

**ATTESTATION REPORT
OF THE
NEBRASKA ETHANOL BOARD**

JULY 1, 2019, THROUGH DECEMBER 31, 2020

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Issued on July 14, 2021

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NEBRASKA ETHANOL BOARD

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NEBRASKA ETHANOL BOARD

BACKGROUND

The Nebraska Ethanol Board (Board) was created by the Ethanol Development Act to partner with public and private entities to expand the production and use of ethanol and ethanol-related products. The Board has seven members appointed by the governor to four-year terms with approval by the Legislature. The following restrictions are placed on Board members:

- Four members must be Nebraska farmers representing general farming, corn farming, wheat farming, and sorghum farming.
- One member must represent Nebraska petroleum marketers.
- One member must represent business in the State.
- One member must represent labor in the State.

The Board meets at least annually. Members are paid \$25 per day when conducting Board business and are reimbursed for expenses. The Board also employs a full-time administrator, who serves at the pleasure of the Board.

The Board is a cash-funded State agency, which administers the Agricultural Alcohol Fuel Tax Fund (AAFTF). The Board is primarily funded by a 1.25 cent tax paid per gallon of denatured gasoline, purchased by ethanol producers as part of the ethanol production process in accordance with Neb. Rev. Stat. § 66-489 (Reissue 2018). Additionally, the Board receives 1.25 cents per gallon of off-highway fuel taxes refunded in accordance with Neb. Rev. Stat. § 66-726 (Reissue 2018). The Board is also eligible to receive gifts, donations, money, and services in accordance with Neb. Rev. Stat. § 66-1340 (Reissue 2018).

The Board uses this money to promote the use of ethanol-blended fuels, assist companies with ethanol plant development in Nebraska, and sponsor research and development of ethanol-related products. According to the 2021 Legislative Guide Book, the Board's activities are managed in five general areas:

1. *Industry Assistance Program: Directed at attracting private manufacturing facilities to Nebraska, the expansion of existing facilities and the creation of a favorable climate for continued industry growth in the state.*
2. *Regulatory/Legislative: Participation in the processes of local, state, and federal governing bodies and regulatory agencies.*
3. *Basic Research: Focused on refinements to manufacturing processes and user applications for ethanol and its co-products.*
4. *Education/Promotion Programs: Designed to enhance public awareness of the benefits of ethanol production and use.*
5. *Market Development: Programs to assist in developing and expanding markets for Nebraska produced ethanol and related co-products.*

Likewise, the stated program objectives, according to the 2021 Legislative Guide Book, are as follows:

- *To encourage processing, market development, promotion, distribution, and research on products derived from the manufacture of ethyl alcohol.*
- *To expand demand for and usage of the state's agricultural production.*
- *To encourage the production of efficient and less-polluting fuel sources to reduce toxic emissions.*
- *To retain energy dollars in the Nebraska economy and to increase jobs and tax revenue.*

NEBRASKA ETHANOL BOARD

BACKGROUND

(Concluded)

- *To develop alternative local outlets for Nebraska's agricultural production.*
- *To cooperate with private industry to establish ethanol-related production facilities in NE.*
- *To develop markets, in cooperation with private industry, for products from these facilities.*
- *To sponsor research in the areas of production as well as industrial and commercial uses for ethanol and its co-products.*
- *To educate and inform policy makers, regulators and the general public about the benefits of the ethanol industry.*

NEBRASKA ETHANOL BOARD

KEY OFFICIALS AND AGENCY CONTACT INFORMATION

Nebraska Ethanol Board Members

Name	Title	Term Ending
Jan tenBensel	Chairperson – Wheat Farming	August 31, 2023
Scott McPheeters	Vice Chair – Business	August 31, 2021
Randy Gard	Secretary – Petroleum	August 31, 2024
Mike Thede	Member – General Farming	August 31, 2022
Tim Else	Member – Sorghum	August 31, 2023
Taylor Nelson	Member – Corn	August 31, 2021
Brad Bird	Member – Labor	August 31, 2022

Nebraska Ethanol Board Executive Management

Name	Title
Roger Berry	Administrator

Nebraska Ethanol Board
301 Centennial Mall South, 4th Floor
P.O. Box 94922
Lincoln, NE 68509
ethanol.nebraska.gov

NEBRASKA ETHANOL BOARD

COMMENT AND RECOMMENDATION

During our examination of the Nebraska Ethanol Board (Board), we noted a certain deficiency and other operational matter that is presented here.

