

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 357**

Introduced by Ashford, 20.

Read first time January 13, 2011

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections  
2 77-27,142 and 77-27,142.01, Reissue Revised Statutes of  
3 Nebraska; to authorize an increase in local option sales  
4 tax for municipalities; to change an election  
5 requirement; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

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

3           77-27,142 ~~(1)~~—Any incorporated municipality by ordinance  
4 of its governing body is hereby authorized to impose a sales and use  
5 tax of one-half percent, one percent, ~~or~~ one and one-half percent, or  
6 two percent upon the same transactions that are sourced under the  
7 provisions of sections 77-2703.01 to 77-2703.04 within such  
8 incorporated municipality on which the State of Nebraska is  
9 authorized to impose a tax pursuant to the Nebraska Revenue Act of  
10 1967, as amended from time to time. No sales and use tax shall be  
11 imposed pursuant to this section until an election has been held and  
12 a majority of the qualified electors have approved such tax pursuant  
13 to sections 77-27,142.01 and 77-27,142.02.

14           ~~(2) A city of the metropolitan class is hereby authorized~~  
15 ~~to increase any city sales and use tax existing on January 1, 1978,~~  
16 ~~imposed pursuant to this section by an amount not to exceed one half~~  
17 ~~of one percent if the question of such tax increase is submitted to~~  
18 ~~the voters of such city and the voters by a majority vote approve~~  
19 ~~such increase. The question of such increase shall be submitted to~~  
20 ~~the voters at the primary or general election in 1980 if the city~~  
21 ~~council shall submit a certified copy of a resolution to that effect~~  
22 ~~to the election commissioner not later than forty one days prior to~~  
23 ~~the primary or general election. Notwithstanding the provisions of~~  
24 ~~section 77-27,143, if the increase is approved by the voters at the~~  
25 ~~primary or general election in 1980, the election commissioner shall~~

1 ~~file a certified copy of the election results with the Tax~~  
2 ~~Commissioner on or before the last day of the month in which the~~  
3 ~~election is held. If the increase is not approved by the voters at~~  
4 ~~the primary or general election in 1980, no tax increased pursuant to~~  
5 ~~this section shall remain in effect after December 31, 1980.~~

6 ~~(3) A city of the primary class is hereby authorized to~~  
7 ~~increase any city sales and use tax existing on January 1, 1985,~~  
8 ~~imposed pursuant to this section by an amount not to exceed one half~~  
9 ~~of one percent if the question of such tax increase is submitted to~~  
10 ~~the voters of such city and the voters by a majority vote approve~~  
11 ~~such increase. The question of such increase shall be submitted to~~  
12 ~~the voters at the next primary or general election or at a special~~  
13 ~~election if the city council shall submit a certified copy of a~~  
14 ~~resolution proposing the tax increase to the election commissioner~~  
15 ~~within a reasonable time prior to the primary, general, or special~~  
16 ~~election. If the increase is approved by the voters at the primary,~~  
17 ~~general, or special election, the election commissioner shall file a~~  
18 ~~certified copy of the election results with the Tax Commissioner on~~  
19 ~~or before the last day of the month in which the election is held. If~~  
20 ~~the voters of a city of the primary class have not approved such an~~  
21 ~~increase by December 31, 1987, the question of such an increase shall~~  
22 ~~not be submitted thereafter to the voters and there shall be no~~  
23 ~~increase in the city sales and use tax.~~

24 ~~(4) A city of the first or second class or village is~~  
25 ~~hereby authorized to increase any city sales and use tax existing on~~

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

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

16           77-27,142.01 The governing body of any incorporated  
17 municipality may submit the question of changing any terms and  
18 conditions of a sales and use tax previously authorized under section  
19 77-27,142. If the change includes an increase in the sales and use  
20 tax rate, the question shall include a description of the proposed  
21 use of the revenue to be collected. The question of modification  
22 shall be submitted to the voters at any primary or general election  
23 or at a special election if the governing body submits a certified  
24 copy of the resolution proposing modification to the election  
25 commissioner or county clerk within the time prior to the primary,

1 general, or special election prescribed in section 77-27,142.02.  
2                   Sec. 3. Original sections 77-27,142 and 77-27,142.01,  
3 Reissue Revised Statutes of Nebraska, are repealed.