

April 3, 1992

LB 719A, 1063

manner. I would like to have someone, Senator Warner or Senator, whoever is the expert in this area, assure me that they have checked with the department and with the Department of Revenue so that in the event some of the large confinement systems in the State of Nebraska do try to merchandise the animal waste from their facilities that they will not be assessed a fertilizer tax because much of this waste will actually carry a considerable amount of nitrogen per 100 pounds, in fact, will probably carry more nitrogen per 100 pounds than some of the packaged fertilizer that we use. And I know that in many instances water is added to the confinement unit pits in order to facilitate the pumping of that refuse and we do not need to have someone file a complaint against one of our swine or beef operators because it is not being properly handled or properly taxed. I think it's important to know as of now just what the criteria are and, very frankly, I want to see it in paper, I want to see it in the statutes. I want to know. I don't want somebody's off the cuff opinion which is what we received when LB 1063 was being debated. I certainly do not want the assurance, the type of assurance that I received when Senator Schrock stood and said on the final, just before the final vote that the water content in fertilizer wasn't going to be taxed. All fertilizers carry inert material and I want someone to be prepared to explain exactly what they mean when they say they will not charge for the water in certain types of liquid fertilizers because, in many instances, the water is not added by the retailer, and as I read the amendment, it refers to water added by the retailer. In some instances, retailers do formulate liquid fertilizers and in those instances I want to know if, in fact, the fertilizer tax applies only to the chemical compound for 100 pounds or per ton and not to any of the water. If that is true, then I would like to know how we can equitably tax...

SPEAKER BAACK: One minute.

SENATOR SCHMIT: ...the entire chemical compound and inert material in other forms of fertilizers. So those are the questions I raised. I hope they will be addressed as we discuss it and I hope that we will not compound the problem, but resolve the problem with these type of amendments.

SPEAKER BAACK: Thank you, Senator Schmit. Any other discussion on this motion to suspend the germaneness rule? Seeing none, Senator Hefner, do you wish to close?