

LEGISLATIVE BILL 109

Approved by the Governor March 16, 1978

Introduced by Constitutional Revision and Recreation Committee, Koch, 12, Chmn.; Reutzell, 15; Labedz, 5; Fitzgerald, 14; Cullan, 49

AN ACT relating to outdoor recreation; to provide for a program of outdoor recreational development; to create a fund and specify the source and use thereof; to amend section 77-2602, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 and 2 and 4 to 6 of this act shall be known and may be cited as the Nebraska Outdoor Recreation Development Act.

Sec. 2. Whereas the areas of the state park system are among the most precious resources of this state and the development and utilization of these resources are important to the health and welfare of each person and the public in general, the public policy of this state is hereby declared to be:

(1) To recognize the immeasurable worth of Nebraska's recreational opportunities and provide for the development, operation, and maintenance of areas of the state park system;

(2) To provide quality recreational opportunities because such opportunities are an integral part of the good life desired by all residents of Nebraska; and

(3) To promote a more aggressive program for the proper improvement and utilization of our state park system.

Sec. 3. That section 77-2602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2602. Every person, engaged in distributing or selling cigarettes at wholesale in this state, shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes thirteen

cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of thirteen cents for the first twenty cigarettes and thirteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. The proceeds of eight cents of such tax shall be placed in the General Fund and the proceeds of the remaining five cents of such tax shall be distributed in the following order:

First, in each fiscal year beginning with the fiscal year commencing July 1, 1972, there shall be first transferred to the University of Nebraska at Lincoln Field House Fund, which is hereby created, the sum of two million four hundred thousand dollars, and the money in such fund shall be used to make the annual payments on the lease of the field house building constructed pursuant to the provisions of section 85-1,100. There is hereby appropriated two million four hundred thousand dollars from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1977, for the purposes stated in this subdivision;

Second, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated;

Third, any unexpended balances existing on June 30, 1976, in the State Office Building at Omaha Fund are hereby reappropriated for the development of a program statement. Programs No. 991 of the University of Nebraska and No. 904 of the Department of Administrative Services are hereby merged into a single program within the Department of Administrative Services;

Fourth, there shall be placed in the Downtown Education Center and Office Rental Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1976-77 through 1983-84 and two million two hundred eighty thousand dollars each year for fiscal years 1984-85 and 1985-86. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1986, are hereby reappropriated; and

Fifth, beginning July 1, 1980, the equivalent of one cent of such tax shall be placed in the Nebraska

Outdoor Recreation Development Cash Fund. There shall be placed in such fund one million thirty thousand one hundred dollars for fiscal year 1979-80; and

Fifth Sixth, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

Sec. 4. There is hereby created a fund to be known as the Nebraska Outdoor Recreation Development Cash Fund. The fund shall contain the money received pursuant to section 3 of this act and any funds donated as gifts, bequests, or other contributions to such fund from public or private entities.

Sec. 5. (1) No appropriation shall be made from the Nebraska Outdoor Recreation Development Cash Fund until the Game and Parks Commission has presented a multi-year recreational development plan to the Legislature for its review, modification, and final approval. An updated version of such plan shall also be submitted to the Legislature annually for its modification and approval. The money in such fund shall be administered according to the provisions of this section by the Game and Parks Commission for the development, operation, and maintenance of areas of the state park system, except that expenditures may be authorized by the Legislature from the Nebraska Outdoor Recreation Development Cash Fund for the purpose of constructing a Nebraska Heritage Center in compliance with a program statement adopted by the State Historical Society and the acquisition of properties near the Capitol and the erection of a parking structure thereon to replace state-owned parking facilities lost by the construction of such Nebraska Heritage Center. Such funds may be used in whole or in part for the matching of federal funds. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services.

(2) When a recreational plan is prepared for any state park system area or part of a state park system area cooperatively managed by the Game and Parks Commission and the Nebraska State Historical Society, such plan shall insure that adequate funds are appropriated to develop and maintain historical aspects.

Sec. 6. Any money in the Nebraska Outdoor Recreation Development Cash Fund available for investment shall be invested by the state investment officer pursuant to Chapter 72, article 12.

Sec. 7. That original section 77-2602, Reissue
Revised Statutes of Nebraska, 1943, is repealed.