

LEGISLATIVE BILL 255

Approved by the Governor May 13, 1991

Introduced by Warner, 25; Hefner, 19

AN ACT relating to motor vehicle fuels; to amend section 66-476, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the excise tax rate set by the State Board of Equalization and Assessment; to repeal the original section; and to declare an emergency. Be it enacted by the people of the State of Nebraska,

Section 1. That section 66-476, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-476. (1) In order to insure that an adequate balance in the Highway Restoration and Improvement Bond Fund is maintained to meet the debt service requirements of bonds to be issued by the commission under subsection (2) of section 39-2223, the Governor may call a meeting of the State Board of Equalization and Assessment at any time in advance of the issuance of such bonds. At such meeting, the State Board of Equalization and Assessment board shall set the rate of the excise tax imposed by sections 66-473 and 66-605.02 for each year during which such bonds ~~shall be~~ are outstanding to provide in each such year money equal in amount to not less than one hundred twenty-five percent of such year's bond principal and interest payment requirements. Such rate shall be in addition to the rate of excise tax set pursuant to subsection (2) of this section. Each such rate shall be effective from July 1 of a stated year through June 30 of the succeeding year or during such other period not longer than one year as the State Board of Equalization and Assessment board determines to be consistent with the principal and interest requirements of such bonds. Such excise tax rates set pursuant to this subsection may be increased, but such excise tax rates shall not be subject to reduction or elimination unless the State Board of Equalization and Assessment board has received from the Nebraska Highway Bond Commission notice of reduced principal and interest requirements for such bonds, in which event the Governor may call a meeting of the State Board of Equalization and Assessment board to determine whether the rate or rates shall be changed.

The new rate or rates, if any, set by the board shall become effective on the first day of the following calendar quarter.

(2) In order to insure that there shall be is maintained an adequate Highway Cash Fund balance to meet expenditures from such fund as appropriated by the Legislature, within fifteen days after the adjournment of the each regular session of the Legislature, in 1981 and within fifteen days after the adjournment of each regular session of the Legislature thereafter, the State Board of Equalization and Assessment board shall set the rate of the excise tax imposed by sections 66-473 and 66-605.02 which will be effective from July 1 through June 30 of the succeeding year. The rate of excise tax for a given July 1 through June 30 period set pursuant to this subsection shall be in addition to and independent of the rate or rates of excise tax set pursuant to subsection (1) of this section for such period.

(3) The Department of Roads, with assistance from the Department of Revenue, shall prepare and provide the necessary information to each member of the State Board of Equalization and Assessment board at least five days before each meeting. Such information shall include, but not be limited to, the unobligated balance in the Highway Cash Fund anticipated on the subsequent June 30, monthly estimates of anticipated receipts to the Highway Cash Fund for the subsequent fiscal year, and the appropriations made from the Highway Cash Fund for the subsequent fiscal year.

(4) The board shall determine the cash and investment balances of the Highway Cash Fund at the beginning of each fiscal year under consideration and the estimated receipts to the Highway Cash Fund from each source which provides at least one million dollars annually to such fund. The board shall then fix the rate of excise tax in an amount sufficient to meet the appropriations made from the Highway Cash Fund by the Legislature. Such rate shall be set in increments of one-tenth of one percent. ~~For the period commencing on October 1, 1980, and until adjusted by such board, the excise tax shall be two percent of the statewide average est.~~

(5) On or before the fifteenth day of each month, the Department of Roads shall provide to each member of the State Board of Equalization and Assessment board and the Clerk of the Legislature a report reflecting a comparison of the Highway Cash Fund deposits for the preceding calendar month and fiscal

year to date against the projections for the same periods and the limitations of information contained in such report. The projections in the report shall be those last used by the board in setting the excise tax rate for the periods being reviewed. The report shall contain a comparison of actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the remainder of the current fiscal year, as supplied by the Department of Roads to the board, against the appropriation for the current fiscal year. If the accumulative total deposits to the Highway Cash Fund, under the provisions of Chapter 66, articles 4 and 6, for the fiscal year shall be at any time be less than ninety-eight percent or greater than one hundred ten four percent of the projected deposits for such period or if the actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the current fiscal year, as supplied by the Department of Roads to the board, are less than ninety-eight percent or greater than one hundred four percent of the appropriation for the current fiscal year, the Governor may call a meeting of the State Board of Equalization and Assessment board to determine whether the rate shall be changed. If such a change is required, the board shall set the new rate which shall become effective on the first day of the following calendar quarter.

(6) Nothing in this section shall be construed to abrogate the duties of the Department of Roads or attempt to change any highway improvement program schedule.

Sec. 2. That original section 66-476, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.