

LEGISLATIVE BILL 625

Approved by the Governor January 27, 1972

Introduced by William F. Swanson, 27th District; Roland A. Luedtke, 28th District

AN ACT to amend section 77-1245, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for an equitable allocation of flight equipment as prescribed; and to repeal the original section.

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

Section 1. That section 77-1245, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1245. Any tax upon or measured by the value of flight equipment of air carriers incorporated or doing business in this state shall be assessed, collected by the Tax Commissioner and disbursed as provided in section 77-1250. The proportion of flight equipment allocated to this state for purposes of taxation shall be the arithmetical average of the following three ratios: (1) The ratio ratio which the aircraft arrivals and departures within this state scheduled by such air carrier during the preceding calendar year bears to the total aircraft arrivals and departures within and without this state scheduled by such carrier during the same period; Provided, that in the case of nonscheduled operations all arrivals and departures shall be substituted for scheduled arrivals and departures; (2) the ratio which the revenue tons handled by such air carrier at airports within this state during the preceding calendar year bears to the total revenue tons handled by such carrier at airports within and without this state during the same period; and (3) the ratio which such air carrier's originating revenue within this state for the preceding calendar year bears to the total originating revenue of such carrier within and without this state for the same period.

If allocation in accordance with the provisions of this section does not fairly represent the proportion of flight equipment properly allocable to this state, the taxpayer may petition for, or the Tax Commissioner may require, the inclusion of one or more additional ratios or the employment of any other method to effectuate an equitable allocation of the taxpayer's flight equipment for purposes of taxation.

LB625

Sec. 2. That original section 77-1245, Reissue
Revised Statutes of Nebraska, 1943, is repealed.