

HOUSE BILL No. 2142

By Committee on Transportation

1-24

AN ACT relating to motor fuels; providing for payments for selling blended motor fuels; amending K.S.A. 79-3461 and 79-3462 and K.S.A. 2000 Supp. 79-3425 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Any person holding a motor fuel retail license, may apply to the department of revenue for a one-time payment of:

(1) Two hundred and fifty dollars for each motor fuel fueling station which was selling prior to July 1, 2001, and is currently selling blended motor fuel containing at least 10% ethyl alcohol;

(2) five hundred dollars for each motor fuel fueling station which is not currently selling blended motor fuel containing at least 10% ethyl alcohol, but begins selling such motor fuel on and after July 1, 2001, and continues selling for a period of at least three years; or

(3) one thousand dollars for each motor fuel fueling station which begins selling on and after July 1, 2001, E-85 (85% ethanol and 15% gasoline) motor fuel.

(b) Each application made under subsection (a), shall be on a form furnished by the department of revenue. The form shall require the applicant to file such information as the secretary of revenue may require by rules and regulations. In addition to such application, the administrator of the weights and measures inspection program in the department of agriculture shall certify that an applicant is actually selling the blended motor fuel that such applicant is requesting payment for under the provisions of subsection (a).

(c) Upon receipt of an application for payment and the required certification under subsection (b), the secretary of revenue shall pay such amount from the motor-vehicle fuel tax refund fund.

(d) The provisions of this section shall expire on July 1, 2002.

Sec. 2. K.S.A. 2000 Supp. 79-3425 is hereby amended to read as follows: 79-3425. All of the amounts collected under the motor-fuel tax law and amendments thereto, except amounts collected pursuant to K.S.A. 79-3408c, and amendments thereto, shall be remitted by the director to the state treasurer daily, and the state treasurer shall deposit all such amounts in the state treasury. The state treasurer shall credit such

1 amount thereof as the director shall order in the motor-vehicle fuel tax
2 refund fund to be used for the purpose of paying motor-vehicle fuel tax
3 refunds as provided by law *or other payments as authorized by section 1,*
4 *and amendments thereto.* The state treasurer shall credit the remainder
5 of such amounts as follows: To the state highway fund amounts specified
6 in K.S.A. 79-34,142, and amendments thereto, to a special city and county
7 highway fund which is hereby created, amounts specified in K.S.A. 79-
8 34,142, and amendments thereto, to be apportioned and distributed in
9 the manner provided in K.S.A. 79-3425c, and amendments thereto, and
10 to the Kansas qualified agricultural ethyl alcohol producer incentive fund,
11 which is hereby created in the state treasury, in the amount and in the
12 manner specified in K.S.A. 79-34,161, and amendments thereto, to be
13 expended in the manner provided in K.S.A. 79-34,162, and amendments
14 thereto.

15 Sec. 3. K.S.A. 79-3461 is hereby amended to read as follows: 79-
16 3461. A revolving fund designated as the motor-vehicle fuel tax refund
17 fund not to exceed ~~one million dollars (\$1,000,000)~~ \$1,000,000 shall be
18 set apart and maintained by the director from the motor-vehicle fuel tax
19 collected under the provisions of article 34 of chapter 79 of the ~~General~~
20 ~~Statutes of 1935 and the 1947 Supplement thereto and acts amendatory~~
21 ~~thereof or supplemental~~ *Kansas Statutes Annotated, and amendments*
22 *thereto, and held by the state treasurer for the payment of all refunds*
23 *authorized by this act or other payments authorized by section 1, and*
24 *amendments thereto. All expenditures from the motor-vehicle fuel tax re-*
25 *fund fund shall be made in accordance with appropriation acts upon*
26 *warrants of the director of accounts and reports issued pursuant to vouch-*
27 *ers approved by the secretary of revenue or by a person or persons des-*
28 *ignated by the secretary.*

29 Sec. 4. K.S.A. 79-3462 is hereby amended to read as follows: 79-
30 3462. The director, in the name of the state of Kansas, may bring and
31 maintain a civil action to recover from any person illegally obtaining the
32 payment of a refund claim *or other payment authorized by section 1, and*
33 *amendments thereto,* the amount of such payment.

34 Sec. 5. K.S.A. 79-3461 and 79-3462 and K.S.A. 2000 Supp. 79-3425
35 are hereby repealed.

36 Sec. 6. This act shall take effect and be in force from and after its
37 publication in the statute book.

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