This comment and recommendation is intended to improve the internal control over financial reporting or result in operational efficiencies in the following area.

Expenditures

During testing of Board expenditures, we noted the following:

- The Board paid \$1,236 on behalf of a private organization. Although the amount was subsequently repaid, the Board should not have used public funds for a private organization. In September 2019, the Board held a summit at an event center, and Renewable Fuels of Nebraska (RFN) used the facility one day prior to the Board’s event. The Board agreed to cover RFN’s expenses with the verbal understanding that RFN would reimburse the Board in the future. However, there was no written agreement with RFN that the Board would cover the costs or that RFN would reimburse the costs.
- Contrary to Neb. Rev. Stat. § 84-602.04(4)(a)(i) (Cum. Supp. 2020), two contracts that served as the basis for the Board’s expenditure of State Funds, as detailed in the table below, were not included on the State’s contract database.

Contractor	Period	Amount
Renewable Fuels of Nebraska	7/1/2019 – 6/30/2020	\$ 10,000
Bosselman Pump and Pantry	11/8/2019 – 2/29/2020	\$ 5,000

- One payment tested was not in accordance with the terms of the controlling agreement. Per a signed retainer agreement, the contractor would provide services to the Board, including a “minimum of 20 hours of work to be documented in a detailed bill on the last day of the month,” in exchange for \$2,000 a month. However, the September 2019 payment was for only 17.1 hours of work provided. The Board approved payment based on the average hours worked per month, rather than actual hours, which was inconsistent with the contractual language.

Neb. Const. Art. XIII, § 3, states, in part, “The credit of the state shall never be given or loaned in aid of any individual, association, or corporation” According to the Nebraska Supreme Court, this “supports the fundamental principle that public moneys may not be used for private purposes.” *State ex rel. Beck v. York*, 164 Neb. 223, 225, 82 N.W.2d 269, 271 (1957). As the Nebraska Attorney General has explained, moreover, the prohibition against lending the credit of the State is closely related to “a longstanding principle of constitutional law in Nebraska that public funds cannot be expended for private purposes.” Op. Att’y Gen. No. 97048 (Sept. 16, 1997).

Neb. Rev. Stat. § 84-602.04(4)(a)(i) (Cum. Supp. 2020) requires the Department of Administrative Services’ website to contain the following:

A database that includes a copy of each active contract that is a basis for an expenditure of state funds, including any amendment to such contract and any document incorporated by reference in such contract. For purposes of this subdivision, amendment means an agreement to modify a contract which has been reduced to writing and signed by each party to the contract, an agreement to extend the duration of a contract, or an agreement to renew a contract. The database shall be accessible by the public and searchable by vendor, by state entity, and by dollar amount. All state entities shall provide to the Department of Administrative Services, in electronic form, copies of such contracts for inclusion in the database beginning with contracts that are active on and after January 1, 2014 . . .

NEBRASKA ETHANOL BOARD

COMMENT AND RECOMMENDATION

(Concluded)

Good internal control requires procedures to ensure the following: 1) public funds are not expended for private purposes; 2) contractual obligations are properly detailed and include each party's responsibilities; and 3) contracts are included on the State's contract database.

Without such procedures, there is an increased risk of not only loss or misuse of funds but also noncompliance with State law.

We recommend the Board implement procedures to ensure that public funds are not expended for private purposes. Those same procedures should ensure also that contracts are included on the State's contract database, and contractual obligations are properly detailed and include each party's responsibilities.

Board Response: The Board contracts with the Nebraska Department of Agriculture for accounting transactions and will work with the Department to ensure contracts are appropriately available per State Statute. The Department Accounting and Finance Manager indicated a transition of NDA staff and workflow created a delay in the process. Reimbursement for the conference expense was received from RFN prior to payment to the vendor and the Board did not perceive that the credit of the State was extended. The Board will strengthen procedures to ensure that proper documentation is in place to verify that conference expenses are appropriate, in compliance with state policies and contracts or memorandums of agreement are specific to work performed or received.

It should be noted that this report is critical in nature, containing only our comment and recommendation on the areas noted for improvement and does not include our observations on any accounting strengths of the Board.

Draft copies of this report were furnished to the Board to provide its management with an opportunity to review and to respond to the comment and recommendation contained herein. The formal response received has been incorporated into this report. A response that indicates that corrective action has been taken was not verified at this time, but it will be verified in the next examination.



NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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NEBRASKA ETHANOL BOARD

INDEPENDENT ACCOUNTANT'S REPORT

Nebraska Ethanol Board
Lincoln, Nebraska

We have examined the accompanying Schedule of Revenues, Expenditures, and Changes in Fund Balance of the Nebraska Ethanol Board (Board) for the period July 1, 2019, through December 31, 2020. The Board's management is responsible for the Schedule of Revenues, Expenditures, and Changes in Fund Balance based on the accounting system and procedures set forth in Note 1. Our responsibility is to express an opinion on the Schedule of Revenues, Expenditures, and Changes in Fund Balance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants, and the standards applicable to attestation engagements contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Schedule of Revenues, Expenditures, and Changes in Fund Balance is based on the accounting system and procedures set forth in Note 1, in all material respects. An examination involves performing procedures to obtain evidence about the Schedule of Revenues, Expenditures, and Changes in Fund Balance. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material misstatement of the Schedule of Revenues, Expenditures, and Changes in Fund Balance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

In our opinion, the Schedule of Revenues, Expenditures, and Changes in Fund Balance for the period July 1, 2019, through December 31, 2020, is based on the accounting system and procedures prescribed by the State of Nebraska Director of Administrative Services, as set forth in Note 1, in all material respects.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Schedule of Revenues, Expenditures, and Changes in Fund Balance; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the subject matter or an assertion about the subject matter of the examination engagement. We are also required to obtain and report the views of management concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on whether the Schedule of Revenues, Expenditures, and Changes in Fund Balance is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over the Schedule of Revenues, Expenditures, and Changes in Fund Balance or on compliance and other matters; accordingly, we express no such opinions. Our examination disclosed no findings that are required to be reported under *Government Auditing Standards*.

The purpose of this report is to express an opinion on the Schedule of Revenues, Expenditures, and Changes in Fund Balance, as described in paragraph one above. Accordingly, this report is not suitable for any other purpose. This report is a matter of public record, and its distribution is not limited.

A handwritten signature in black ink, appearing to read "C. J. Janssen", with a long horizontal flourish extending to the right.

July 9, 2021

Charlie Janssen
Auditor of Public Accounts
Lincoln, Nebraska

NEBRASKA ETHANOL BOARD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
For the Period July 1, 2019, through December 31, 2020

	Agricultural Alcohol Fuel Tax Fund 21600
REVENUES:	
Miscellaneous	\$ 54,851
TOTAL REVENUES	54,851
EXPENDITURES:	
Personal Services	436,098
Operating	224,563
Travel	30,964
TOTAL EXPENDITURES	691,625
Deficiency of Revenues Under Expenditures	(636,774)
OTHER FINANCING SOURCES:	
Sales of Assets	41
Deposit from Common Fund	785,146
TOTAL OTHER FINANCING SOURCES	785,187
Net Change in Fund Balance	148,413
FUND BALANCE, July 1, 2019	133,062
FUND BALANCE, December 31, 2020	\$ 281,475
FUND BALANCE CONSISTS OF:	
General Cash	\$ 290,300
Deposits with Vendors	459
Due to Vendors	(9,284)
TOTAL FUND BALANCE	\$ 281,475

The accompanying notes are an integral part of the schedule.

NEBRASKA ETHANOL BOARD

NOTES TO THE SCHEDULE

For the Period July 1, 2019, through December 31, 2020

1. Criteria

The accounting policies of the Nebraska Ethanol Board (Board) are on the basis of accounting, as prescribed by the State of Nebraska's Director of the Department of Administrative Services (DAS).

Per Neb. Rev. Stat. § 81-1107(2) (Reissue 2014), the duties of the State of Nebraska's Director of DAS include:

The keeping of general accounts and the adoption and promulgation of appropriate rules, regulations, and administrative orders designed to assure a uniform and effective system of accounts and accounting, the approval of all vouchers, and the preparation and issuance of warrants for all purposes[.]

In accordance with Neb. Rev. Stat. § 81-1111(1) (Reissue 2014), the State Accounting Administrator has prescribed the system of accounts and accounting to be maintained by the State and its departments and agencies and has developed necessary accounting policies and procedures. The prescribed accounting system currently utilizes EnterpriseOne, an accounting resource software, to maintain the general ledger and all detailed accounting records. Policies and procedures are detailed in the Nebraska State Accounting Manual published by DAS State Accounting Division (State Accounting) and are available to the public.

