

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1009**

FINAL READING

Introduced by Speaker Scheer, 19; at the request of the Governor.

Read first time January 15, 2020

Committee: Appropriations

1 A BILL FOR AN ACT relating to appropriations; to amend sections 61-222,  
2 61-224, and 81-829.33, Reissue Revised Statutes of Nebraska, and  
3 sections 9-1,101 and 13-2704, Revised Statutes Supplement, 2019; to  
4 provide for, change, and eliminate fund transfers; to change  
5 authorized uses of funds; to repeal a fund; to harmonize provisions;  
6 to repeal the original sections; to outright repeal section 46-752,  
7 Reissue Revised Statutes of Nebraska; and to declare an emergency.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. The State Treasurer shall transfer three million eight  
2 hundred thousand dollars from the General Fund to the Critical  
3 Infrastructure Facilities Cash Fund on or before September 15, 2020, on  
4 such date as directed by the budget administrator of the budget division  
5 of the Department of Administrative Services.

6           Sec. 2. Section 9-1,101, Revised Statutes Supplement, 2019, is  
7 amended to read:

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

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

22           (3)(a) Forty percent of the taxes collected pursuant to sections  
23 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable  
24 Gaming Division for administering and enforcing the acts listed in  
25 subsection (1) of this section and providing administrative support for  
26 the Nebraska Commission on Problem Gambling. The remaining sixty percent  
27 shall be transferred to the General Fund. Any portion of the forty  
28 percent not used by the division in the administration and enforcement of  
29 such acts and section shall be distributed as provided in this  
30 subsection.

31           (b) Beginning July 1, 2019, through June 30, 2021, on or before the

1 last day of the last month of each calendar quarter, the State Treasurer  
2 shall transfer one hundred thousand dollars from the Charitable Gaming  
3 Operations Fund to the Compulsive Gamblers Assistance Fund.—Beginning  
4 July 1, 2021, on or before November 1 each year, the State Treasurer  
5 shall transfer one hundred thousand dollars from the Charitable Gaming  
6 Operations Fund to the Compulsive Gamblers Assistance Fund, except that  
7 no transfer shall occur if the Charitable Gaming Operations Fund contains  
8 less than one hundred thousand dollars.

9 (c) Any money remaining in the Charitable Gaming Operations Fund  
10 after the transfer pursuant to subdivision (b) of this subsection not  
11 used by the Charitable Gaming Division in its administration and  
12 enforcement duties pursuant to this section may be transferred to the  
13 General Fund and the Compulsive Gamblers Assistance Fund at the direction  
14 of the Legislature.

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

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

30 (6) For administrative purposes only, the Nebraska Commission on  
31 Problem Gambling shall be located within the Charitable Gaming Division.

1 The division shall provide office space, furniture, equipment, and  
2 stationery and other necessary supplies for the commission. Commission  
3 staff shall be appointed, supervised, and terminated by the director of  
4 the Gamblers Assistance Program pursuant to section 9-1004.

5 Sec. 3. Section 13-2704, Revised Statutes Supplement, 2019, is  
6 amended to read:

7 13-2704 (1) The Civic and Community Center Financing Fund is  
8 created. The fund shall be administered by the department. Any money in  
9 the fund available for investment shall be invested by the state  
10 investment officer pursuant to the Nebraska Capital Expansion Act and the  
11 Nebraska State Funds Investment Act. Transfers may be made from the fund  
12 to the General Fund, the Department of Revenue Enforcement Fund, and the  
13 State Colleges Sport Facilities Cash Fund at the direction of the  
14 Legislature.

15 (2)(a) The department shall use the Civic and Community Center  
16 Financing Fund for the following purposes:

17 (i) For grants of assistance as described in section 13-2704.01;

18 (ii) For grants of assistance as described in section 13-2704.02;

19 and

20 (iii) For reasonable and necessary costs of the department directly  
21 related to the administration of the fund, ~~not to exceed the amount~~  
22 ~~needed to employ a one-half full-time equivalent employee.~~

23 (b) Grants of assistance shall not be used for programming,  
24 marketing, advertising, or facility-staffing activities.

25 (3) The State Treasurer shall transfer two hundred fifty thousand  
26 dollars from the Civic and Community Center Financing Fund to the State  
27 Colleges Sport Facilities Cash Fund on October 1 of 2012, 2013, and 2014.  
28 Commencing October 1, 2015, and every year thereafter, the State  
29 Treasurer shall transfer three hundred thousand dollars from the Civic  
30 and Community Center Financing Fund to the State Colleges Sport  
31 Facilities Cash Fund.

1           Sec. 4. Section 61-222, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           61-222 The Water Sustainability Fund is created in the Department of  
4 Natural Resources. The fund shall be used in accordance with the  
5 provisions established in Laws 2014, LB1098, and for costs directly  
6 related to the administration of the fund, except that transfers may be  
7 made from the fund as provided in this section.

