

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 538**

FINAL READING

Introduced by Lathrop, 12.

Read first time January 22, 2019

Committee: General Affairs

1 A BILL FOR AN ACT relating to gambling; to amend sections 28-1107,  
2 77-3001, 77-3006, 77-3007, 77-3008, 77-3010, and 77-3011, Reissue  
3 Revised Statutes of Nebraska, and section 77-5601, Reissue Revised  
4 Statutes of Nebraska, as amended by section 2, Legislative Bill 237,  
5 One Hundred Sixth Legislature, First Session, 2019; to change  
6 provisions relating to possession of a gambling device; to define  
7 and redefine terms under the Mechanical Amusement Device Tax Act; to  
8 provide for approval of certain mechanical amusement devices by, and  
9 provide duties and powers for, the Department of Revenue as  
10 prescribed; to restrict operation of a cash device as prescribed; to  
11 provide for the use of certain fees for enforcement; to authorize  
12 the manufacture, sale, transport, placement, possession, or entry  
13 into transactions involving certain cash devices as prescribed; to  
14 provide fees; to harmonize provisions; to provide an operative date;  
15 and to repeal the original sections.  
16 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1107, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 28-1107 (1) A person commits the offense of possession of a gambling  
4 device if he or she manufactures, sells, transports, places, possesses,  
5 or conducts or negotiates any transaction affecting or designed to affect  
6 ownership, custody, or use of any gambling device, knowing that it shall  
7 be used in the advancement of unlawful gambling activity.

8 (2) The owner or operator of a retail establishment who is not a  
9 manufacturer, distributor, or seller of mechanical amusement devices as  
10 defined under the Mechanical Amusement Device Tax Act, shall have an  
11 affirmative defense to possession of a gambling device described in  
12 subsection (1) of this section if the device bears an unexpired  
13 mechanical amusement device decal as required by such act. However, such  
14 affirmative defense may be overcome if the owner or operator had actual  
15 knowledge that operation of the device constituted unlawful gambling  
16 activity at any time such device was operated on the premises of the  
17 retail establishment.

18 ~~(2) This section shall not apply to any coin-operated mechanical~~  
19 ~~gaming device, computer gaming device, electronic gaming device, or video~~  
20 ~~gaming device which has the capability of awarding free games, which is~~  
21 ~~intended to be played and is in fact played for amusement only, and which~~  
22 ~~may allow the player the right to replay such gaming device at no~~  
23 ~~additional cost, which right to replay shall not be considered money or~~  
24 ~~property, except that such mechanical game (a) can be discharged of~~  
25 ~~accumulated free replays only by reactivating the game for one additional~~  
26 ~~play for each accumulated free replay and (b) makes no permanent record~~  
27 ~~directly or indirectly of free replays so awarded.~~

28 (3) Notwithstanding any other provisions of this section, any  
29 mechanical game or device classified by the federal government as an  
30 illegal gambling device and requiring a federal Gambling Device Tax Stamp  
31 as required by the Internal Revenue Service in its administration of 26

1 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, is are  
2 hereby declared to be illegal and excluded from the exemption granted in  
3 this section.

4 (4) ~~(3)~~ Possession of a gambling device is a Class II misdemeanor.

5 Sec. 2. Section 77-3001, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 77-3001 For purposes of the Mechanical Amusement Device Tax Act,  
8 unless the context otherwise requires:

9 (1) Cash device means any mechanical amusement device capable of  
10 awarding (a) cash, (b) anything redeemable for cash, (c) gift cards,  
11 credit, or other instruments which have a value denominated by reference  
12 to an amount of currency, or (d) anything redeemable for anything  
13 described in subdivision (c) of this subdivision;

14 (2) Department means the Department of Revenue;

15 (3) Distributor means any person who sells, leases, or delivers  
16 possession or custody of a machine or mechanical device to operators  
17 thereof for a consideration either directly or indirectly received;

18 (4) Mechanical amusement device means any machine which, upon  
19 insertion of a coin, currency, credit card, or substitute into the  
20 machine, operates or may be operated or used for a game, contest, or  
21 amusement of any description, such as, by way of example, but not by way  
22 of limitation, pinball games, shuffleboard, bowling games, radio-ray  
23 rifle games, baseball, football, racing, boxing games, electronic video  
24 games of skill, and coin-operated pool tables. Mechanical amusement  
25 device also includes game and draw lotteries and coin-operated automatic  
26 musical devices. Mechanical amusement device does not mean vending  
27 machines which dispense tangible personal property, devices located in  
28 private homes for private use, pickle card dispensing devices which are  
29 required to be registered with the department pursuant to section  
30 9-345.03, or devices which are mechanically constructed in a manner that  
31 would render their operation illegal under the laws of the State of

1 Nebraska;

2 (5) Operator means any person who operates a place of business in  
3 which a machine or device owned by him or her is physically located or  
4 any person who places and who either directly or indirectly controls or  
5 manages any machine or device;

6 (6) (1) Person means an individual, partnership, limited liability  
7 company, society, association, joint-stock company, corporation, estate,  
8 receiver, lessee, trustee, assignee, referee, or other person acting in a  
9 fiduciary or representative capacity, whether appointed by a court or  
10 otherwise, and any combination of individuals;

11 ~~(2) Mechanical amusement device means any machine which, upon~~  
12 ~~insertion of a coin, currency, credit card, or substitute into the~~  
13 ~~machine, operates or may be operated or used for a game, contest, or~~  
14 ~~amusement of any description, such as, by way of example, but not by way~~  
15 ~~of limitation, pinball games, shuffleboard, bowling games, radio-ray~~  
16 ~~rifle games, baseball, football, racing, boxing games, and coin-operated~~  
17 ~~pool tables. Mechanical amusement device also includes game and draw~~  
18 ~~lotteries and coin-operated automatic musical devices. The term does not~~  
19 ~~mean vending machines which dispense tangible personal property, devices~~  
20 ~~located in private homes for private use, pickle card dispensing devices~~  
21 ~~which are required to be registered with the Department of Revenue~~  
22 ~~pursuant to section 9-345.03, or devices which are mechanically~~  
23 ~~constructed in a manner that would render their operation illegal under~~  
24 ~~the laws of the State of Nebraska;~~

