

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 191

Introduced by Bloomfield, 17; Brasch, 16; Garrett, 3; Kintner, 2; Krist,
10; Lindstrom, 18; McCoy, 39; Murante, 49; Schnoor, 15.

Read first time January 12, 2015

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
- 2 77-2704.10, Revised Statutes Cumulative Supplement, 2014; to exempt
- 3 food sold by veterans service organizations from sales and use tax
- 4 as prescribed; to provide an operative date; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-2704.10, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 77-2704.10 Sales and use taxes shall not be imposed on the gross
4 receipts from the sale, lease, or rental of and the storage, use, or
5 other consumption in this state of:

6 (1) Prepared food and food and food ingredients served by public or
7 private schools, school districts, student organizations, or parent-
8 teacher associations pursuant to an agreement with the proper school
9 authorities, in an elementary or secondary school or at any institution
10 of higher education, public or private, during the regular school day or
11 at an approved function of any such school or institution. This exemption
12 does not apply to sales by an institution of higher education at any
13 facility or function which is open to the general public;

14 (2) Prepared food and food and food ingredients sold by a church at
15 a function of such church;

16 (3) Prepared food and food and food ingredients served to patients
17 and inmates of hospitals and other institutions licensed by the state for
18 the care of human beings;

19 (4) Prepared food and food and food ingredients sold at a political
20 event by ballot question committees, candidate committees, independent
21 committees, and political party committees as defined in the Nebraska
22 Political Accountability and Disclosure Act or fees and admissions
23 charged for such political event;

24 (5) Prepared food and food and food ingredients sold to the elderly,
25 handicapped, or recipients of Supplemental Security Income by an
26 organization that actually accepts electronic benefits transfer under
27 regulations issued by the United States Department of Agriculture
28 although it is not necessary for the purchaser to use electronic benefits
29 transfer to pay for the prepared food and food and food ingredients;

30 (6) Prepared food and food and food ingredients sold by a veterans
31 service organization that is congressionally chartered, has active

1 chapters in Nebraska, and is exempt from federal income tax under section
2 501(c)(19) of the Internal Revenue Code of 1986, as amended;

3 (7 ~~6~~) Fees and admissions charged by a public or private elementary
4 or secondary school and fees and admissions charged by a school district,
5 student organization, or parent-teacher association, pursuant to an
6 agreement with the proper school authorities, in a public or private
7 elementary or secondary school during the regular school day or at an
8 approved function of any such school;

9 (8 ~~7~~) Fees and admissions charged for participants in any activity
10 provided by a nonprofit organization that is exempt from income tax under
11 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which
12 organization conducts statewide sport events with multiple sports for
13 both adults and youth; and

14 (9 ~~8~~) Fees and admissions charged for participants in any activity
15 provided by a nonprofit organization that is exempt from income tax under
16 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which
17 organization is affiliated with a national organization, primarily
18 dedicated to youth development and healthy living, and offers sports
19 instruction and sports leagues or sports events in multiple sports.

20 Sec. 2. This act becomes operative on October 1, 2015.

21 Sec. 3. Original section 77-2704.10, Revised Statutes Cumulative
22 Supplement, 2014, is repealed.