

## LEGISLATIVE BILL 610

Approved by the Governor February 12, 1987

Introduced by Schmit, 23

AN ACT relating to agriculture; to amend sections 2-2311, 2-3623, 2-4012, and 66-1308, Reissue Revised Statutes of Nebraska, 1943; to eliminate exemptions of certain agricultural products from excise tax and fees as prescribed; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 2-2311, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2311. (1) There is hereby levied an excise tax of not to exceed seven and one half mills per bushel upon all wheat sold through commercial channels in the State of Nebraska. The tax is levied and imposed on the grower at the time of sale or delivery, and shall be collected by the first purchaser. Under the provisions of sections 2-2301 to 2-2320, no wheat shall be subject to the tax more than once.

(2) The board shall have the power to reduce the excise tax for such period as it shall deem justified, but not less than one year, whenever it shall determine that the excise tax provided by this section is yielding more than is required to carry out the intent and purposes of sections 2-2301 to 2-2320. If the board, after reducing such excise tax, finds that sufficient revenue is not being produced by such excise tax, it may restore in full or in part such excise tax not to exceed seven and one half mills per bushel.

(3) For purposes of this section wheat which is received by a grower pursuant to any federal program shall not be subject to the tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the excise tax imposed under subsection (1) of this section.

Sec. 2. That section 2-3623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3623. (1) There is hereby levied a fee of not to exceed four-tenths of a cent per bushel upon all

corn grown in the State of Nebraska and sold through commercial channels. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-3601 to 2-3635 Nebraska Corn Resources Act, no corn shall be subject to the fee more than once.

(2) For purposes of this section corn which is received by a grower pursuant to any federal program shall not be subject to the fee levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.

Sec. 3. That section 2-4012, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-4012. (1) After August 31, 1981, there shall be paid to the board a fee of not to exceed one cent per hundredweight upon all grain sorghum sold through commercial channels in the State of Nebraska. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-4001 to 2-4020 the Grain Sorghum Resources Act, no grain sorghum shall be subject to the fee more than once.

(2) The board may, whenever it shall determine that the fees provided by this section are yielding more than is required to carry out the intent and purposes of sections 2-4001 to 2-4020 the Grain Sorghum Resources Act, reduce such fees for such period as it shall deem justified, but not less than one year. If the board, after reducing such fees, finds that sufficient revenue is not being produced by such reduced fees, it may restore in full or in part such fees not to exceed the amount authorized by subsection (1) of this section.

(3) For purposes of this section grain sorghum which is received by a grower pursuant to any federal program shall not be subject to the tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to the fee imposed under subsection (1) of this section.

Sec. 4. That section 66-1308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1308. (1) There is hereby levied an ethanol excise tax upon all wheat, corn, and grain sorghum sold through commercial channels in the State of Nebraska. The tax shall be one and one half cents per

bushel for corn and wheat and one and one half cents per hundredweight for grain sorghum for the period July 1, 1986, to January 1, 1988. The tax shall be in addition to any tax or fee imposed pursuant to sections 2-2311, 2-3623, 2-3627, and 2-4012. The tax shall be levied and imposed on the grower at the time of sale or delivery and shall be collected by the first purchaser. No wheat, corn, or grain sorghum shall be subject to the tax more than once.

(2) For purposes of this section, corn, wheat, and grain sorghum which are received by a grower pursuant to any federal program shall not be subject to the ethanol excise tax levied and imposed pursuant to this section until sold or delivered by such grower and shall not be construed as having previously been subject to such tax.

Sec. 5. That original sections 2-2311, 2-3623, 2-4012, and 66-1308, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.