

LEGISLATIVE BILL 96

Approved by the Governor April 2, 2014

Introduced by Dubas, 34; Bloomfield, 17; Brasch, 16; Carlson, 38; Christensen, 44; Karpisek, 32; Larson, 40; Lathrop, 12; Schilz, 47; Seiler, 33; Wallman, 30; Watermeier, 1; Pirsch, 4.

FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2012; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 77-2701, Revised Statutes Cumulative Supplement, 2012, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to 77-27,236 and section 3 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. Section 77-2701.04, Revised Statutes Cumulative Supplement, 2012, is amended to read:

77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and section 3 of this act, unless the context otherwise requires, the definitions found in sections 77-2701.05 to 77-2701.55 shall be used.

Sec. 3. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of repair or replacement parts for agricultural machinery and equipment used in commercial agriculture.

Sec. 4. Section 77-2708.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2708.01 (1) Any purchaser of depreciable repairs or parts for agricultural machinery or equipment used in commercial agriculture may apply for a refund of all of the Nebraska sales or use taxes and all of the local option sales or use taxes paid prior to October 1, 2014, on the repairs or parts.

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

Sec. 5. This act becomes operative on October 1, 2014.

Sec. 6. Original section 77-2708.01, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2012, are repealed.