

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 601

Introduced by Erdman, 47; Briese, 41; Halloran, 33; Hughes, 44; Linehan, 39.

Read first time January 18, 2017

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
- 2 77-27,132, Revised Statutes Cumulative Supplement, 2016; to provide
- 3 duties for the Department of Revenue; to define a term; to change
- 4 the distribution of sales and use tax revenue; to provide a
- 5 termination date; to repeal the original section; and to declare an
- 6 emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) If the State of Nebraska passes a law that expands
2 the state's authority to require remote sellers to collect and remit the
3 tax imposed under section 77-2703 on purchases by Nebraska residents and
4 the state collects additional revenue under section 77-2703 as a result
5 of such law, then the Department of Revenue shall determine the amount of
6 such additional revenue collected during the first twelve months
7 following the date on which the state begins collecting such additional
8 revenue. The department shall certify such amount to the Governor, the
9 Legislature, and the State Treasurer, and the certified amount shall be
10 used for purposes of subdivision (2)(e) of section 77-27,132. This
11 section terminates three years after the effective date of this act.

12 (2) For purposes of this section, remote seller means any person who
13 sells tangible personal property, products delivered electronically, or
14 services for delivery into Nebraska and who does not have a physical
15 presence in this state.

16 Sec. 2. Section 77-27,132, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 77-27,132 (1) There is hereby created a fund to be designated the
19 Revenue Distribution Fund which shall be set apart and maintained by the
20 Tax Commissioner. Revenue not required to be credited to the General Fund
21 or any other specified fund may be credited to the Revenue Distribution
22 Fund. Credits and refunds of such revenue shall be paid from the Revenue
23 Distribution Fund. The balance of the amount credited, after credits and
24 refunds, shall be allocated as provided by the statutes creating such
25 revenue.

26 (2) The Tax Commissioner shall pay to a depository bank designated
27 by the State Treasurer all amounts collected under the Nebraska Revenue
28 Act of 1967. The Tax Commissioner shall present to the State Treasurer
29 bank receipts showing amounts so deposited in the bank, and of the
30 amounts so deposited the State Treasurer shall:

31 (a) For transactions occurring on or after October 1, 2014, and

1 before October 1, 2019, credit to the Game and Parks Commission Capital
2 Maintenance Fund all of the proceeds of the sales and use taxes imposed
3 pursuant to section 77-2703 on the sale or lease of motorboats as defined
4 in section 37-1204, personal watercraft as defined in section 37-1204.01,
5 all-terrain vehicles as defined in section 60-103, and utility-type
6 vehicles as defined in section 60-135.01;

7 (b) Credit to the Highway Trust Fund all of the proceeds of the
8 sales and use taxes derived from the sale or lease for periods of more
9 than thirty-one days of motor vehicles, trailers, and semitrailers,
10 except that the proceeds equal to any sales tax rate provided for in
11 section 77-2701.02 that is in excess of five percent derived from the
12 sale or lease for periods of more than thirty-one days of motor vehicles,
13 trailers, and semitrailers shall be credited to the Highway Allocation
14 Fund;

15 (c) For transactions occurring on or after July 1, 2013, and before
16 July 1, 2033, of the proceeds of the sales and use taxes derived from
17 transactions other than those listed in subdivisions (2)(a) and (b) of
18 this section from a sales tax rate of one-quarter of one percent, credit
19 monthly eighty-five percent to the State Highway Capital Improvement Fund
20 and fifteen percent to the Highway Allocation Fund;~~and~~

21 (d) Of the proceeds of the sales and use taxes derived from
22 transactions other than those listed in subdivisions (2)(a) and (b) of
23 this section, credit to the Property Tax Credit Cash Fund the amount
24 certified under section 77-27,237, if any such certification is made;
25 and -

26 (e) Of the proceeds of the sales and use taxes derived from
27 transactions other than those listed in subdivisions (2)(a) and (b) of
28 this section, credit to the Property Tax Credit Cash Fund the amount
29 certified under section 1 of this act, if any such certification is made.

30 The balance of all amounts collected under the Nebraska Revenue Act
31 of 1967 shall be credited to the General Fund.

1 Sec. 3. Original section 77-27,132, Revised Statutes Cumulative
2 Supplement, 2016, is repealed.

3 Sec. 4. Since an emergency exists, this act takes effect when
4 passed and approved according to law.