The financial information used to prepare the Schedule of Revenues, Expenditures, and Changes in Fund Balance was obtained directly from the general ledger and fund balance information maintained on EnterpriseOne. EnterpriseOne is not an accrual accounting system; instead, accounts are maintained on a modified cash basis. As revenue transactions occur, the agencies record the accounts receivable and related revenues in the general ledger. As such, certain revenues are recorded when earned, regardless of the timing of related cash flows. State Accounting does not require the Board to record all accounts receivable and related revenues in EnterpriseOne; as such, the Board's schedule does not include all accounts receivable and related revenues. In a like manner, expenditures and related accounts payable are recorded in the general ledger as transactions occur. As such, the Schedule includes those expenditures and related accounts payable posted in the general ledger as of December 31, 2020, and not yet paid as of that date. The amount recorded as expenditures on the Schedule, as of December 31, 2020, **does not** include amounts for goods and services received before December 31, 2020, which had not been posted to the general ledger as of December 31, 2020.

The Board had no accounts receivable at December 31, 2020. Liabilities for accrued payroll and compensated absences are not recorded in the general ledger.

The following fund type is established by the State and used by the Board:

20000 – Cash Funds – account for revenues generated by specific activities from sources outside of State government and the expenditures directly related to the generation of the revenues. Cash funds are established by State statutes and must be used in accordance with those statutes.

The following major revenue account classification is established by State Accounting and used by the Board:

Miscellaneous – Revenue from sources not covered by other major categories, such as operating donations and contributions, and investment income.

The following major expenditure account classifications are established by State Accounting and used by the Board:

Personal Services – Salaries, wages, and related employee benefits provided for all persons employed by the Board.

NEBRASKA ETHANOL BOARD

NOTES TO THE SCHEDULE

(Continued)

1. **Criteria** (Concluded)

Operating – Expenditures directly related to a program’s primary service activities.

Travel – All travel expenses for any State officer, employee, or member of any commission, council, committee, or board of the State.

Other significant accounting classifications and procedures established by State Accounting and used by the Board include the following:

Assets – Resources owned or held by a government that have monetary value. Assets include cash accounts, and deposits with vendors. Cash accounts and deposits with vendors are also included in fund balance and are reported as recorded in the general ledger.

Liabilities – Legal obligations arising out of transactions in the past that must be liquidated, renewed, or refunded at some future date. Accounts payable transactions are recorded as expenditures, resulting in a decrease to fund balance.

Other Financing Sources – This category primarily includes Deposits from Common Fund. See Note 5 below for additional information for Deposits from Common Fund. Other Financing Sources also includes proceeds from the sale of surplus property, recorded as Sales of Assets.

2. **Reporting Entity**

The Board is a State agency established under and governed by the laws of the State of Nebraska. As such, the Board is exempt from State and Federal income taxes. The Schedule includes all funds of the Board included in the general ledger.

The Board is part of the primary government for the State of Nebraska.

3. **General Cash**

General cash accounts are under the control of the State Treasurer or other administrative bodies, as determined by law. All cash deposited with the State Treasurer is initially maintained in a pooled cash account. On a daily basis, the State Treasurer invests cash not needed for current operations with the State’s Investment Council, which maintains an operating investment pool for such investments. Interest earned on those investments is allocated to funds based on their percentage of the investment pool.

4. **Capital Assets**

Capital assets include land, buildings, equipment, improvements to buildings, construction in progress, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items). Under State Accounting policies, expenditures for such capital assets are not capitalized as an asset in the funds used to acquire or construct them. Rather, costs of obtaining the capital assets are reflected as expenditures in the general ledger and are reported as such on the Schedule.

However, State Accounting does adjust such expenditures and reports the capital assets as assets for the State of Nebraska in the Annual Comprehensive Financial Report (ACFR). In addition, the Board takes an annual inventory, recording in the State Accounting System all equipment that has a cost of \$5,000 or more at the date of acquisition.

NEBRASKA ETHANOL BOARD

NOTES TO THE SCHEDULE

(Concluded)

4. Capital Assets (Concluded)

For the ACFR, the State requires the Board to value all capital assets at cost where historical records are available and at estimated historical cost where no historical records exist. Donated capital assets are valued at their estimated fair market value on the date received. Generally, equipment that has a cost of \$5,000 or more at the date of acquisition and has an expected useful life of more than one year is capitalized. Depreciation expenses are reported in the ACFR in the funds used to acquire or construct them for the State of Nebraska. The cost of normal maintenance and repairs that does not add to the value of the asset or extend the asset's life is not capitalized.

