

AMENDMENTS TO LB 420

Introduced by Appropriations

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

3 Section 1. (1) The Storm Water Management Plan Program
4 Cash Fund is created. The fund shall be administered by the
5 Department of Environmental Quality. Any money in the fund
6 available for investment shall be invested by the state investment
7 officer pursuant to the Nebraska Capital Expansion Act and the
8 Nebraska State Funds Investment Act.

9 (2) The State Treasurer shall credit to the fund money
10 (a) received pursuant to section 77-2602, (b) paid to the state as
11 fees, deposits, payments, and repayments relating to the fund, both
12 principal and interest, (c) donated as gifts, bequests, or other
13 contributions to such fund from public or private entities, and (d)
14 made available by any department or agency of the United States if
15 so directed by such department or agency.

16 (3) The fund shall be used by the department for the
17 purpose of carrying out the Storm Water Management Plan Program.
18 The fund may be used to defray department administrative expenses
19 and for the grant program administered by the department under the
20 provisions of the Storm Water Management Plan Program.

21 Sec. 2. (1) The Water Resources Cash Fund is created. The
22 fund shall be administered by the Department of Natural Resources.
23 Any money in the fund available for investment shall be invested

1 by the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act.

3 (2) The State Treasurer shall credit to the fund money
4 (a) received pursuant to section 77-2602, (b) paid to the state as
5 fees, deposits, payments, and repayments relating to the fund, both
6 principal and interest, (c) donated as gifts, bequests, or other
7 contributions to such fund from public or private entities, and (d)
8 made available by any department or agency of the United States if
9 so directed by such department or agency.

10 (3) The fund shall be expended by the department to aid
11 compliance efforts regarding the reduction of consumptive uses of
12 water in regards to programs dealing with those natural resources
13 districts which are deemed overappropriated by the department
14 pursuant to section 46-713 or are bound by an interstate compact
15 or decree. The fund shall not be used to pay for administrative
16 expenses or any salaries for the department or any political
17 subdivision.

18 Sec. 3. (1) The Agricultural Research Cash Fund is
19 created. The fund shall be administered by the Department of
20 Agriculture. Any money in the fund available for investment
21 shall be invested by the state investment officer pursuant to
22 the Nebraska Capital Expansion Act and the Nebraska State Funds
23 Investment Act.

24 (2) The State Treasurer shall credit to the fund money
25 (a) received pursuant to section 77-2602, (b) paid to the state as
26 fees, deposits, payments, and repayments relating to the fund, both
27 principal and interest, (c) donated as gifts, bequests, or other

1 contributions to such fund from public or private entities, and (d)
2 made available by any department or agency of the United States if
3 so directed by such department or agency.

4 (3) The fund shall be used by the department for the
5 purpose of funding agricultural research projects and facilities
6 across Nebraska. The department shall allocate money from the
7 fund for use by the department, by any state agency, board,
8 or commission, or by any political subdivision of the state,
9 by agreement, or by private organizations or firms as may be
10 contracted with by the department for the purposes described in
11 this section.

12 Sec. 4. Section 77-2602, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 77-2602 (1) Every person engaged in distributing or
15 selling cigarettes at wholesale in this state shall pay to the
16 Tax Commissioner of this state a special privilege tax. This shall
17 be in addition to all other taxes. It shall be paid prior to or
18 at the time of the sale, gift, or delivery to the retail dealer
19 in the several amounts as follows: On each package of cigarettes
20 containing not more than twenty cigarettes, ~~sixty-four~~ seventy
21 cents per package; and on packages containing more than twenty
22 cigarettes, the same tax as provided on packages containing not
23 more than twenty cigarettes for the first twenty cigarettes in each
24 package and a tax of one-twentieth of the tax on the first twenty
25 cigarettes on each cigarette in excess of twenty cigarettes in each
26 package.

27 (2) Commencing July 1, 1994, and continuing until October

1 1, 2004, the State Treasurer shall place the equivalent of
2 twenty-one cents of such tax in the General Fund. Commencing
3 October 1, 2004, the State Treasurer shall place the equivalent
4 of forty-nine cents of such tax in the General Fund. The State
5 Treasurer shall reduce the amount placed in the General Fund under
6 this subsection by the amount prescribed in subdivision (3)(d) of
7 this section. For purposes of this section, the equivalent of a
8 specified number of cents of the tax shall mean that portion of the
9 proceeds of the tax equal to the specified number divided by the
10 tax rate per package of cigarettes containing not more than twenty
11 cigarettes.

12 (3) The State Treasurer shall distribute the remaining
13 proceeds of such tax in the following order:

14 (a) First, beginning July 1, 1980, the State Treasurer
15 shall place the equivalent of one cent of such tax in the
16 Nebraska Outdoor Recreation Development Cash Fund. For fiscal year
17 distributions occurring after FY1998-99, the distribution under
18 this subdivision shall not be less than the amount distributed
19 under this subdivision for FY1997-98. Any money needed to increase
20 the amount distributed under this subdivision to the FY1997-98
21 amount shall reduce the distribution to the General Fund;

22 (b) Second, beginning July 1, 1993, the State Treasurer
23 shall place the equivalent of three cents of such tax in the
24 Department of Health and Human Services Finance and Support Cash
25 Fund to carry out sections 81-637 to 81-640. For fiscal year
26 distributions occurring after FY1998-99, the distribution under
27 this subdivision shall not be less than the amount distributed

1 under this subdivision for FY1997-98. Any money needed to increase
2 the amount distributed under this subdivision to the FY1997-98
3 amount shall reduce the distribution to the General Fund;

