

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 679

Introduced by Krist, 10.

Read first time January 03, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Charitable Gaming Operations Fund; to
- 2 amend section 9-1,101, Revised Statutes Cumulative Supplement, 2016;
- 3 to change the distribution of taxes remitted to the fund; to provide
- 4 an operative date; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-1,101, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City
4 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
5 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section
6 9-701 shall be administered and enforced by the Charitable Gaming
7 Division of the Department of Revenue, which division is hereby created.
8 The Department of Revenue shall make annual reports to the Governor,
9 Legislature, Auditor of Public Accounts, and Attorney General on all tax
10 revenue received, expenses incurred, and other activities relating to the
11 administration and enforcement of such acts. The report submitted to the
12 Legislature shall be submitted electronically.

13 (2) The Charitable Gaming Operations Fund is hereby created. Any
14 money in the fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act and the
16 Nebraska State Funds Investment Act.

17 (3)(a) ~~Of Forty percent~~ of the taxes collected pursuant to sections
18 9-239, 9-344, 9-429, and 9-648:

19 (i) The State Treasurer shall transfer the first five hundred
20 thousand dollars collected each fiscal year from the Charitable Gaming
21 Operations Fund to the Compulsive Gamblers Assistance Fund; and

22 (ii) After the transfer required by subdivision (i) of this
23 subdivision has been satisfied, the State Treasurer shall transfer (A)
24 seven and one-half percent of the remaining balance in the Charitable
25 Gaming Operations Fund from the taxes collected each quarter of the
26 fiscal year to the Compulsive Gamblers Assistance Fund and (B) sixty
27 percent of the remainder after the transfer under subdivision (A) of this
28 subdivision from the taxes collected each quarter of the fiscal year to
29 the General Fund.

30 (b) The forty percent of the balance of the Charitable Gaming
31 Operations Fund from the taxes collected each quarter of the fiscal year

1 ~~remaining after the transfers under subdivision (a) of this subsection~~
2 shall be available to the Charitable Gaming Division for administering
3 and enforcing the acts listed in subsection (1) of this section and
4 providing administrative support for the Nebraska Commission on Problem
5 Gambling. ~~The remaining sixty percent shall be transferred to the General~~
6 ~~Fund. Any portion of the forty percent not used by the division in the~~
7 ~~administration and enforcement of such acts and section shall be~~
8 ~~distributed as provided in this subsection.~~

9 ~~(b) On or before November 1 each year, the State Treasurer shall~~
10 ~~transfer fifty thousand dollars from the Charitable Gaming Operations~~
11 ~~Fund to the Compulsive Gamblers Assistance Fund, except that no transfer~~
12 ~~shall occur if the Charitable Gaming Operations Fund contains less than~~
13 ~~fifty thousand dollars.~~

14 (c) Any money remaining in the Charitable Gaming Operations Fund
15 after the transfer pursuant to subdivision (b) of this subsection not
16 used by the Charitable Gaming Division in its administration and
17 enforcement duties pursuant to this section may be transferred to the
18 General Fund at the direction of the Legislature.

19 (4) The Tax Commissioner shall employ investigators who shall be
20 vested with the authority and power of a law enforcement officer to carry
21 out the laws of this state administered by the Tax Commissioner or the
22 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
23 to possession of a gambling device. For purposes of enforcing sections
24 28-1101 to 28-1117, the authority of the investigators shall be limited
25 to investigating possession of a gambling device, notifying local law
26 enforcement authorities, and reporting suspected violations to the county
27 attorney for prosecution.

28 (5) The Charitable Gaming Division may charge a fee for publications
29 and listings it produces. The fee shall not exceed the cost of
30 publication and distribution of such items. The division may also charge
31 a fee for making a copy of any record in its possession equal to the

1 actual cost per page. The division shall remit the fees to the State
2 Treasurer for credit to the Charitable Gaming Operations Fund.

3 (6) For administrative purposes only, the Nebraska Commission on
4 Problem Gambling shall be located within the Charitable Gaming Division.
5 The division shall provide office space, furniture, equipment, and
6 stationery and other necessary supplies for the commission. Commission
7 staff shall be appointed, supervised, and terminated by the director of
8 the Gamblers Assistance Program pursuant to section 9-1004.

9 Sec. 2. This act becomes operative on July 1, 2019.

10 Sec. 3. Original section 9-1,101, Revised Statutes Cumulative
11 Supplement, 2016, is repealed.