Equipment is depreciated in the ACFR using the straight-line method with estimated useful lives of three years.

Capital asset activity of the Board recorded in the State Accounting System for the period July 1, 2019, through December 31, 2020, was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital Assets				
Equipment	\$ 1,925	\$ -	\$ -	\$ 1,925
Less accumulated depreciation for:				
Equipment				<u>1,925</u>
Total capital assets, net of depreciation				<u><u>\$ -</u></u>

5. Deposits from Common Fund

Neb. Rev. Stat. § 66-489(2) (Reissue 2018) establishes an excise tax of one and one-quarter cents per gallon of ethanol purchased. The proceeds from this excise tax are collected by the Nebraska Department of Revenue and deposited in the Agricultural Alcohol Fuel Tax Fund. The Nebraska Department of Revenue deposited \$759,294 to the Agricultural Alcohol Fuel Tax Fund for the period July 1, 2019, through December 31, 2020.

Additional Deposits from the Common Fund of \$25,852 were made to the Agricultural Alcohol Fuel Tax Fund during the review period in accordance with Neb. Rev. Stat. § 66-726(2)(e) (Reissue 2018).

There is typically a two-month delay between when the Nebraska Department of Revenue collects these taxes and they are deposited to the Agricultural Alcohol Fuel Tax Fund, resulting in potential receivables of \$78,064 that were not reflected in the financial schedule.

NEBRASKA ETHANOL BOARD

SUPPLEMENTARY INFORMATION

Our examination was conducted for the purpose of forming an opinion on the Schedule of Revenues, Expenditures, and Changes in Fund Balance. Supplementary information is presented for purposes of additional analysis. Such information has not been subjected to the procedures applied in the examination of the Schedule of Revenues, Expenditures, and Changes in Fund Balance, and, accordingly, we express no opinion on it.

NEBRASKA ETHANOL BOARD
REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
For the Period July 1, 2019, through June 30, 2020

Exhibit A

	Agricultural Alcohol Fuel Tax Fund 21600
REVENUES:	
Miscellaneous	\$ 42,278
TOTAL REVENUES	42,278
EXPENDITURES:	
Personal Services	281,559
Operating	142,011
Travel	28,216
TOTAL EXPENDITURES	451,786
Deficiency of Revenues Under Expenditures	(409,508)
OTHER FINANCING SOURCES:	
Deposit from Common Fund	553,386
TOTAL OTHER FINANCING SOURCES	553,386
Net Change in Fund Balance	143,878
FUND BALANCE, July 1, 2019	133,062
FUND BALANCE, June 30, 2020	\$ 276,940
FUND BALANCE CONSISTS OF:	
General Cash	\$ 276,481
Deposits with Vendors	459
TOTAL FUND BALANCE	\$ 276,940

