

AMENDMENTS TO LB 357

Introduced by Ashford

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

3 Section 1. Section 77-27,142, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-27,142 (1) Any incorporated municipality by ordinance
6 of its governing body is hereby authorized to impose a sales and
7 use tax of one-half percent, one percent, ~~or~~ one and one-half
8 percent, one and three-quarters percent, or two percent upon the
9 same transactions that are sourced under the provisions of sections
10 77-2703.01 to 77-2703.04 within such incorporated municipality on
11 which the State of Nebraska is authorized to impose a tax pursuant
12 to the Nebraska Revenue Act of 1967, as amended from time to time.
13 No sales and use tax shall be imposed pursuant to this section
14 until an election has been held and a majority of the qualified
15 electors have approved such tax pursuant to sections 77-27,142.01
16 and 77-27,142.02.

17 (2) (a) Any incorporated municipality that proposes to
18 impose a municipal sales and use tax at a rate greater than one
19 and one-half percent or increase a municipal sales and use tax
20 to a rate greater than one and one-half percent shall submit the
21 question of such tax or increase at the municipality's primary or
22 general election.

23 (b) Any rate greater than one and one-half percent shall

1 terminate no more than ten years after its effective date or, if
2 bonds are issued and the local option sales and use tax revenue is
3 pledged for payment of such bonds, upon payment of such bonds and
4 any refunding bonds, whichever date is later, except as provided in
5 subdivision (2)(c) of this section.

6 (c) If a portion of the rate greater than one and
7 one-half percent is stated in the ballot question as being imposed
8 for the purpose of property tax relief, the interlocal agreement
9 or joint public agency agreement, or some combination of property
10 tax relief, interlocal agreement, and joint public agency agreement
11 and such portion is at least one-eighth percent, there shall be no
12 termination date for the rate representing such portion rounded to
13 the next higher one-quarter or one-half percent.

14 (d) Sections 13-518 to 13-522 apply to the revenue from
15 any such tax or increase.

16 (3)(a) Except as provided in subdivision (3)(b) of this
17 section, no sales and use tax shall be imposed at a rate greater
18 than one and one-half percent or increased to a rate greater than
19 one and one-half percent unless the municipality is a party to an
20 interlocal agreement pursuant to the Interlocal Cooperation Act or
21 a joint public agency agreement pursuant to the Joint Public Agency
22 Act, with a school district within the municipality or the county
23 in which the municipality is located creating a separate legal or
24 administrative entity.

25 (b) For a city of the metropolitan class, no sales and
26 use tax shall be imposed at a rate greater than one and one-half
27 percent or increased to a rate greater than one and one-half

1 percent unless the municipality is a party to an interlocal
2 agreement pursuant to the Interlocal Cooperation Act or a joint
3 public agency agreement pursuant to the Joint Public Agency Act
4 with the county in which the municipality is located creating a
5 separate legal or administrative entity.

6 (c) Such interlocal agreement or joint public agency
7 agreement shall contain provisions, including benchmarks,
8 relating to the long-term development of unified governance of
9 transportation, infrastructure, economic development, tourism,
10 public safety services, education, or information technology
11 services with respect to the parties. The Legislature may provide
12 additional requirements for such agreements, including benchmarks,
13 but such additional requirements shall not apply to any debt
14 outstanding at the time the Legislature enacts such additional
15 requirements. The separate legal or administrative entity created
16 shall not be one that was in existence for one calendar year
17 preceding the submission of the question of such tax or increase at
18 the municipality's primary or general election.

19 (d) Any other public agency as defined in section 13-803
20 may be a party to such interlocal cooperation agreement or joint
21 public agency agreement.

22 (e) A municipality is not required to use all of the
23 additional revenue generated by a sales and use tax imposed at a
24 rate greater than one and one-half percent or increased to a rate
25 greater than one and one-half percent under this subsection for the
26 purposes of the interlocal cooperation agreement or joint public
27 agency agreement set forth in this subsection.

1 (4) The provisions of subsections (2) and (3) of this
2 section do not apply to the first one and one-half percent of a
3 sales and use tax imposed by a municipality.

4 (5) Notwithstanding any provision of any municipal
5 charter, any incorporated municipality or interlocal agency or
6 joint public agency pursuant to an agreement as provided in
7 subsection (3) of this section may issue bonds in one or more
8 series for any municipal purpose and pay the principal of
9 and interest on any such bonds by pledging receipts from the
10 increase in the municipal sales and use taxes authorized by such
11 municipality. Any municipality which has or may issue bonds under
12 this section may dedicate a portion of its property tax levy
13 authority as provided in section 77-3442 to meet debt service
14 obligations under the bonds. For purposes of this subsection, bond
15 means any evidence of indebtedness, including, but not limited to,
16 bonds, notes including notes issued pending long-term financing
17 arrangements, warrants, debentures, obligations under a loan
18 agreement or a lease-purchase agreement, or any similar instrument
19 or obligation.

20 (2) A city of the metropolitan class is hereby authorized
21 to increase any city sales and use tax existing on January 1,
22 1978, imposed pursuant to this section by an amount not to exceed
23 one-half of one percent if the question of such tax increase
24 is submitted to the voters of such city and the voters by a
25 majority vote approve such increase. The question of such increase
26 shall be submitted to the voters at the primary or general
27 election in 1980 if the city council shall submit a certified

1 copy of a resolution to that effect to the election commissioner
2 not later than forty-one days prior to the primary or general
3 election. Notwithstanding the provisions of section 77-27,143, if
4 the increase is approved by the voters at the primary or general
5 election in 1980, the election commissioner shall file a certified
6 copy of the election results with the Tax Commissioner on or before
7 the last day of the month in which the election is held. If the
8 increase is not approved by the voters at the primary or general
9 election in 1980, no tax increased pursuant to this section shall
10 remain in effect after December 31, 1980.

