

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 65

Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Fischer, 43; Karpisek, 32; Rogert, 16; Schilz, 47; Stuthman, 22; Wallman, 30.

Read first time January 8, 2009

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 77-2708.01, Reissue Revised Statutes of Nebraska,
3 and section 77-2704.36, Revised Statutes Cumulative
4 Supplement, 2008; to exempt repair or replacement parts
5 for commercial agricultural machinery and equipment from
6 sales and use tax; to harmonize provisions; to provide an
7 operative date; and to repeal the original sections.

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

1 Section 1. Section 77-2704.36, Revised Statutes
2 Cumulative Supplement, 2008, is amended to read:

3 77-2704.36 (1) Sales and use tax shall not be imposed on
4 the gross receipts from the sale, lease, or rental of depreciable
5 agricultural machinery and equipment purchased, leased, or rented
6 ~~on or after January 1, 1993,~~ for use in commercial agriculture.

7 (2) Sales and use tax shall not be imposed on the gross
8 receipts from the sale, lease, or rental of repair or replacement
9 parts for agricultural machinery or equipment used in commercial
10 agriculture.

11 Sec. 2. Section 77-2708.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 77-2708.01 (1) Any purchaser of depreciable repairs or
14 parts for agricultural machinery or equipment used in commercial
15 agriculture may apply for a refund of all of the Nebraska sales or
16 use taxes and all of the local option sales or use taxes paid prior
17 to October 1, 2009, on the repairs or parts.

18 (2) The purchaser shall file a claim within three years
19 after the date of purchase with the Tax Commissioner pursuant to
20 section 77-2708. The information provided on a tax refund claim
21 allowed under this section may be disclosed to any other tax
22 official of this state.

23 Sec. 3. This act becomes operative on October 1, 2009.

24 Sec. 4. Original section 77-2708.01, Reissue Revised
25 Statutes of Nebraska, and section 77-2704.36, Revised Statutes

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1 Cumulative Supplement, 2008, are repealed.