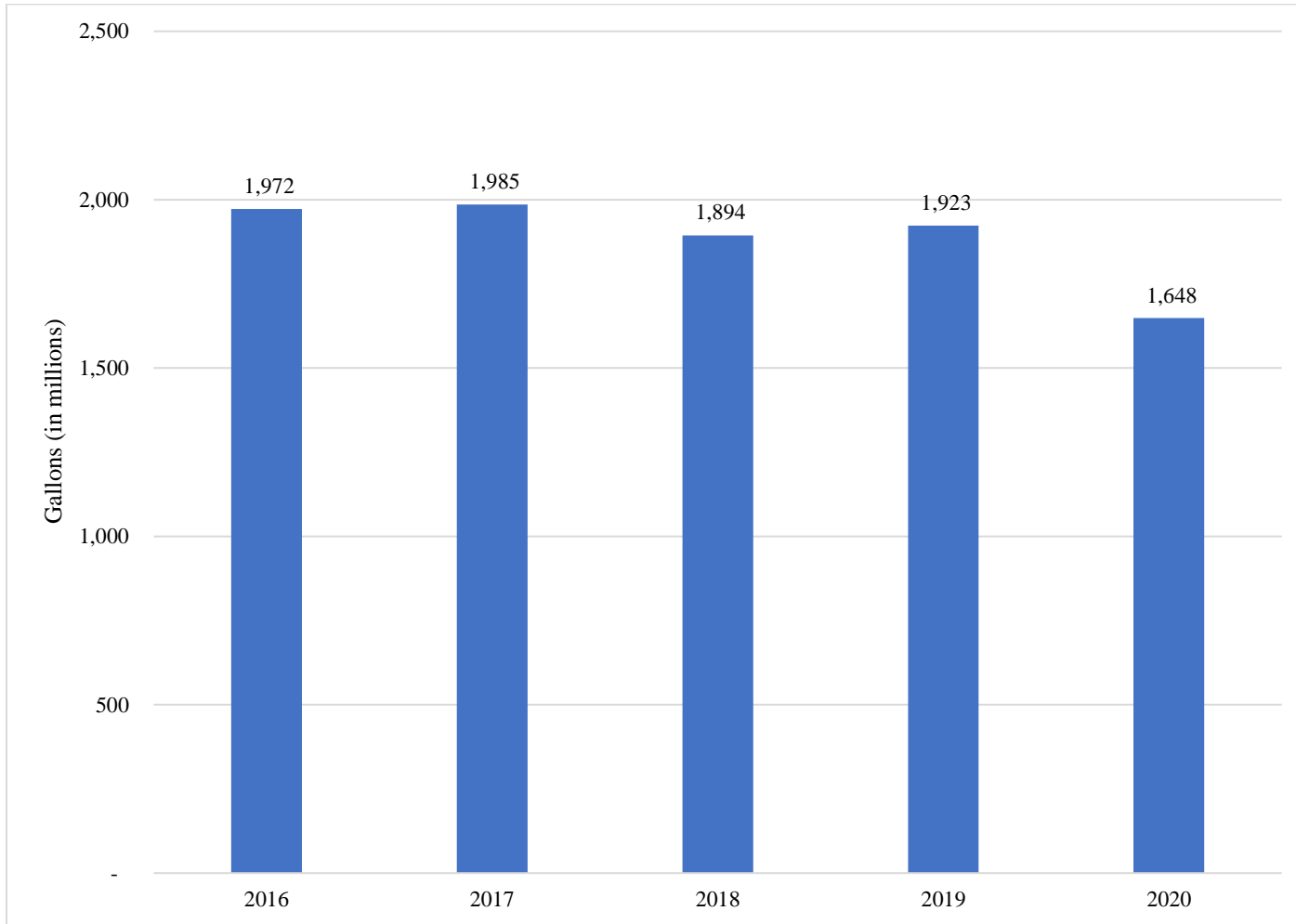
NEBRASKA ETHANOL BOARD
REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
For the Period July 1, 2020, through December 31, 2020

Exhibit B

	Agricultural Alcohol Fuel Tax Fund 21600
REVENUES:	
Miscellaneous	\$ 12,573
TOTAL REVENUES	12,573
EXPENDITURES:	
Personal Services	154,539
Operating	82,552
Travel	2,748
TOTAL EXPENDITURES	239,839
Deficiency of Revenues Under Expenditures	(227,266)
OTHER FINANCING SOURCES:	
Sales of Assets	41
Deposit from Common Fund	231,760
TOTAL OTHER FINANCING SOURCES	231,801
Net Change in Fund Balance	4,535
FUND BALANCE, July 1, 2020	276,940
FUND BALANCE, December 31, 2020	\$ 281,475
FUND BALANCE CONSISTS OF:	
General Cash	\$ 290,300
Deposits with Vendors	459
Due to Vendors	(9,284)
TOTAL FUND BALANCE	\$ 281,475

NEBRASKA ETHANOL BOARD
DENATURED ETHANOL PRODUCTION
Calendar Years 2016 through 2020

