

AMENDMENTS TO LB 1234

(Amendments to AM2762)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Beginning in 2001, a retailer who meets the
4 requirements of this section shall be entitled to a partial refund
5 of fuel taxes paid under section 66-489 as provided in this
6 section. The refund is two cents per gallon of motor vehicle fuel
7 with an alcohol blend as defined in section 66-482 sold, as limited
8 in this section and section 4 of this act. The retailer shall be
9 eligible for the refund if his or her average yearly sales of motor
10 vehicle fuel with an alcohol blend as reported on the return are at
11 least fifteen percent of his or her total sales of motor vehicle
12 fuel reported for sales in calendar year 2001, at least thirty
13 percent of his or her total sales of motor vehicle fuel reported
14 for sales in calendar year 2002, and at least fifty percent of his
15 or her total sales of motor vehicle fuel reported for sales in
16 calendar years 2003 and 2004. Eligibility for the refund shall be
17 determined separately for each location operated by the retailer.
18 The refund shall be calculated on not more than fifteen percent of
19 the retailer's total sales of motor vehicle fuel reported in
20 calendar year 2001, thirty percent of total sales reported in
21 calendar year 2002, and fifty percent of total sales reported in
22 calendar years 2003 and 2004. The retailer may file an annual
23 claim with the department for the refund. The application must be

1 received by June 1 of the year following the year the refund is
2 being requested for.

3 Sec. 2. Section 66-1330, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 66-1330. Sections 66-1330 to 66-1348 and sections 3 and
6 4 of this act shall be known and may be cited as the Ethanol
7 Development Act.

8 Sec. 3. (1) Each producer of ethanol in this state shall
9 pay an excise tax of one cent per gallon of ethanol produced,
10 before denaturing. The tax shall be collected for ethanol
11 production occurring on and after January 1, 2001, through December
12 31, 2004. The Department of Revenue shall collect the tax.

13 (2) On each April 30, July 31, October 31, and January
14 31, each producer of ethanol shall submit to the department a
15 report of its total ethanol production within the state during the
16 previous calendar quarter. All taxes shall be due on the date of
17 reporting and shall be delinquent if not paid with the report.
18 Delinquent quarterly payments shall draw interest at the rate
19 provided for in section 45-104.02, as such rate may from time to
20 time be adjusted. The provisions of Chapter 66, article 7, apply
21 to the tax.

22 (3) The department shall remit the tax collected to the
23 State Treasurer for credit to the Ethanol Sales Incentive Cash Fund
24 within sixty days after the end of each quarter.

25 Sec. 4. (1) The Ethanol Sales Incentive Cash Fund is
26 created. The fund shall be used to reimburse the refunds provided
27 in section 1 of this act and for administrative costs of the

1 Department of Revenue related to the refunds and the tax under
2 section 3 of this act. Any money in the fund available for
3 investment shall be invested by the state investment officer
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 (2) By October 1, the department shall notify the State
7 Treasurer of the amount of refunds claimed under section 1 of this
8 act for the preceding calendar year. The State Treasurer shall
9 transfer from the Ethanol Sales Incentive Cash Fund to the Highway
10 Trust Fund such amount. If the amount of money in the Ethanol
11 Sales Incentive Cash Fund is not sufficient to pay all the refunds
12 claimed, each applicant shall receive a proportionate share of the
13 amount in the fund as the refund equal to the portion derived by
14 dividing the amount in the fund by the aggregate number of gallons
15 eligible for the refund for all applicants.

16 (3) It is the intent of the Legislature that the
17 following General Fund amounts be appropriated to the Ethanol Sales
18 Incentive Cash Fund in each of the following years:

19 (a) For fiscal year 2000-01, \$1,000,000;

20 (b) For fiscal year 2001-02, \$2,000,000; and

21 (c) For each of fiscal years 2002-03 and 2003-04,
22 \$3,000,000.

23 Sec. 5. The Revisor of Statutes shall assign section 1
24 of this act within sections 66-482 to 66-4,149.

25 Sec. 6. Original section 66-1330, Reissue Revised
26 Statutes of Nebraska, is repealed."