determination of actual value, or classification under  
17 section 77-201 of the real property underlying or adjacent to such  
18 facilities or infrastructure.

19 (5)(a) The Department of Revenue shall collect the tax due under  
20 this section.

21 (b) The tax shall be imposed beginning the first calendar year the  
22 renewable energy generation facility is commissioned. A renewable energy  
23 generation facility that uses wind as the fuel source which was  
24 commissioned prior to July 15, 2010, shall be subject to the tax levied  
25 pursuant to sections 77-6201 to 77-6204 on and after January 1, 2010. The  
26 amount of property tax on depreciable tangible personal property  
27 previously paid on a renewable energy generation facility that uses wind  
28 as the fuel source which was commissioned prior to July 15, 2010, which  
29 is greater than the amount that would have been paid pursuant to sections  
30 77-6201 to 77-6204 from the date of commissioning until January 1, 2010,  
31 shall be credited against any tax due under Chapter 77, and any amount so

1 credited that is unused in any tax year shall be carried over to  
2 subsequent tax years until fully utilized.

3 (c)(i) The tax for the first calendar year shall be prorated based  
4 upon the number of days remaining in the calendar year after the  
5 renewable energy generation facility is commissioned.

6 (ii) In the first year in which a renewable energy generation  
7 facility is taxed or in any year in which additional commissioned  
8 nameplate capacity is added to a renewable energy generation facility,  
9 the taxes on the initial or additional nameplate capacity shall be  
10 prorated for the number of days remaining in the calendar year.

11 (iii) When a renewable energy generation facility is decommissioned  
12 or made nonoperational by a change in law during a tax year, the taxes  
13 shall be prorated for the number of days during which the renewable  
14 energy generation facility was not decommissioned or was operational.

15 (iv) When the capacity of a renewable energy generation facility to  
16 produce electricity is reduced but the renewable energy generation  
17 facility is not decommissioned, the nameplate capacity of the renewable  
18 energy generation facility is deemed to be unchanged.

19 (6)(a) On March 1 of each year, the owner of a renewable energy  
20 generation facility shall file with the Department of Revenue a report on  
21 the nameplate capacity of the facility for the previous year from January  
22 1 through December 31. All taxes shall be due on April 1 and shall be  
23 delinquent if not paid on a quarterly basis on April 1 and each quarter  
24 thereafter. Delinquent quarterly payments shall draw interest at the rate  
25 provided for in section 45-104.02, as such rate may from time to time be  
26 adjusted.

27 (b) The owner of a renewable energy generation facility is liable  
28 for the taxes under this section with respect to the facility, whether or  
29 not the owner of the facility is the owner of the land on which the  
30 facility is situated.

31 (7) Failure to file a report required by subsection (6) of this

1 section, filing such report late, failure to pay taxes due, or  
2 underpayment of such taxes shall result in a penalty of five percent of  
3 the amount due being imposed for each quarter the report is overdue or  
4 the payment is delinquent, except that the penalty shall not exceed ten  
5 thousand dollars.

6 (8) The Department of Revenue shall enforce the provisions of this  
7 section. The department may adopt and promulgate rules and regulations  
8 necessary for the implementation and enforcement of this section.

9 (9) The Department of Revenue shall separately identify the proceeds  
10 from the tax imposed by this section and shall: ~~pay all~~

11 (a) Distribute thirty percent of such proceeds to the counties  
12 proportionately in the proportion that the total taxable valuation of all  
13 real and personal property in the county bears to the total taxable  
14 valuation of all real and personal property in the state; and

15 (b) Pay the remaining seventy percent of such proceeds over to the  
16 county treasurer of the county where the renewable energy generation  
17 facility is located.

18 (10) The Department of Revenue shall distribute and pay over the tax  
19 proceeds as described in subsection (9) of this section within thirty  
20 days after receipt of such proceeds.

21 **Sec. 12.** Section 77-6204, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 77-6204 (1) The county treasurer shall distribute all revenue  
24 received from the Department of Revenue pursuant to subdivision (9)(b) of  
25 section 77-6203 to local taxing entities which, but for such personal  
26 property tax exemption, would have received distribution of personal  
27 property tax revenue from depreciable personal property used directly in  
28 the generation of electricity using wind, solar, biomass, or landfill gas  
29 as the fuel source.

30 (2) A local taxing entity's status as eligible for distribution  
31 under subsection (1) of this section shall not be affected when and if

1 the net book value of personal property used directly in the generation  
2 of electricity using wind, solar, biomass, or landfill gas as the fuel  
3 source becomes zero. A local taxing entity's status as eligible for  
4 distribution under such subsection shall be affected by the disposal of  
5 all of the exempt depreciable personal property used directly in the  
6 generation of electricity using wind, solar, biomass, or landfill gas as  
7 the fuel source.

8 (3) The distribution to each eligible local taxing entity shall be  
9 calculated by determining the amount of taxes that the eligible local  
10 taxing entity levied during the taxable year and dividing this amount by  
11 the total tax levied by all of the eligible local taxing entities during  
12 the year. Each eligible entity's resulting fraction shall then be  
13 multiplied by the revenue distributed to the county treasurer by the  
14 department to determine the portion of such revenue due each local taxing  
15 entity.

16 (4) The Department of Revenue shall not retain any revenue collected  
17 pursuant to sections 77-6201 to 77-6204 for distribution, use, transfer,  
18 pledge, or allocation to or from the General Fund.

19 **Sec. 13.** This act becomes operative on July 1, 2025.

20 **Sec. 14.** Original sections 33-110, 60-158, 60-3,186, 77-684,  
21 77-1720, 77-1804, and 77-6204, Reissue Revised Statutes of Nebraska, and  
22 sections 8-1120, 77-2004, 77-2005, 77-2006, and 77-6203, Revised Statutes  
23 Cumulative Supplement, 2024, are repealed.

24 **Sec. 15.** The following sections are outright repealed: Sections  
25 77-2701.54 and 77-2704.62, Reissue Revised Statutes of Nebraska.

26 **Sec. 16.** Since an emergency exists, this act takes effect when  
27 passed and approved according to law.