

LEGISLATIVE BILL 269

Approved by the Governor June 7, 1985

Introduced by Revenue Committee, V. Johnson, 8,
Chairperson; Landis, 46; Hartnett, 45;
Hefner, 19; Miller, 37; Sieck, 24;
Rogers, 41

AN ACT relating to revenue and taxation; to amend sections 77-801 and 77-802, Revised Statutes Supplement, 1984; to define a term; to change provisions relating to public service entity tax as prescribed; 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. As used in this act, public service entity shall mean any person or company, as defined in section 49-801, organized for profit under the laws of this state or any other state or government and engaged in the business of waterworks, electrical power, gasworks, natural gas, telegraphs, telephones, pipelines used for the transmission of oil, heat, steam, or any substance to be used for lighting, heating, or power, and pipelines used for the transmission of articles by pneumatic or other power and all other similar or like entities.

Sec. 2. That section 77-801, Revised Statutes Supplement, 1984, be amended to read as follows:

77-801. Each and every person, association, copartnership, joint stock company, or corporation, organized for profit under the laws of this state or any other state or government, engaged in street railways, waterworks, electric lights, gasworks, natural gas, mining, express, telegraph, or telephone business in the State of Nebraska, and all other like companies and like associations, or owning or operating a pipeline in the State of Nebraska, whether such line is used for the transmission of oil, heat, steam, or any substance to be used for lighting, heating, power, or other purpose, or for the transmission of articles by pneumatic or other power, All public service entities shall, in addition to listing the tangible property owned in each governmental subdivision by such person, association, copartnership, joint stock company, or corporation, and being taxed thereon in like manner as other tangible property is taxed in the governmental subdivision, furnish to the local assessor and to the Tax Commissioner on or before April 30 of each year a sworn statement specifying such information as may be required by the Tax Commissioner on forms

prescribed by the Tax Commissioner to determine and distribute the entity's total taxable value including the franchise value, of the amount of the capital stock, setting forth particularly:-

- (1) The name and location of the company entity;
- (2) The amount of capital stock authorized; and the number of shares into which capital stock is divided;
- (3) The amount of capital stock paid up;
- (4) The market value; or, if of no market value, then the actual value of the shares of stock;
- (5) The true value of its franchise, if any, granted under and by virtue of any law of this state or ordinance of any city or village;
- (6) The length of time such franchise was granted, together with the date of same;
- (7) The total amount of indebtedness, except the indebtedness for current expenses, excluding from expenses the amount paid for the purchase or improvement of property;
- (8) The amount of capital on which a dividend was declared during the last preceding year;
- (9) The date of each dividend declared during such year, ending with the last day of the last preceding December;
- (10) The rate per cent of each dividend declared;
- (11) The total amount of each dividend declared during the year ending with the last day of the last preceding December;
- (12) Gross earnings during such year;
- (13) Net earnings during such year;
- (14) Amount of surplus;
- (15) Amount of profit added to sinking fund during such year;
- (16) Maximum price at which shares of stock sold during such year;
- (17) Minimum price at which shares of stock sold during such year; and
- (18) Average price at which shares of stock sold during such year.

Sec. 3. That section 77-802, Revised Statutes Supplement, 1984, be amended to read as follows:

77-802. The sworn statement required by section 77-801, together with any other information available, shall be used by the Tax Commissioner State Board of Equalization and Assessment in determining the total taxable value including the franchise value of a public service company organized for profit entity for each of the local assessing districts. For those affected public service entities operating in more than one county within the state, the The Tax Commissioner State Board of Equalization and Assessment shall apportion the total taxable value including the franchise value to all taxing

~~subdivisions the several counties in proportion to the ratio of the original cost of all operating value of real and tangible personal property of that public service entity having a situs in that taxing subdivision county to the original cost of value of all operating real and tangible personal property of that public service entity having a situs in the state. The Tax Commissioner shall certify to the county assessors the value so determined, and the same shall be listed and assessed on the same basis as tangible property in each governmental subdivision.~~

Sec. 4. This act shall become operative for all taxable years commencing on or after January 1, 1985.

Sec. 5. That original sections 77-801 and 77-802, Revised Statutes Supplement, 1984, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.