11 (3) A city of the primary class is hereby authorized
12 to increase any city sales and use tax existing on January 1,
13 1985, imposed pursuant to this section by an amount not to exceed
14 one-half of one percent if the question of such tax increase
15 is submitted to the voters of such city and the voters by a
16 majority vote approve such increase. The question of such increase
17 shall be submitted to the voters at the next primary or general
18 election or at a special election if the city council shall submit
19 a certified copy of a resolution proposing the tax increase to
20 the election commissioner within a reasonable time prior to the
21 primary, general, or special election. If the increase is approved
22 by the voters at the primary, general, or special election, the
23 election commissioner shall file a certified copy of the election
24 results with the Tax Commissioner on or before the last day of the
25 month in which the election is held. If the voters of a city of
26 the primary class have not approved such an increase by December
27 31, 1987, the question of such an increase shall not be submitted

1 thereafter to the voters and there shall be no increase in the city
2 sales and use tax.

3 (4) A city of the first or second class or village is
4 hereby authorized to increase any city sales and use tax existing
5 on January 1, 1986, imposed pursuant to this section by an amount
6 not to exceed one-half of one percent if the question of such tax
7 increase is submitted to the voters of such city or village and
8 the voters by a majority vote approve such increase. The question
9 of such increase shall be submitted to the voters at any primary
10 or general election or at a special election if the city council
11 or village board shall submit a certified copy of a resolution
12 proposing the tax increase to the election commissioner or county
13 clerk within a reasonable time prior to the primary, general, or
14 special election. If the increase is approved by the voters at the
15 primary, general, or special election, the election commissioner
16 shall file a certified copy of the election results with the Tax
17 Commissioner on or before the last day of the month in which the
18 election is held.

19 Sec. 2. Section 77-27,142.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 77-27,142.01 (1) The governing body of any incorporated
22 municipality may submit the question of changing any terms
23 and conditions of a sales and use tax previously authorized
24 under section 77-27,142. Except as otherwise provided by section
25 77-27,142, the The question of modification shall be submitted to
26 the voters at any primary or general election or at a special
27 election if the governing body submits a certified copy of the

1 resolution proposing modification to the election commissioner or
2 county clerk within the time prior to the primary, general, or
3 special election prescribed in section 77-27,142.02.

4 (2) If the change imposes a sales and use tax at a
5 rate greater than one and one-half percent or increases the sales
6 and use tax to a rate greater than one and one-half percent, the
7 question shall include, but not be limited to:

8 (a) The percentage increase of one-quarter percent or
9 one-half percent in the sales and use tax rate;

10 (b) A list of reductions or elimination of other taxes or
11 fees, if any;

12 (c) A description of the projects, programs, or services
13 to be funded, in whole or in part, from the revenue collected,
14 along with any savings or efficiencies resulting from such
15 projects, programs, or services;

16 (d) The year or years within which the revenue will be
17 collected and, if bonds will be issued with some or all of the
18 revenue pledged for payment of such bonds, a statement that the
19 revenue will be collected until the payment in full of such bonds
20 and any refunding bonds; and

21 (e) (i) The percentage of revenue collected to be used for
22 the purposes of the interlocal agreement or joint public agency
23 agreement as provided in subsection (3) of section 77-27,142; (ii)
24 a statement of the overall purpose of the agreement which is the
25 long-term development of unified governance of transportation,
26 infrastructure, economic development, tourism, public safety
27 services, education, or information technology services; (iii) the

1 name of the school district or county which is a party to the
2 agreement; and (iv) the name of any other public agency which is
3 a party to the agreement.

4 This subsection does not apply to the first one and
5 one-half percent of a sales and use tax imposed by a municipality.

6 Sec. 3. Section 77-27,142.02, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 77-27,142.02 Except as otherwise provided by subsection
9 (2) of section 77-27,142, after February 14, 1978, the power
10 granted by section 77-27,142 shall not be exercised unless and
11 until the question has been submitted at a primary, general, or
12 special election held within the incorporated municipality and in
13 which all qualified electors shall be entitled to vote on such
14 question. The officials of the incorporated municipality shall
15 order the submission of the question by submitting a certified copy
16 of the resolution proposing the tax to the election commissioner
17 or county clerk by March 1 for a primary election, by September 1
18 for a general election, or at least fifty days before a special
19 election. The Except as otherwise provided by subsection (2)
20 of section 77-27,142.01, the question may include any terms and
21 conditions set forth in the resolution proposing the tax, such as
22 a termination date or the specific project or program for which
23 the revenue received from such tax will be allocated, and shall
24 include the following language: Shall the governing body of the
25 incorporated municipality impose a sales and use tax upon the
26 same transactions within such municipality on which the State of
27 Nebraska is authorized to impose a tax? If a majority of the votes

1 cast upon such question shall be in favor of such tax, then the
2 governing body of such incorporated municipality shall be empowered
3 as provided by section 77-27,142 and shall forthwith proceed to
4 impose a tax pursuant to the Local Option Revenue Act. If a
5 majority of those voting on the question shall be opposed to such
6 tax, then the governing body of the incorporated municipality shall
7 not impose such a tax.

8 Sec. 4. Original sections 77-27,142, 77-27,142.01, and
9 77-27,142.02, Reissue Revised Statutes of Nebraska, are repealed.