

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 59

Introduced by Louden, 49; Harms, 48; Howard, 9; Wallman, 30.

Read first time January 8, 2009

Committee: Revenue

A BILL

1 FOR AN ACT relating to law enforcement; to amend section
2 53-160, Reissue Revised Statutes of Nebraska; to adopt
3 the Citizen Safety Grant Fund Program Act; to change
4 provisions relating to a tax on alcoholic liquor; to
5 harmonize provisions; to provide operative dates; to
6 repeal the original section; and to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and
2 may be cited as the Citizen Safety Grant Fund Program Act.

3 Sec. 2. For purposes of the Citizen Safety Grant Fund
4 Program Act:

5 (1) Commission means the Nebraska Commission on Law
6 Enforcement and Criminal Justice;

7 (2) Eligible organization means the Nebraska State
8 Patrol, a county sheriff's department, or a city police department;
9 and

10 (3) Program means the Citizen Safety Grant Fund Program
11 established in section 3 of this act.

12 Sec. 3. (1) The Citizen Safety Grant Fund Program is
13 created. The program shall provide grants to assist eligible
14 organizations in addressing violent crime.

15 (2) Eligible organizations may apply to the commission,
16 on forms developed and provided by the commission, for a citizen
17 safety grant under the program. The application shall contain
18 violent crime statistics within the jurisdiction of the applicant
19 and the applicant's proposed use of the grant funds which may
20 include, but need not be limited to, hiring additional law
21 enforcement personnel or the purchase of equipment or services.

22 (3) The commission shall review the applications and
23 determine the number of grants to be awarded and the amount of
24 each grant under the program based on rules and regulations of the
25 commission. Grants shall be awarded beginning September 1, 2010,

1 based on the amount of funds available in the Citizen Safety Grant
2 Fund.

3 Sec. 4. The Citizen Safety Grant Fund is created. The
4 fund shall be administered by the commission to provide for grants
5 pursuant to section 3 of this act. The fund shall consist of money
6 appropriated and credited pursuant to section 5 of this act and
7 any gifts, bequests, or contributions provided by any other public
8 or private source. Any money in the fund available for investment
9 shall be invested by the state investment officer pursuant to
10 the Nebraska Capital Expansion Act and the Nebraska State Funds
11 Investment Act.

12 Sec. 5. The State Treasurer shall credit to the Citizen
13 Safety Grant Fund, from the tax imposed pursuant to section 53-160,
14 an amount equal to five cents per gallon on beer, three cents per
15 gallon on wine not produced in farm wineries, and seven cents per
16 gallon on alcohol and spirits.

17 Sec. 6. The commission may adopt and promulgate rules and
18 regulations to carry out the Citizen Safety Grant Fund Program Act.

19 Sec. 7. Section 53-160, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 53-160 (1) For the purpose of raising revenue, a tax
22 is imposed upon the privilege of engaging in business as a
23 manufacturer or a wholesaler at a rate of ~~thirty-one~~ thirty-six
24 cents per gallon on all beer; ~~ninety-five~~ ninety-eight cents per
25 gallon for wine, except for wines produced in farm wineries; six

1 cents per gallon for wine produced in farm wineries; and three
2 dollars and ~~seventy-five~~ eighty-two cents per gallon on alcohol
3 and spirits manufactured and sold by such manufacturer or shipped
4 for sale in this state by such wholesaler in the course of such
5 business. The gallonage tax imposed by this subsection shall be
6 imposed only on alcoholic liquor upon which a federal excise tax is
7 imposed.

8 (2) Manufacturers or wholesalers of alcoholic liquor
9 shall be exempt from the payment of the gallonage tax on such
10 alcoholic liquor upon satisfactory proof, including bills of lading
11 furnished to the commission by affidavit or otherwise as the
12 commission may require, that such alcoholic liquor was manufactured
13 in this state but shipped out of the state for sale and consumption
14 outside this state.

15 (3) Dry wines or fortified wines manufactured or shipped
16 into this state solely and exclusively for sacramental purposes and
17 uses shall not be subject to the gallonage tax.

18 (4) The gallonage tax shall not be imposed upon any
19 alcoholic liquor, whether manufactured in or shipped into this
20 state, when sold to a licensed nonbeverage user for use in
21 the manufacture of any of the following when such products are
22 unfit for beverage purposes: Patent and proprietary medicines and
23 medicinal, antiseptic, and toilet preparations; flavoring extracts,
24 syrups, food products, and confections or candy; scientific,
25 industrial, and chemical products, except denatured alcohol; or

1 products for scientific, chemical, experimental, or mechanical
2 purposes.

3 (5) The gallonage tax shall not be imposed upon the
4 privilege of engaging in any business in interstate commerce or
5 otherwise, which business may not, under the Constitution and
6 statutes of the United States, be made the subject of taxation by
7 this state.

8 (6) The gallonage tax shall be in addition to all other
9 occupation or privilege taxes imposed by this state or by any
10 municipal corporation or political subdivision thereof.

11 (7) The commission shall collect the gallonage tax and
12 shall account for and remit to the State Treasurer at least once
13 each week all money collected pursuant to this section. If any
14 alcoholic liquor manufactured in or shipped into this state is
15 sold to a licensed manufacturer or wholesaler of this state to be
16 used solely as an ingredient in the manufacture of any beverage
17 for human consumption, the tax imposed upon such manufacturer or
18 wholesaler shall be reduced by the amount of the taxes which have
19 been paid as to such alcoholic liquor so used under the Nebraska
20 Liquor Control Act. The net proceeds of all revenue equal to five
21 cents per gallon of the tax on beer, three cents per gallon of
22 the tax on wine not produced in farm wineries, and seven cents per
23 gallon of the tax on alcohol and spirits shall be credited to the
24 Citizen Safety Grant Fund as provided in section 5 of this act. The
25 remaining proceeds arising under this section shall be credited to

1 the General Fund.

2 Sec. 8. Sections 5, 7, and 9 of this act become operative
3 on July 1, 2009. The other sections of this act become operative on
4 their effective date.

5 Sec. 9. Original section 53-160, Reissue Revised Statutes
6 of Nebraska, is repealed.

7 Sec. 10. Since an emergency exists, this act takes effect
8 when passed and approved according to law.