

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 986**

Introduced by Dubas, 34; Heidemann, 1; Louden, 49; Schilz, 47.

Read first time January 12, 2012

Committee: Revenue

A BILL

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

1           Section 1. Section 77-2704.36, Reissue Revised Statutes  
2 of Nebraska, 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 ~~on~~  
6 ~~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, 2012, 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 official  
22 of this state.

23           Sec. 3. This act becomes operative on October 1, 2012.

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25 Reissue Revised Statutes of Nebraska, are repealed.