

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 41

Introduced by Hilkemann, 4.

Read first time January 10, 2019

Committee: Appropriations

- 1 A BILL FOR AN ACT relating to bingo and other gambling; to amend section
- 2 9-1,101, Revised Statutes Cumulative Supplement, 2018; to change
- 3 provisions relating to the Charitable Gaming Division and the
- 4 Nebraska Commission on Problem Gambling, use of the Charitable
- 5 Gaming Operations Fund, and transfers to the Compulsive Gamblers
- 6 Assistance Fund and General Fund as prescribed; and to repeal the
- 7 original section.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-1,101, Revised Statutes Cumulative Supplement,
2 2018, 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 the taxes collected pursuant to sections 9-239, 9-344,~~
18 ~~9-429, and 9-648, the State Treasurer shall transfer: Forty percent of~~
19 ~~the taxes collected pursuant to sections 9-239, 9-344, 9-429, and 9-648~~
20 ~~shall be available to the Charitable Gaming Division for administering~~
21 ~~and enforcing the acts listed in subsection (1) of this section and~~
22 ~~providing administrative support for the Nebraska Commission on Problem~~
23 ~~Gambling. The remaining sixty percent shall be transferred to the General~~
24 ~~Fund. Any portion of the forty percent not used by the division in the~~
25 ~~administration and enforcement of such acts and section shall be~~
26 ~~distributed as provided in this subsection.~~

27 (i) The first five hundred thousand dollars collected each fiscal
28 year from the Charitable Gaming Operations Fund to the Compulsive
29 Gamblers Assistance Fund, such transfers to be made in four installments
30 equal to one hundred twenty-five thousand dollars each on or before the
31 last day of the last month of each fiscal quarter; and

1 (ii) After each transfer required by subdivision (a)(i) of this
2 subsection has been satisfied, (A) one percent of the remaining balance
3 in the Charitable Gaming Operations Fund from the taxes collected each
4 fiscal quarter to the Compulsive Gamblers Assistance Fund and (B) sixty
5 percent of the remainder after the transfer under subdivision(A) of this
6 subdivision from the taxes collected each fiscal quarter to the General
7 Fund.

8 (b) Any money remaining in the Charitable Gaming Operations Fund
9 after the transfers made pursuant to subdivision (a) of this subsection
10 shall be available to the Charitable Gaming Division for administering
11 and enforcing the acts listed in subsection (1) of this section and
12 providing administrative support for the Nebraska Commission on Problem
13 Gambling.

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

19 ~~(b) On or before November 1 each year, the State Treasurer shall~~
20 ~~transfer one hundred thousand dollars from the Charitable Gaming~~
21 ~~Operations Fund to the Compulsive Gamblers Assistance Fund, except that~~
22 ~~no transfer shall occur if the Charitable Gaming Operations Fund contains~~
23 ~~less than one hundred thousand dollars.~~

24 ~~(c) Any money remaining in the Charitable Gaming Operations Fund~~
25 ~~after the transfer pursuant to subdivision (b) of this subsection not~~
26 ~~used by the Charitable Gaming Division in its administration and~~
27 ~~enforcement duties pursuant to this section may be transferred to the~~
28 ~~General Fund at the direction of the Legislature.~~

29 (4) The Tax Commissioner shall employ investigators who shall be
30 vested with the authority and power of a law enforcement officer to carry
31 out the laws of this state administered by the Tax Commissioner or the

1 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
2 to possession of a gambling device. For purposes of enforcing sections
3 28-1101 to 28-1117, the authority of the investigators shall be limited
4 to investigating possession of a gambling device, notifying local law
5 enforcement authorities, and reporting suspected violations to the county
6 attorney for prosecution.

7 (5) The Charitable Gaming Division may charge a fee for publications
8 and listings it produces. The fee shall not exceed the cost of
9 publication and distribution of such items. The division may also charge
10 a fee for making a copy of any record in its possession equal to the
11 actual cost per page. The division shall remit the fees to the State
12 Treasurer for credit to the Charitable Gaming Operations Fund.

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

19 Sec. 2. Original section 9-1,101, Revised Statutes Cumulative
20 Supplement, 2018, is repealed.