

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 64

Introduced by Schilz, 47.

Read first time January 10, 2013

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 77-27,144, Revised Statutes Cumulative Supplement, 2012;
3 to change provisions relating to deductions of refunds
4 from municipal sales and use tax receipts; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-27,144, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 77-27,144 (1) The Tax Commissioner shall collect the tax
4 imposed by any incorporated municipality concurrently with collection
5 of a state tax in the same manner as the state tax is collected. The
6 Tax Commissioner shall remit monthly the proceeds of the tax to the
7 incorporated municipalities levying the tax, after deducting the
8 amount of refunds made and three percent of the remainder to be
9 credited to the Municipal Equalization Fund.

10 (2) Deductions for a refund made pursuant to section
11 77-4105 or 77-5725 shall be delayed for one year after the refund has
12 been made to the taxpayer. The Department of Revenue shall notify the
13 municipality liable for the refund of the pending refund, the amount
14 of the refund, and the month in which the deduction will be made or
15 begin, except that if the amount of a refund claimed under section
16 77-4105 or 77-5725 exceeds ~~twenty-five~~ twelve percent of the
17 municipality's total sales and use tax receipts, net of any refunds
18 or sales tax collection fees, for the municipality's prior fiscal
19 year, the department shall deduct the refund over the period of one
20 year in equal monthly amounts beginning after the one-year
21 notification period required by this subsection. This subsection
22 applies to refunds owed by cities of the first class, cities of the
23 second class, and villages. This subsection applies beginning January
24 1, 2014.

25 (3) The Tax Commissioner shall keep full and accurate

1 records of all money received and distributed under the provisions of
2 the Local Option Revenue Act. When proceeds of a tax levy are
3 received but the identity of the incorporated municipality which
4 levied the tax is unknown and is not identified within six months
5 after receipt, the amount shall be credited to the Municipal
6 Equalization Fund. The municipality may request the names and
7 addresses of the retailers which have collected the tax as provided
8 in subsection (13) of section 77-2711 and may certify a municipal
9 employee to request and review confidential sales tax returns and
10 sales tax return information as provided in subsection (14) of
11 section 77-2711.

12 Sec. 2. Original section 77-27,144, Revised Statutes
13 Cumulative Supplement, 2012, is repealed.