

## LEGISLATIVE BILL 397

Approved by the Governor June 9, 1993

Introduced by Hall, 7, at the request of the Governor

AN ACT relating to the State Athletic Commissioner; to amend sections 9-1,101 and 81-8,128, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,139.01, Revised Statutes Supplement, 1992; to change provisions relating to distribution of certain taxes, location of the office and an advisory committee, and employment of assistants; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 9-1,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

(2) The Charitable Gaming Operations Fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(3) Forty percent of the taxes collected pursuant to sections 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable Gaming Division for administering and enforcing the acts and section 81-8,128. The remaining sixty percent, along with any portion of the forty percent not used by the division in its administration and enforcement of such acts or section 81-8,128, shall be transferred to the General Fund.

(4) The Tax Commissioner shall employ investigators and inspectors who shall be appointed deputy state sheriffs by the Governor and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of the acts.

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

credit to the Charitable Gaming Operations Fund.

Sec. 2. That section 81-8,128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,128. There is hereby established the position of State Athletic Commissioner. The ~~State Athletic Commissioner~~ commissioner shall be appointed by the Governor and shall hold office for a term of two years commencing the first Thursday after the first Tuesday of January in each odd-numbered year. ~~He~~ The commissioner shall receive such salary as the Governor may elect but not to exceed four thousand five hundred dollars annually; and shall be bonded under the blanket surety bond required by section 11-201. ~~He shall have authority to employ assistants and fix their compensation. He shall be eligible to succeed himself in office.~~ The commissioner may be reappointed for successive terms.

The office of the commissioner shall be located within the Charitable Gaming Division of the Department of Revenue. The commissioner may exercise and perform his or her powers and duties at any location in the state. The commissioner may employ assistants and fix their compensation in conjunction with the Charitable Gaming Division. The compensation of assistants shall be paid through the Charitable Gaming Operations Fund.

Sec. 3. That section 81-8,139.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-8,139.01. (1) An advisory committee is hereby created which shall be known as the Athletic Advisory Committee. The Governor shall appoint three persons to the committee. The members shall be selected on their experience, training, and interest in boxing and wrestling, and one member shall be or shall have been active in amateur boxing, one member shall be or shall have been active in professional wrestling, and one member shall be or shall have been active in professional boxing. The members shall serve at the pleasure of the Governor, and the commissioner may recommend individuals to serve on the advisory committee. ~~The advisory committee~~ members shall receive no salaries but shall receive reimbursement for their expenses as provided in sections 81-1174 to 81-1177. The committee shall meet and be located within the Charitable Gaming Division of the Department of Revenue. The committee may exercise and perform its powers and duties at any location in the state. ~~for state employees.~~ The committee shall review the rules and regulations drawn up by the commissioner; pursuant to section 81-8,139; and shall make recommendations and give advice regarding any proposed or adopted rules and regulations.

(2) The Athletic Advisory Committee shall serve as an appeals board which shall hear and determine all cases of parties who contest any of the State Athletic Commissioner's decisions. The procedure for such appeal shall be designated in the commissioner's rules and regulations, and the decision of the ~~advisory~~ committee shall be by a majority vote of the committee. Any party who wishes to appeal from the ~~advisory~~ committee's decision may appeal the decision, and the

appeal shall be in accordance with the Administrative Procedure Act.

Sec. 4. This act shall become operative on July 1, 1993.

Sec. 5. That original sections 9-1,101 and 81-8,128, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,139.01, Revised Statutes Supplement, 1992, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.