8           The fund shall consist of money transferred to the fund by the  
9 Legislature, other funds as appropriated by the Legislature, and money  
10 donated as gifts, bequests, or other contributions from public or private  
11 entities. Funds made available by any department or agency of the United  
12 States may also be credited to the fund if so directed by such department  
13 or agency. Any money in the fund available for investment shall be  
14 invested by the state investment officer pursuant to the Nebraska Capital  
15 Expansion Act and the Nebraska State Funds Investment Act. Investment  
16 earnings from investment of money in the fund shall be credited to the  
17 fund.

18           It is the intent of the Legislature that twenty-one million dollars  
19 be transferred from the General Fund to the Water Sustainability Fund in  
20 fiscal year 2014-15 and that eleven million dollars be transferred from  
21 the General Fund to the Water Sustainability Fund each fiscal year  
22 beginning in fiscal year 2015-16. It is the intent of the Legislature  
23 that three million dollars be transferred annually from the Water  
24 Sustainability Fund to the Nebraska Resources Development Fund in  
25 FY2015-16 and in FY2016-17.

26           The State Treasurer shall transfer one hundred seventy-five thousand  
27 dollars from the Water Sustainability Fund to the Department of Natural  
28 Resources Cash Fund on or before June 30, 2021, on such dates and in such  
29 amounts as directed by the budget administrator of the budget division of  
30 the Department of Administrative Services.

31           The State Treasurer shall transfer four hundred twenty-five thousand

1 dollars from the Water Sustainability Fund to the Department of Natural  
2 Resources Cash Fund on or before June 30, 2021, on such dates and in such  
3 amounts as directed by the budget administrator of the budget division of  
4 the Department of Administrative Services.

5 The State Treasurer shall transfer five hundred thousand dollars  
6 from the Water Sustainability Fund to the General Fund on or before June  
7 30, 2021, on such dates and in such amounts as directed by the budget  
8 administrator of the budget division of the Department of Administrative  
9 Services.

10 Sec. 5. Section 61-224, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 61-224 There is hereby created the Critical Infrastructure  
13 Facilities Cash Fund in the Department of Natural Resources. The fund  
14 shall consist of funds appropriated or transferred by the Legislature.  
15 The fund shall be used by the Department of Natural Resources (1) to  
16 provide a grant to a natural resources district to offset costs related  
17 to soil and water improvements intended to protect critical  
18 infrastructure facilities within the district which includes military  
19 installations, transportation routes, and wastewater treatment facilities  
20 and (2) to provide a grant to an irrigation district for reimbursement of  
21 costs related to temporary repairs to the main canal and tunnels of an  
22 interstate irrigation system which experienced a failure. Any funds  
23 remaining after all such project costs have been completely funded shall  
24 be transferred to the General Fund. Transfers may be made from the  
25 Critical Infrastructure Facilities Cash Fund fund to the General Fund at  
26 the direction of the Legislature. The State Treasurer shall transfer  
27 three hundred eighty-four thousand two hundred twenty-two dollars plus  
28 any accrued interest through April 5, 2018, from the Critical  
29 Infrastructure Facilities Cash Fund to the General Fund on or before June  
30 30, 2019, on such dates and in such amounts as directed by the budget  
31 administrator of the budget division of the Department of Administrative

1 Services. Any money in the Critical Infrastructure Facilities Cash Fund  
2 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, and any interest earned by the fund shall be  
5 credited to the General Fund.

6 Sec. 6. Section 81-829.33, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 81-829.33 The Governor's Emergency Cash Fund is created. The fund  
9 shall consist of federal reimbursements received by the state for  
10 eligible state administrative costs incurred by the Nebraska Emergency  
11 Management Agency for administering federal emergency disaster  
12 declarations and revenue from all other nonfederal government sources.  
13 Except as provided in section 90-270, the fund shall be used to pay  
14 eligible costs related to state emergency disaster declarations. The fund  
15 shall be administered by the State Administrator of the Nebraska  
16 Emergency Management Agency. Any money in the fund available for  
17 investment shall be invested by the state investment officer pursuant to  
18 the Nebraska Capital Expansion Act and the Nebraska State Funds  
19 Investment Act.

20 Transfers may be made from the Governor's Emergency Cash Fund to the  
21 Cash Reserve Fund at the direction of the Legislature through June 30,  
22 2021. The State Treasurer shall transfer sixty million dollars from the  
23 Governor's Emergency Cash Fund to the Cash Reserve Fund between the  
24 effective date of this act and June 30, 2021, on such dates and in such  
25 amounts as directed by the budget administrator of the budget division of  
26 the Department of Administrative Services.

27 Sec. 7. Original sections 61-222, 61-224, and 81-829.33, Reissue  
28 Revised Statutes of Nebraska, and sections 9-1,101 and 13-2704, Revised  
29 Statutes Supplement, 2019, are repealed.

30 Sec. 8. The following section is outright repealed: Section 46-752,  
31 Reissue Revised Statutes of Nebraska.

1           Sec. 9.   Since an emergency exists, this act takes effect when  
2   passed and approved according to law.