

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 18

Introduced by Briese, 41; Murman, 38.

Read first time January 10, 2019

Committee: Revenue

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
- 2 77-27,132, Reissue Revised Statutes of Nebraska; to adopt the Remote
- 3 Seller Sales Tax Collection Act; to direct certain sales tax revenue
- 4 to the Property Tax Credit Cash Fund; to provide an operative date;
- 5 and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 7 of this act shall be known and may be
2 cited as the Remote Seller Sales Tax Collection Act.

3 Sec. 2. For purposes of the Remote Seller Sales Tax Collection Act:

4 (1) Department means the Department of Revenue;

5 (2) Property has the same meaning as in section 77-2701.27; and

6 (3) Remote seller means any person who:

7 (a) Sells property for delivery into this state; and

8 (b) Does not have a physical presence in this state.

9 Sec. 3. Notwithstanding any other provision of law, a remote seller
10 shall be subject to the Nebraska Revenue Act of 1967, shall remit the
11 sales tax due under such act, and shall follow all applicable procedures
12 and requirements of law as if the remote seller had a physical presence
13 in this state if the remote seller meets either of the following criteria
14 in the previous or current calendar year:

15 (1) The remote seller's gross revenue from the sale of property
16 delivered into Nebraska exceeds one hundred thousand dollars; or

17 (2) The remote seller sold property for delivery into Nebraska in
18 two hundred or more separate transactions.

19 Sec. 4. No obligation to remit the sales tax required by the Remote
20 Seller Sales Tax Collection Act shall be applied retroactively.

21 Sec. 5. Nothing in the Remote Seller Sales Tax Collection Act
22 affects the obligation of any purchaser from this state to remit use tax
23 as to any applicable transaction in which the remote seller does not
24 collect and remit an offsetting sales tax.

25 Sec. 6. The department shall determine on an annual basis the
26 amount of sales tax revenue collected and remitted by remote sellers
27 pursuant to the Remote Seller Sales Tax Collection Act and shall certify
28 such amount to the State Treasurer for use in accordance with subdivision
29 (2)(e) of section 77-27,132.

30 Sec. 7. The department may adopt and promulgate rules and
31 regulations to carry out the Remote Seller Sales Tax Collection Act.

1 Sec. 8. Section 77-27,132, Reissue Revised Statutes of Nebraska, is
2 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, 2022, 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) of
3 this section from a sales tax rate of one-quarter of one percent, credit
4 monthly eighty-five percent to the State Highway Capital Improvement Fund
5 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) of
8 this section, credit to the Property Tax Credit Cash Fund the amount
9 certified under section 77-27,237, if any such certification is made;
10 and -

11 (e) Of the proceeds of the sales and use taxes derived from
12 transactions other than those listed in subdivisions (2)(a) and (b) of
13 this section, credit to the Property Tax Credit Cash Fund the amount
14 certified under section 6 of this act.

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

17 Sec. 9. This act becomes operative on October 1, 2019.

18 Sec. 10. Original section 77-27,132, Reissue Revised Statutes of
19 Nebraska, is repealed.