

## LEGISLATIVE BILL 348

Approved by the Governor April 10, 1984

Introduced by DeCamp, 40

AN ACT to amend section 74-1320, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to increase an excise tax; and to repeal the original section.

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

Section 1. That section 74-1320, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-1320. (1) There is hereby levied an excise tax on each railroad transporting freight in the State of Nebraska. Such tax shall be levied at the rate of ~~six and seven-tenths~~ seven and one half cents for each train mile operated by such railroad in the state and one hundred dollars for each public grade crossing on the line of such railroad in the state. Such tax shall be independent of any assessment of costs for benefits received by the railroad from projects for the construction, rehabilitation, relocation, or modification of railroad grade separation facilities. The Department of Revenue shall collect the tax due pursuant to this section from each railroad transporting freight within the state.

(2) Commencing March 1, ~~1982~~ 1983, and each March 1 thereafter each such railroad shall submit to the Department of Revenue a report of its total train miles operated within the state during the previous January 1 through December 31 and the number of public grade crossings on its line in the state at the close of the previous year. ~~On April 1, 1982, each railroad taxed pursuant to this section shall pay one half of the entire annual 1981 tax assessment as payment for the period July 1, 1981, through December 31, 1981.~~ Commencing March 1, 1983, all taxes shall be due on the date of reporting and shall be delinquent if not paid on a quarterly basis commencing April 1, 1983, and each quarter thereafter. Delinquent quarterly payments shall draw interest at the rate provided for in section 45-104.01, as such rate may from time to time be adjusted by the Legislature.

(3) As used in this section train mile shall mean each mile traveled by a train in this state regardless of the number of cars in such train.

Sec. 2. That original section 74-1320, Reissue Revised Statutes of Nebraska, 1943, is repealed.