Exhibit C

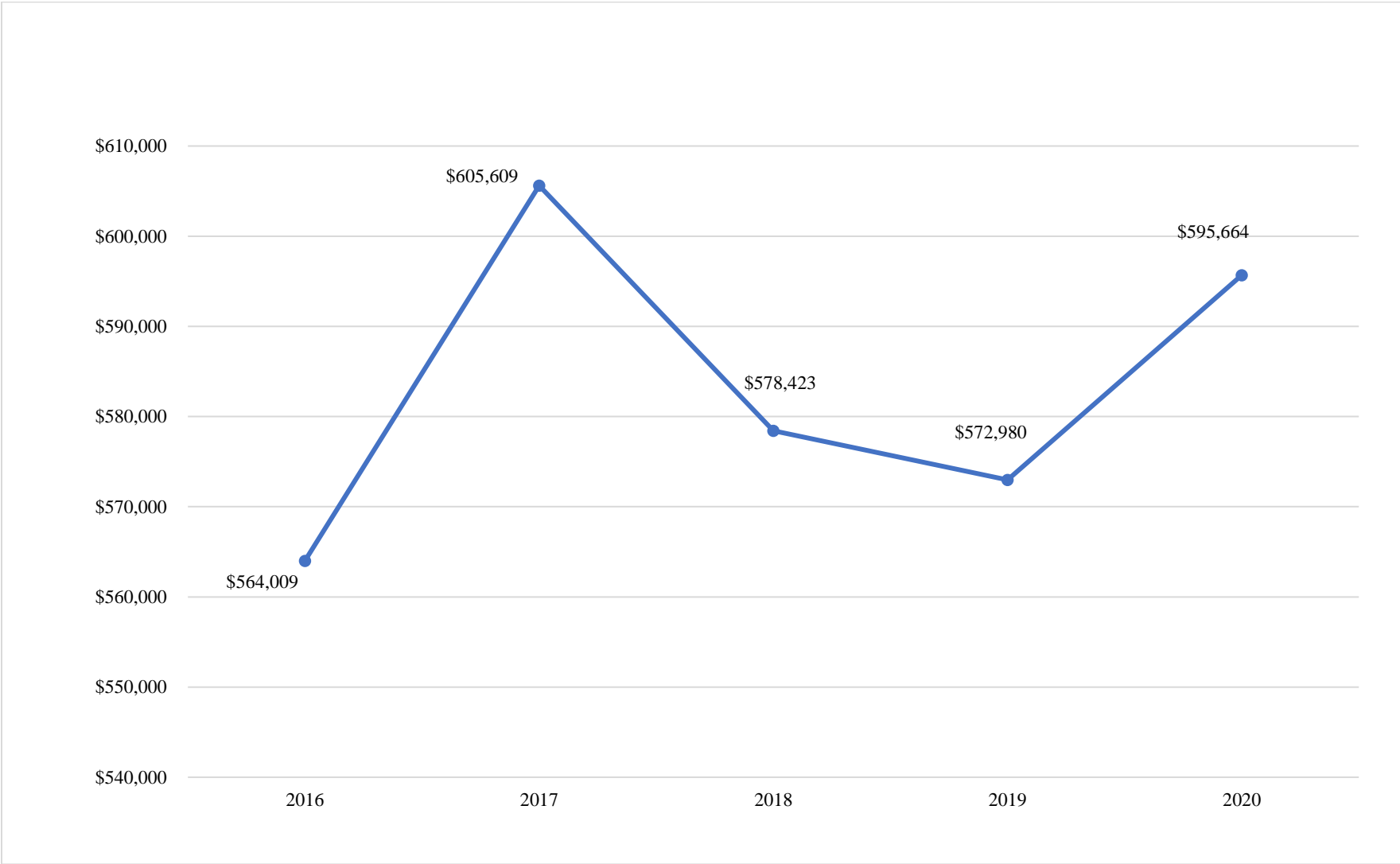


Source: Nebraska Ethanol Board

Note: Denatured Ethanol is ethanol with additives to make the ethanol non-consumable.

