

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SPECIAL SESSION

LEGISLATIVE BILL 50

Introduced by Wayne, 13.

Read first time July 29, 2024

Committee:

- 1 A BILL FOR AN ACT relating to revenue and taxation; to amend section
- 2 66-6,109.02, Reissue Revised Statutes of Nebraska, and section
- 3 66-489.02, Revised Statutes Cumulative Supplement, 2022; to change
- 4 provisions relating to certain taxes imposed on the average
- 5 wholesale price of gasoline; to provide for the use of certain tax
- 6 proceeds; to provide an operative date; to repeal the original
- 7 sections; and to declare an emergency.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 66-489.02, Revised Statutes Cumulative
2 Supplement, 2022, is amended to read:

3 66-489.02 (1) For tax periods beginning on and after July 1, 2009,
4 at the time of filing the return required by section 66-488, the
5 producer, supplier, distributor, wholesaler, or importer shall, in
6 addition to the other taxes provided for by law, pay a tax at the rate of
7 five percent of the average wholesale price of gasoline for the gallons
8 of the motor fuels as shown by the return, except that there shall be no
9 tax on the motor fuels reported if they are otherwise exempted by
10 sections 66-482 to 66-4,149.

11 (2) The minimum average wholesale price of gasoline to be used to
12 calculate the tax under subsection (1) of this section for tax periods
13 beginning on and after January 1, 2025, shall be two dollars and forty-
14 four cents. The department shall calculate the average wholesale price of
15 gasoline ~~on April 1, 2009, and~~ on each April 1 and October 1 thereafter.
16 The average wholesale price on April 1 shall apply to returns for the tax
17 periods beginning on and after July 1, and the average wholesale price on
18 October 1 shall apply to returns for the tax periods beginning on and
19 after January 1. The average wholesale price shall be determined using
20 data available from the Department of Environment and Energy and shall be
21 an average wholesale price per gallon of gasoline sold in the state over
22 the previous six-month period, excluding any state or federal excise tax
23 or environmental fees, except that in no case shall the average wholesale
24 price of gasoline be less than the minimum amount required under this
25 subsection. The change in the average wholesale price between two six-
26 month periods shall be adjusted so that the increase or decrease in the
27 tax provided for in this section or section 66-6,109.02 does not exceed
28 one cent per gallon.

29 (3) All sums of money received under this section shall be credited
30 to the Highway Trust Fund. Credits and refunds of such tax allowed to
31 producers, suppliers, distributors, wholesalers, or importers shall be

1 paid from the Highway Trust Fund. The balance of the amount credited,
2 after credits and refunds, shall be allocated as follows:

3 (a) Sixty-six percent to the Highway Cash Fund for the Department of
4 Transportation. The department shall use at least thirty-five percent of
5 the amount allocated under this subdivision to pay for surface
6 transportation projects, as defined in section 39-2702, of the highest
7 priority as determined by the department;

8 (b) Seventeen percent to the Highway Allocation Fund for allocation
9 to the various counties for road purposes; and

10 (c) Seventeen percent to the Highway Allocation Fund for allocation
11 to the various municipalities for street purposes.

12 Sec. 2. Section 66-6,109.02, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 66-6,109.02 (1) For tax periods beginning on and after July 1, 2009,
15 at the time of filing the return required by section 66-6,110, the
16 retailer shall, in addition to the other taxes provided for by law, pay a
17 tax at the rate of five percent of the average wholesale price of
18 gasoline calculated pursuant to section 66-489.02 for the gallons of the
19 compressed fuel as shown by the return, except that there shall be no tax
20 on the compressed fuel reported if it is otherwise exempted by the
21 Compressed Fuel Tax Act.

22 (2) All sums of money received under this section shall be credited
23 to the Highway Trust Fund. Credits and refunds of such tax allowed to
24 producers, suppliers, distributors, wholesalers, or importers shall be
25 paid from the Highway Trust Fund. The balance of the amount credited,
26 after credits and refunds, shall be allocated as follows:

27 (a) Sixty-six percent to the Highway Cash Fund for the Department of
28 Transportation. The department shall use at least thirty-five percent of
29 the amount allocated under this subdivision to pay for surface
30 transportation projects, as defined in section 39-2702, of the highest
31 priority as determined by the department;

1 (b) Seventeen percent to the Highway Allocation Fund for allocation
2 to the various counties for road purposes; and

3 (c) Seventeen percent to the Highway Allocation Fund for allocation
4 to the various municipalities for street purposes.

5 Sec. 3. This act become operative on January 1, 2025.

6 Sec. 4. Original section 66-6,109.02, Reissue Revised Statutes of
7 Nebraska, and section 66-489.02, Revised Statutes Cumulative Supplement,
8 2022, are repealed.

9 Sec. 5. Since an emergency exists, this act takes effect when
10 passed and approved according to law.