

LEGISLATIVE BILL 280

Approved by the Governor May 6, 1985

Introduced by Nelson, 35; Lundy, 36; V. Johnson, 8;
Sieck, 24; Pirsch, 10

AN ACT relating to liquor; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to change certain tax rates as prescribed; to provide an operative date; and to repeal the original section.

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

Section 1. That section 53-160, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-160. For the purpose of raising revenue a tax is imposed upon the privilege of engaging in business as a manufacturer or as a distributor at wholesale at a rate of fourteen twenty cents per gallon beginning October 1, 1985, and twenty-three cents per gallon beginning October 1, 1987, on all beer, regardless of alcoholic content; ~~sixty-five~~ seventy-five cents per gallon for wine containing fourteen per cent or less of alcohol by volume and one dollar and ~~twenty-five~~ thirty-five cents per gallon for wines and other dilute alcoholic beverages containing more than fourteen per cent of alcohol by volume; and beginning October 1, 1985, two dollars and ~~seventy-five~~ ninety cents per gallon and beginning October 1, 1987, three dollars per gallon on alcohol and spirits manufactured and sold by such manufacturer or imported for sale in this state by such distributor at wholesale in the course of such business. The tax imposed by this section shall be imposed only on alcoholic liquor upon which a federal excise tax is imposed. Manufacturers ; ~~PROVIDED, manufacturers~~ or distributors at wholesale of alcoholic liquors shall be exempt from the payment of such gallonage tax imposed on such liquors, upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such liquors were manufactured in this state but were shipped out of the state for sale and consumption outside the State of Nebraska. Dry ; ~~AND PROVIDED FURTHER, that~~ dry wines or fortified wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided in this section. This tax ~~is~~ shall not be imposed upon any alcoholic liquor, whether manufactured in or imported into this state when sold to a nonbeverage user, as defined in section 53-103, licensed by the state for use in the manufacture of any of the following when they are unfit for beverage purposes:

Patent and proprietary medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts, and syrups, and food products; scientific, industrial, and chemical products, excepting denatured alcohol; or for scientific, chemical, experimental, or mechanical purposes. ~~The tax shall not be imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state. The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Nebraska or by any municipal corporation or political subdivision thereof.~~ Notwithstanding ~~7~~ PROVIDED, ~~notwithstanding~~ any ordinance or charter power to the contrary, no city or village shall impose an occupation tax on the business of any person, firm, or corporation licensed under this act and doing business within the boundaries of such city or village in any sum which exceeds double the amount of the license fee required to be paid under this act to obtain such license. The commission is hereby directed and authorized to collect the taxes herein imposed, and to account for and turn over to the State Treasurer at least once each week all money collected as herein provided. If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such manufacturer or distributor shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under this act. The net proceeds of all revenue arising hereunder shall inure to the state General Fund.

Sec. 2. This act shall become operative on October 1, 1985.

Sec. 3. That original section 53-160, Reissue Revised Statutes of Nebraska, 1943, is repealed.