

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 17**

Introduced by Krist, 10.

Read first time January 08, 2015

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-831,
- 2 and 9-1006, Revised Statutes Cumulative Supplement, 2014; to change
- 3 provisions relating to transfers to the Compulsive Gamblers
- 4 Assistance Fund; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-1,101, Revised Statutes Cumulative Supplement,  
2 2014, 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) Forty percent of the taxes collected pursuant to sections  
18 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable  
19 Gaming Division for administering and enforcing the acts listed in  
20 subsection (1) of this section and providing administrative support for  
21 the Nebraska Commission on Problem Gambling. The remaining sixty percent  
22 shall be transferred to the General Fund. Any portion of the forty  
23 percent not used by the division in the administration and enforcement of  
24 such acts and section shall be distributed as provided in this  
25 subsection.

26 (b) On or before November 1 each year, the State Treasurer shall  
27 transfer two hundred fifty thousand dollars from the Charitable Gaming  
28 Operations Fund to the Compulsive Gamblers Assistance Fund, except that  
29 no transfer shall occur if the Charitable Gaming Operations Fund contains  
30 less than two hundred fifty thousand dollars.

31 (c) Any money remaining in the Charitable Gaming Operations Fund

1 after the transfer pursuant to subdivision (b) of this subsection not  
2 used by the Charitable Gaming Division in its administration and  
3 enforcement duties pursuant to this section may be transferred to the  
4 General Fund at the direction of the Legislature.

5 (4) The Tax Commissioner shall employ investigators who shall be  
6 vested with the authority and power of a law enforcement officer to carry  
7 out the laws of this state administered by the Tax Commissioner or the  
8 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating  
9 to possession of a gambling device. For purposes of enforcing sections  
10 28-1101 to 28-1117, the authority of the investigators shall be limited  
11 to investigating possession of a gambling device, notifying local law  
12 enforcement authorities, and reporting suspected violations to the county  
13 attorney for prosecution.

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

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

26 Sec. 2. Section 9-831, Revised Statutes Cumulative Supplement, 2014,  
27 is amended to read:

28 9-831 The State Treasurer, upon being advised by the division of the  
29 dollar amount, ~~division~~ shall transfer spend not less than five percent  
30 of the advertising budget for the state lottery from the State Lottery  
31 Operation Cash Fund to the Compulsive Gamblers Assistance Fund

1 established pursuant to section 9-1006, to be administered by the  
2 Nebraska Commission on Problem Gambling pursuant to sections 9-1001 to  
3 9-1007 on problem gambling prevention, education, and awareness messages.  
4 ~~The division shall coordinate messages developed under this section with~~  
5 ~~the prevention, education, and awareness messages in use by or developed~~  
6 ~~in conjunction with the Gamblers Assistance Program established pursuant~~  
7 ~~to section 9-1005.~~ For purposes of this section, the advertising budget  
8 for the state lottery includes amounts budgeted and spent for  
9 advertising, promotions, incentives, public relations, marketing, or  
10 contracts for the purchase or lease of goods or services that include  
11 advertising, promotions, incentives, public relations, or marketing, but  
12 does not include in-kind contributions by media outlets.

13       Sec. 3. Section 9-1006, Revised Statutes Cumulative Supplement,  
14 2014, is amended to read:

15       9-1006 The Compulsive Gamblers Assistance Fund is created. The fund  
16 shall include revenue transferred from the State Lottery Operation Trust  
17 Fund under section 9-812, from the State Lottery Operation Cash Fund  
18 under section 9-831, and the Charitable Gaming Operations Fund under  
19 section 9-1,101 and any other revenue received by the division or  
20 commission for credit to the fund from any other public or private  
21 source, including, but not limited to, appropriations, grants, donations,  
22 gifts, devises, bequests, fees, or reimbursements. The commission shall  
23 administer the fund for the operation of the Gamblers Assistance Program.  
24 The Director of Administrative Services shall draw warrants upon the  
25 Compulsive Gamblers Assistance Fund upon the presentation of proper  
26 vouchers by the commission. Money from the Compulsive Gamblers Assistance  
27 Fund shall be used exclusively for the purpose of providing assistance to  
28 agencies, groups, organizations, and individuals that provide education,  
29 assistance, and counseling to individuals and families experiencing  
30 difficulty as a result of problem gambling, to promote the awareness of  
31 problem gamblers assistance programs, and to pay the costs and expenses

1 of the Gamblers Assistance Program, including travel. Any money in the  
2 fund available for investment shall be invested by the state investment  
3 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
4 State Funds Investment Act.

5 Sec. 4. Original sections 9-1,101, 9-831, and 9-1006, Revised  
6 Statutes Cumulative Supplement, 2014, are repealed.