

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL

Introduced by

Read first time

Committee:

A BILL

1 FOR AN ACT relating to the Tobacco Prevention and Control Cash
2 Fund; to amend sections 71-5714 and 71-7608, Revised
3 Statutes Cumulative Supplement, 2008; to change the
4 amount allocated to and distribution of the fund;
5 to provide an operative date; to repeal the original
6 sections; and to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5714, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 71-5714 The Tobacco Prevention and Control Cash
4 Fund is created. The fund shall be used for a comprehensive
5 statewide tobacco-related public health program administered by
6 the Department of Health and Human Services which includes, but
7 is not limited to (1) community programs to reduce tobacco use,
8 (2) chronic disease programs, (3) school programs, (4) statewide
9 programs, (5) enforcement, (6) counter marketing, (7) cessation
10 programs, (8) surveillance and evaluation, and (9) administration.

11 The department shall spend at least one-half of the amount
12 allocated annually to the fund pursuant to section 71-7608 on
13 counter marketing. Any money in the Tobacco Prevention and Control
14 Cash Fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act
16 and the Nebraska State Funds Investment Act.

17 Sec. 2. Section 71-7608, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 71-7608 The Nebraska Tobacco Settlement Trust Fund is
20 created. The fund shall include any settlement payments or other
21 revenue received by the State of Nebraska in connection with any
22 tobacco-related litigation to which the State of Nebraska is a
23 party. The Department of Health and Human Services shall remit such
24 revenue to the State Treasurer for credit to the fund, except that
25 of such revenue received on or after April 1, 2005, ~~(1)~~ two million
26 five hundred thousand dollars shall be credited for fiscal years
27 before FY2009-10 and ~~(2)~~ three twenty-one million dollars shall be

1 credited for FY2009-10 and subsequent fiscal years to the Tobacco
2 Prevention and Control Cash Fund. ~~For FY2008-09 five hundred~~
3 ~~thousand dollars shall be transferred from the Nebraska Tobacco~~
4 ~~Settlement Trust Fund to the Tobacco Prevention and Control Cash~~
5 ~~Fund. The State Treasurer shall make such transfer no later than~~
6 ~~July 15, 2008.~~ Beginning in July 2008 and each year thereafter,
7 on or before July 25, five hundred thousand dollars shall be
8 transferred from the Nebraska Tobacco Settlement Trust Fund to the
9 Stem Cell Research Cash Fund created under section 71-8805. Subject
10 to the terms and conditions of such litigation, money from the
11 Nebraska Tobacco Settlement Trust Fund shall be transferred to the
12 Nebraska Health Care Cash Fund as provided in section 71-7611.
13 Any money in the Nebraska Tobacco Settlement Trust Fund available
14 for investment shall be invested by the state investment officer
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

17 Sec. 3. This act becomes operative on July 1, 2009.

18 Sec. 4. Original sections 71-5714 and 71-7608, Revised
19 Statutes Cumulative Supplement, 2008, are repealed.

20 Sec. 5. Since an emergency exists, this act takes effect
21 when passed and approved according to law.