

E & R AMENDMENTS TO LB 46

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

3 "Section 1. Section 77-2608, Revised Statutes
4 Supplement, 2000, is amended to read:

5 77-2608. The Tax Commissioner shall prepare and have
6 suitable stamps for use on each kind of piece or package of
7 cigarettes, except when cigarette tax meter impressions are
8 affixed. Requisition for the preparation of such stamps shall be
9 made through the materiel division of the Department of
10 Administrative Services as other state supplies are requisitioned,
11 and the Tax Commissioner and his or her bondsperson shall be liable
12 for the value of all such stamps delivered to him or her. The
13 Auditor of Public Accounts shall audit annually or as often as the
14 auditor deems advisable the records of the Tax Commissioner with
15 respect to the money received from the sale of stamps and as
16 revenue from tax meter impressions for the purpose of determining
17 the accuracy and correctness of the same. The Tax Commissioner
18 shall sell the stamps only to licensed wholesale dealers, as
19 defined in section 77-2601, and he or she shall keep an accurate
20 record of all stamps coming into and leaving his or her hands.
21 Such stamps shall be sold and accounted for at the face value
22 thereof, except that the Tax Commissioner may, by rule and
23 regulation certified to the State Treasurer, authorize the sale
24 thereof to wholesale dealers in this state or outside of this state

1 at a discount of three and four-tenths percent of such face value
2 of the tax as a commission for affixing and canceling such stamps,
3 except that for stamps sold beginning October 1, 2002, through
4 September 30, 2004, the authorized commission for affixing and
5 canceling such stamps shall be one and seven-tenths percent of the
6 face value of the tax. Any wholesale dealer using a tax meter
7 machine shall be entitled to the same discount as allowed a
8 wholesale dealer for affixing and canceling the stamps. The money
9 received by the Tax Commissioner from the sale of the stamps and as
10 revenue from such tax meter impressions shall be deposited by him
11 or her daily with the State Treasurer who shall credit such money
12 as provided in section 77-2602. Upon proof by the Tax Commissioner
13 that he or she can affix such stamps or meter impressions,
14 warehouse and distribute such cigarettes, and collect such revenue
15 at a cost less than ~~the three and four-tenths percent~~ any discount
16 allowed to wholesale dealers pursuant to this section, he or she
17 may then proceed to affix the stamps himself or herself after
18 giving the wholesale dealers sixty days' notice and purchasing all
19 equipment used by them for the purpose of affixing such stamps or
20 meter impressions at a fair market value.

21 Sec. 2. Original section 77-2608, Revised Statutes
22 Supplement, 2000, is repealed.

23 Sec. 3. Since an emergency exists, this act takes effect
24 when passed and approved according to law."