

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB320**

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**Hearing Date:** Monday February 23, 2009  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Friend  
**One Liner:** Change highway funding provisions and motor fuel taxes

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	7	Senators Campbell, Fischer, Gay, Hadley, Janssen, Loudon, Stuthman
<b>Nay:</b>	1	Senator Lautenbaugh
<b>Absent:</b>		
<b>Present Not Voting:</b>		

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**Proponents:**

Senator Mike Friend  
John Craig

**Representing:**

Introducer  
Nebraska Department of Roads

**Opponents:**

John Bonaiuto  
Loy Todd

**Representing:**

Nebraska Association of School Boards  
Nebraska State Chamber of Commerce, New Car & Truck Dealers Association  
Nebraska Association of County Officials  
Nebraska Farm Bureau Federation  
Lincoln Chamber of Commerce  
Greater Omaha Chamber of Commerce  
Association of General Contractors  
League of Nebraska Municipalities  
Nebraska Trucking Association

Larry Dix  
Jay Rempe  
Bruce Bohrer  
Norm Nelson  
Curt Smith  
Lynn Rex  
Larry Johnson

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 320 eliminates the variable portion of the gas tax, repeals 2008 LB 846, and sets a fixed gas tax rate of 26 cents per gallon.

**Section by Section Summary:**

Section 1 amends Sec. 39-2215 to harmonize language and strike obsolete provisions related to highway bonds issued in 1969.

Section 2 amends Sec. 39-2215.01 to harmonize language.

Section 3 amends Sec. 39-2223 to strike obsolete provisions related to highway bonds issued in 1969.

Section 4 amends Sec. 39-2224 to strike an obsolete provision related to highway bonds issued in 1969.

Section 5 amends Sec. 66-489 to set a fixed gas tax of 26 cents per gallon that each producer, supplier, distributor, wholesaler, or importer is required to pay. The gas tax will be divided as follows: 73% to the Highway Cash Fund, 13% to the Highway Allocation Fund for counties, and 13% to the Allocation Fund for cities.

Section 6 amends Sec. 66-489.01 to delete references to stricken statutes.

Section 7 amends Sec. 66-495.01 to delete references to stricken statutes.

Section 8 amends Sec. 66-4,100 to delete references to the Roads Operations Cash Fund. The State Treasurer shall transfer any money in the fund to the Highway Cash Fund on the effective date of this act.

Section 9 amends Sec. 66-4,105 to set a fixed gas tax of 26 cents per gallon upon the use of all motor fuels used in the state. All sums of money received will be divided as follows: 73% to the Highway Cash Fund, 13% to the Highway Allocation Fund for counties, and 13% to the Allocation Fund for cities.

Section 10 amends Sec. 66-4,114 to delete a reference to a stricken statute.

Section 11 amends Sec. 66-4,140 to harmonize language.

Section 12 amends Sec. 66-4,144 to strike the variable calculation rate of the gas tax.

Section 13 amends Sec. 66-6,107 to set a fixed gas tax of 26 cents per gallon on all compressed fuel sold in the state. All sums of money received will be divided as follows: 73% to the Highway Cash Fund, 13% to the Highway Allocation Fund for counties, and 13% to the Allocation Fund for cities.

Section 14 amends Sec. 66-6,108 to harmonize language.

Section 15 amends Sec. 66-6,111 to delete references to a stricken statute.

Section 16 amends Sec. 66-726 to delete references to stricken statutes.

Section 17 amends Sec. 74-1413 to delete a reference to the Roads Operations Cash Fund.

Section 18 amends Sec. 81-2004.01 to delete a reference to the Roads Operations Cash Fund.

Section 19 amends Sec. 84-612 to delete references to the Roads Operations Cash Fund.

Section 20 provides an operative date of July 1, 2009.

Section 21 strikes the original sections of the bill.

Section 22 outright repeals several sections dealing with 2008 LB 846, the variable formula, and an additional gas tax for local governments.

Section 23 provides the emergency clause.

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Deb Fischer, Chairperson