4 (c) Third, beginning July 1, 2001, and continuing until
5 October 1, 2002, the State Treasurer shall place the equivalent of
6 five cents of such tax in the Building Renewal Allocation Fund.
7 Beginning October 1, 2002, and continuing until all the purposes of
8 the Deferred Building Renewal Act have been fulfilled, the State
9 Treasurer shall place the equivalent of seven cents of such tax
10 in the Building Renewal Allocation Fund. The Legislature shall
11 appropriate each fiscal year all sums inuring to the fund, plus
12 interest earnings, for the Task Force for Building Renewal to be
13 used to carry out its duties and to fulfill the purposes of the
14 Deferred Building Renewal Act. Unexpended balances existing at the
15 end of each fiscal year shall be, and are hereby, reappropriated.
16 The distribution under this subdivision shall not be less than the
17 amount distributed under this subdivision for FY1997-98. Any money
18 needed to increase the amount distributed under this subdivision to
19 the FY1997-98 amount shall reduce the distribution to the General
20 Fund;

21 (d) Fourth, until July 1, 2009, the State Treasurer
22 shall place in the Municipal Infrastructure Redevelopment Fund
23 the sum of five hundred twenty thousand dollars each fiscal year
24 to carry out the Municipal Infrastructure Redevelopment Fund Act.
25 The Legislature shall appropriate the sum of five hundred twenty
26 thousand dollars each year for fiscal year 2003-04 through fiscal
27 year 2008-09;

1 (e) Fifth, beginning July 1, 2001, the State Treasurer
2 shall place the equivalent of two cents of such tax in the
3 Information Technology Infrastructure Fund;

4 (f) Sixth, beginning July 1, 2001, and continuing until
5 June 30, 2016, the State Treasurer shall place one million dollars
6 each fiscal year in the City of the Primary Class Development Fund.
7 If necessary, the State Treasurer shall reduce the distribution of
8 tax proceeds to the General Fund pursuant to subsection (2) of this
9 section by such amount required to fulfill the one million dollars
10 to be distributed pursuant to this subdivision;

11 (g) Seventh, beginning July 1, 2001, and continuing
12 until June 30, 2016, the State Treasurer shall place one million
13 five hundred thousand dollars each fiscal year in the City of
14 the Metropolitan Class Development Fund. If necessary, the State
15 Treasurer shall reduce the distribution of tax proceeds to the
16 General Fund pursuant to subsection (2) of this section by such
17 amount required to fulfill the one million five hundred thousand
18 dollars to be distributed pursuant to this subdivision; ~~and~~

19 (h) Eighth, beginning October 1, 2002, and continuing
20 until October 1, 2004, the State Treasurer shall place the
21 equivalent of twenty-eight cents of such tax in the Cash Reserve
22 Fund; and -

23 (i) Ninth, beginning July 1, 2007, the State Treasurer
24 shall place the equivalent of three cents of such tax in the Water
25 Resources Cash Fund;

26 (j) Tenth, beginning July 1, 2007, the State Treasurer
27 shall place the equivalent of two cents of such tax in the Storm

1 Water Management Plan Program Cash Fund; and

2 (k) Eleventh, beginning July 1, 2007, the State Treasurer
3 shall place the equivalent of one cent of such tax in the
4 Agricultural Research Cash Fund.

5 (4) If, after distributing the proceeds of such tax
6 pursuant to subsections (2) and (3) of this section, any proceeds
7 of such tax remain, the State Treasurer shall place such remainder
8 in the Nebraska Capital Construction Fund.

9 (5) The Legislature hereby finds and determines that the
10 projects funded from the Municipal Infrastructure Redevelopment
11 Fund and the Building Renewal Allocation Fund are of critical
12 importance to the State of Nebraska. It is the intent of the
13 Legislature that the allocations and appropriations made by the
14 Legislature to such funds or, in the case of allocations for
15 the Municipal Infrastructure Redevelopment Fund, to the particular
16 municipality's account not be reduced until all contracts and
17 securities relating to the construction and financing of the
18 projects or portions of the projects funded from such funds or
19 accounts of such funds are completed or paid or, in the case
20 of the Municipal Infrastructure Redevelopment Fund, the earlier
21 of such date or July 1, 2009, and that until such time any
22 reductions in the cigarette tax rate made by the Legislature
23 shall be simultaneously accompanied by equivalent reductions in
24 the amount dedicated to the General Fund from cigarette tax
25 revenue. Any provision made by the Legislature for distribution
26 of the proceeds of the cigarette tax for projects or programs
27 other than those to (a) the General Fund, (b) the Nebraska

1 Outdoor Recreation Development Cash Fund, (c) the Department
2 of Health and Human Services Finance and Support Cash Fund,
3 (d) the Municipal Infrastructure Redevelopment Fund, (e) the
4 Building Renewal Allocation Fund, (f) the Information Technology
5 Infrastructure Fund, (g) the City of the Primary Class Development
6 Fund, (h) the City of the Metropolitan Class Development Fund, ~~and~~
7 (i) the Water Resources Cash Fund, (j) the Storm Water Management
8 Plan Program Cash Fund, (k) the Agricultural Research Cash Fund,
9 and (l) the Cash Reserve Fund shall not be made a higher priority
10 than or an equal priority to any of the programs or projects
11 specified in subdivisions (a) through ~~(i)~~ (l) of this subsection.

12 Sec. 5. This act becomes operative on July 1, 2007.

13 Sec. 6. Original section 77-2602, Revised Statutes
14 Cumulative Supplement, 2006, is repealed.

15 Sec. 7. Since an emergency exists, this act takes effect
16 when passed and approved according to law.