

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 384

Introduced by Bostar, 29.

Read first time January 12, 2023

Committee:

1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
2 77-27,132, Revised Statutes Cumulative Supplement, 2022; to change
3 the distribution of certain sales and use tax revenue as prescribed;
4 to create a fund; to authorize the use of funds for certain
5 infrastructure projects; to repeal the original section; and to
6 declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-27,132, Revised Statutes Cumulative
2 Supplement, 2022, is amended to read:

3 77-27,132 (1) There is hereby created a fund to be designated the
4 Revenue Distribution Fund which shall be set apart and maintained by the
5 Tax Commissioner. Revenue not required to be credited to the General Fund
6 or any other specified fund may be credited to the Revenue Distribution
7 Fund. Credits and refunds of such revenue shall be paid from the Revenue
8 Distribution Fund. The balance of the amount credited, after credits and
9 refunds, shall be allocated as provided by the statutes creating such
10 revenue.

11 (2) The Tax Commissioner shall pay to a depository bank designated
12 by the State Treasurer all amounts collected under the Nebraska Revenue
13 Act of 1967. The Tax Commissioner shall present to the State Treasurer
14 bank receipts showing amounts so deposited in the bank, and of the
15 amounts so deposited the State Treasurer shall:

16 (a) For transactions occurring on or after October 1, 2014, and
17 before October 1, 2027, credit to the Game and Parks Commission Capital
18 Maintenance Fund all of the proceeds of the sales and use taxes imposed
19 pursuant to section 77-2703 on the sale or lease of motorboats as defined
20 in section 37-1204, personal watercraft as defined in section 37-1204.01,
21 all-terrain vehicles as defined in section 60-103, and utility-type
22 vehicles as defined in section 60-135.01;

23 (b) Credit to the Highway Trust Fund all of the proceeds of the
24 sales and use taxes derived from the sale or lease for periods of more
25 than thirty-one days of motor vehicles, trailers, and semitrailers,
26 except that the proceeds equal to any sales tax rate provided for in
27 section 77-2701.02 that is in excess of five percent derived from the
28 sale or lease for periods of more than thirty-one days of motor vehicles,
29 trailers, and semitrailers shall be credited to the Highway Allocation
30 Fund;

31 (c) For transactions occurring on or after July 1, 2013, and before

1 July 1, 2033, of the proceeds of the sales and use taxes derived from
2 transactions other than those listed in subdivisions (2)(a), ~~and (b)~~, and
3 (e) of this section from a sales tax rate of one-quarter of one percent,
4 credit monthly eighty-five percent to the State Highway Capital
5 Improvement Fund and fifteen percent to the Highway Allocation Fund; and

6 (d) Of the proceeds of the sales and use taxes derived from
7 transactions other than those listed in subdivisions (2)(a), ~~and (b)~~, and
8 (e) of this section, credit to the Property Tax Credit Cash Fund the
9 amount certified under section 77-27,237, if any such certification is
10 made.

11 (e) For transactions occurring on or after July 1, 2023, credit to
12 the Department of Transportation Aeronautics Capital Improvement Fund all
13 of the proceeds of the sales and use taxes imposed pursuant to section
14 77-2703 on the sale or lease of aircraft as defined in section 3-101.

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

17 Sec. 2. The Department of Transportation Aeronautics Capital
18 Improvement Fund is created. The fund shall consist of money credited to
19 the fund pursuant to section 77-27,132, transfers authorized by the
20 Legislature, and any gifts, grants, bequests, or donations to the fund.
21 The fund shall be administered by the Department of Transportation and
22 shall be used to build, repair, renovate, rehabilitate, restore, modify,
23 or improve any infrastructure at any public-use airport licensed by the
24 Division of Aeronautics of the Department of Transportation. Any money in
25 the fund available for investment shall be invested by the state
26 investment officer pursuant to the Nebraska Capital Expansion Act and the
27 Nebraska State Funds Investment Act.

28 Sec. 3. Original section 77-27,132, Revised Statutes Cumulative
29 Supplement, 2022, is repealed.

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