NEBRASKA ETHANOL BOARD
AGRICULTURAL ALCOHOL FUEL TAX FUND ANNUAL REVENUES AND DEPOSITS
Fiscal Years 2016 through 2020

Exhibit D



Source: Nebraska Ethanol Board

NEBRASKA ETHANOL BOARD
PLANT CAPACITY
As of 2018

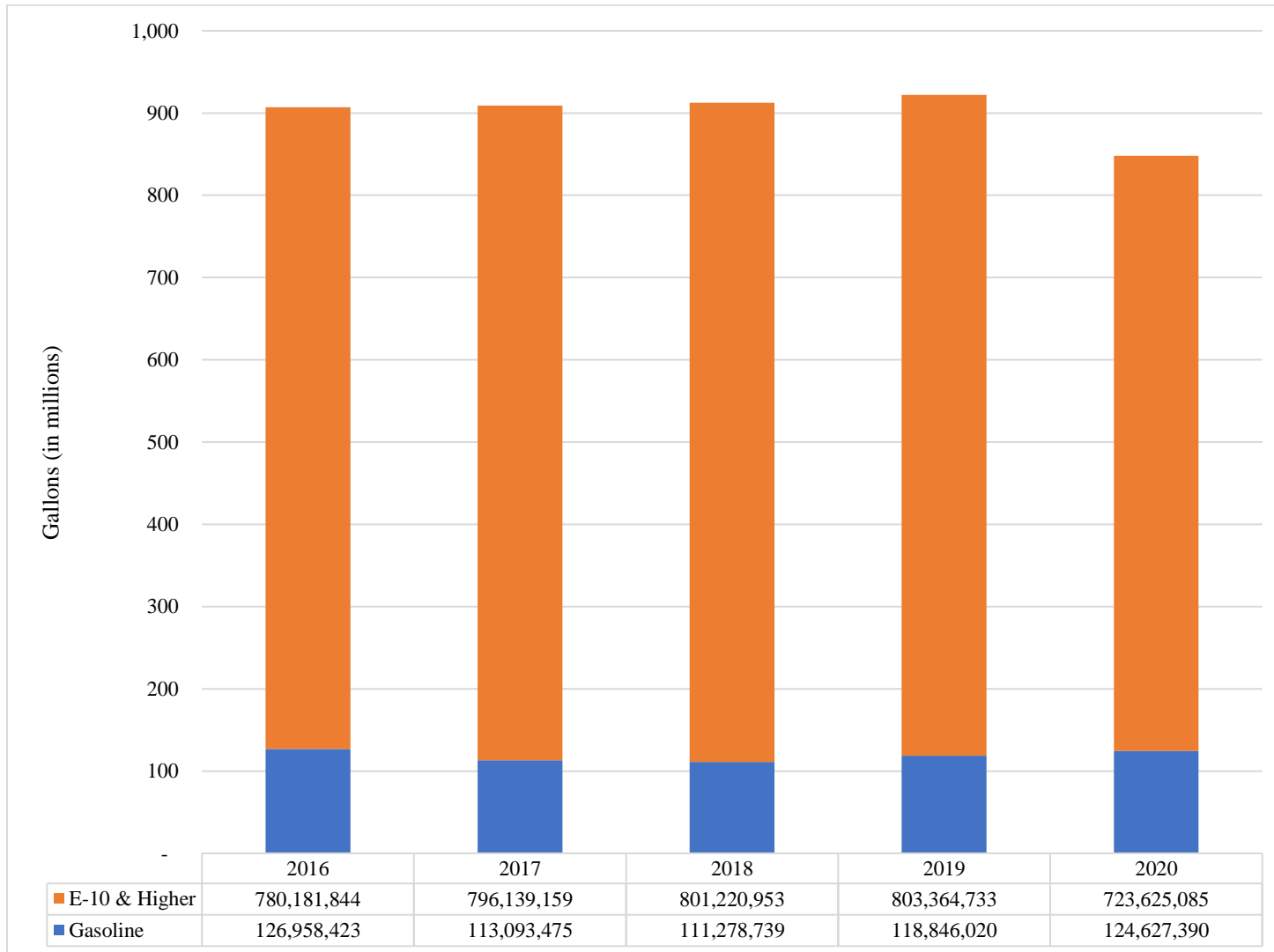
Exhibit E

Company	Location	2018 Plant Capacity (In Million Gallons)
ADM's Vantage Corn Processors (dry mill)	Columbus	420
Archer Daniels Midland (wet mill)	Columbus	126
Bridgeport Ethanol	Bridgeport	54
Cargill, Inc.	Blair	210
Chief Ethanol Fuels Inc	Hastings	80
Chief Ethanol Fuels Inc	Lexington	84
E Energy Adams, LLC	Adams	82
Louis Dreyfus Commodities	Norfolk	54
Flint Hills Resources, LP	Fairmont	132
Green Plains Renewable Energy	Atkinson	53
Green Plains Renewable Energy	Central City	135
Green Plains Renewable Energy	Ord	62
Green Plains Renewable Energy	Wood River	118
Green Plains Renewable Energy	York	60
Husker Ag, LLC	Plainview	112
KAAPA Ethanol Holdings, LLC	Minden	82
KAAPA Ethanol Holdings, LLC	Ravenna	135
Mid-America Agri Products, LLC	Madrid	55
Midwest Renewable Energy, LLC	Sutherland	26
Nebraska Corn Processing, LLC	Cambridge	61
Aurora Coop Plant 1	Aurora East	55
Aurora Coop Plant 2	Aurora West	116
Siouxland Ethanol, LLC	Jackson	82
AltEnergy, LLC	Mead	24
Trenton Agri Products, LLC	Trenton	50
Valero Renewable Fuels	Albion	165
Nebraska Total		2,633

Source: Nebraska Ethanol Board

NEBRASKA ETHANOL BOARD
NEBRASKA MOTOR FUEL CONSUMPTION
 Calendar Years 2016 through 2020

Exhibit F



Source: Nebraska Ethanol Board