

AMENDMENTS TO LB 580

Introduced by Judiciary

1 1. Insert the following new section:

2 Sec. 3. Section 69-2708, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 69-2708 (1) Not later than twenty calendar days after
5 the end of each calendar quarter, and more frequently if so
6 directed by the Tax Commissioner, each stamping agent shall submit
7 such information as the Tax Commissioner requires to facilitate
8 compliance with sections 69-2704 to 69-2710, including, but not
9 limited to, a list by brand family of the total number of
10 cigarettes or, in the case of roll-your-own, the equivalent stick
11 count for which the stamping agent affixed stamps during the
12 previous calendar quarter or otherwise paid the tax due for such
13 cigarettes. The stamping agent shall maintain, and make available
14 to the Tax Commissioner, all invoices and documentation of sales
15 of all nonparticipating manufacturer cigarettes and any other
16 information relied upon in reporting to the Tax Commissioner for a
17 period of five years.

18 (2) The Attorney General may require at any time from the
19 nonparticipating manufacturer proof, from the financial institution
20 in which such manufacturer has established a qualified escrow fund
21 for the purpose of compliance with section 69-2703, of the amount
22 of money in such fund, exclusive of interest, the amounts and dates
23 of each deposit to such fund, and the amounts and dates of each

1 withdrawal from such fund.

2 (3) In addition to the information required to be
3 submitted pursuant to subsection (1) of this section, the Tax
4 Commissioner or Attorney General may require a stamping agent,
5 distributor, or tobacco product manufacturer to submit any
6 additional information, including, but not limited to, samples of
7 the packaging or labeling of each brand family, as is necessary
8 to enable the Tax Commissioner or Attorney General to determine
9 whether a tobacco product manufacturer is in compliance with
10 sections 69-2704 to 69-2710.

11 (4) To promote compliance with sections 69-2704 to
12 69-2707, a tobacco product manufacturer subject to the requirements
13 of subdivision (1)(c) of section 69-2706 shall make the escrow
14 deposits required by section 69-2703 in quarterly installments
15 during the year in which the sales covered by such deposits are
16 made: ~~if (a) it is the first year~~ Through the end of the calendar
17 year following the year the tobacco product manufacturer is listed
18 in the directory established pursuant to section 69-2706; ~~7~~ (b) if
19 the tobacco product manufacturer is removed from then subsequently
20 relisted in the directory, then for all periods following the
21 relisting through the end of the calendar year following the year
22 the tobacco product manufacturer is relisted in the directory;
23 (c) if the tobacco product manufacturer has failed to make a
24 complete and timely escrow deposit for any calendar year as
25 required by section 69-2703, or for any quarter as required in
26 this section; ~~or (e)~~ (d) if the tobacco product manufacturer has
27 failed to pay any judgment, including any civil penalty ordered

1 under section 69-2703 or 69-2709. The Tax Commissioner may require
2 production of information sufficient to enable the Tax Commissioner
3 to determine the adequacy of the amount of the installment
4 deposit. The Tax Commissioner may adopt and promulgate rules and
5 regulations implementing how tobacco product manufacturers subject
6 to the requirements of subdivision (1)(c) of section 69-2706 make
7 quarterly payments.

8 2. On page 2, strike beginning with "such" in line 13
9 through line 14, show as stricken, and insert "subsection (4) of
10 section 69-2708.".

11 3. On page 3, line 24, strike "and" and show as stricken.

12 4. On page 4, line 15, strike the period, show as
13 stricken, and insert "; and

14 (v) That such nonparticipating manufacturer consents to
15 be sued in the district courts of the State of Nebraska for
16 purposes of the state (A) enforcing any provision of sections
17 69-2703 to 69-2710 and any rules and regulations adopted and
18 promulgated thereunder or (B) bringing a released claim as defined
19 in section 69-2702.".

20 5. On page 6, line 4, after "69-2703" insert "or
21 subsection (4) of section 69-2708".

22 6. On page 11, line 3, strike "the General Fund." and
23 insert "be remitted to the State Treasurer for distribution in
24 accordance with Article VII, section 5, of the Constitution of
25 Nebraska."; in line 5 strike "with" and insert "to"; in line 6
26 strike "other" and insert "applicable"; and in line 7 before "and"
27 insert "69-2708,".

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7. Renumber the remaining sections accordingly.