25 ~~(3) Operator means any person who operates a place of business in~~  
26 ~~which a machine or device owned by him or her is physically located or~~  
27 ~~any person who places and who either directly or indirectly controls or~~  
28 ~~manages any machine or device;~~

29 ~~(4) Distributor means any person who sells, leases, or delivers~~  
30 ~~possession or custody of a machine or mechanical device to operators~~  
31 ~~thereof for a consideration either directly or indirectly received;~~

1           (7) ~~(5)~~ Whenever in the act, the words machine or device are used,  
2 they refer to mechanical amusement device; ~~and~~

3           (8) Whenever in the act, the words electronic video games of skill,  
4 games of skill, or skill-based devices are used, they refer to mechanical  
5 amusement devices which produce an outcome predominantly caused by skill  
6 and not chance; and

7           (9) ~~(6)~~ Whenever in the act, the words machine, device, person,  
8 operator, or distributor are used, the words in the singular include the  
9 plural and in the plural include the singular.

10           Sec. 3. (1)(a) The Tax Commissioner or his or her agents or  
11 employees, at the direction of the Tax Commissioner, or any peace officer  
12 of this state may seize, without a warrant, any mechanical amusement  
13 device if there is cause to believe such device is not in compliance with  
14 the Mechanical Amusement Device Tax Act or any rules and regulations  
15 adopted and promulgated under the act or if the department determines the  
16 response to a request for information is materially deficient without  
17 good cause. In addition to seizure, any person placing in service or  
18 operating a cash device constituting a game of chance within this state  
19 shall be subject to a penalty of one thousand dollars for each day of  
20 such operation.

21           (b) For purposes of this subsection, a mechanical amusement device  
22 is subject to seizure and penalties as if it were a game of chance if:

23           (i) The mechanical amusement device is a cash device; and

24           (ii) The mechanical amusement device does not bear an unexpired  
25 decal as required under the Mechanical Amusement Device Tax Act.

26           (c) This section does not apply to any device (i) used in any bingo,  
27 lottery by the sale of pickle cards, or other lottery, raffle, or gift  
28 enterprise conducted in accordance with the Nebraska Bingo Act, Nebraska  
29 County and City Lottery Act, Nebraska Lottery and Raffle Act, Nebraska  
30 Pickle Card Lottery Act, Nebraska Small Lottery and Raffle Act, State  
31 Lottery Act, or section 9-701, (ii) used for a prize contest as defined

1 in section 28-1101, or (iii) specifically authorized by the laws of this  
2 state.

3 (2) To receive a determination from the department that a cash  
4 device is in compliance with the Mechanical Amusement Device Tax Act and  
5 any rules and regulations adopted and promulgated under the act, a  
6 manufacturer or distributor of the device shall:

7 (a) Submit an application to the Tax Commissioner containing  
8 information regarding the device's location, software, Internet  
9 connectivity, and configuration as may be required by the Tax  
10 Commissioner;

11 (b) Submit an application fee of five hundred dollars;

12 (c) Provide a specimen of the proposed device;

13 (d) Provide all supporting evidence, including a report by an  
14 independent testing authority preapproved by the Tax Commissioner, to the  
15 Tax Commissioner indicating that, under all configurations, settings, and  
16 modes of operation, operation of the device constitutes a game of skill  
17 and not a game of chance and the use, operation, sale, or manufacture of  
18 the device would not constitute a violation of section 28-1107; and

19 (e) Provide an affidavit from the distributor affirming that no  
20 functional changes in hardware or software will be made to the approved  
21 device without further approval from the Tax Commissioner.

22 (3) The Tax Commissioner shall issue a response in writing to the  
23 applicant within forty-five days after the applicant has completed and  
24 submitted all application requirements. The Tax Commissioner's response  
25 shall state the reason for any denial or the reasons a determination  
26 cannot be made.

27 (4)(a) A device shall not be considered a game of skill if one or  
28 more of the following apply:

29 (i) The ability of any player to succeed at the game played on the  
30 device is impacted by the number or ratio of prior wins to prior losses  
31 of players playing such device;

1        (ii) The ability of the player to succeed at the game played on the  
2 device is impacted by the ability of any person to set a specified win-  
3 loss ratio for the device or by the device having a predetermined win-  
4 loss percentage;

5        (iii) The outcome of the game played on the device can be controlled  
6 by a source other than any player playing the device;

7        (iv) The success of any player is or may be determined by a chance  
8 event which cannot be altered by player action;

9        (v) There is no possibility for the player to win every game played  
10 on the device or there are unwinnable games or game modes on the device;

11        (vi) The ability of any player to succeed at the game played on the  
12 device requires the exercise of skill that no reasonable player could  
13 exercise; or

14        (vii) The primary determination of the prize amount is determined by  
15 the presentation or generation of a particular puzzle or group of symbols  
16 dealt to the player and the player does not have control over the puzzle  
17 or group of symbols presented.

18        (b) For purposes of this subsection, reasonable player means a  
19 player with an average level of intelligence, physical and mental skills,  
20 reaction time, and dexterity.

21        (5) The department or any court considering whether a gambling  
22 device is a game of skill may consider:

23        (a) The results of an analysis by any independent testing authority  
24 preapproved by the Tax Commissioner to evaluate the reaction time  
25 required for a player of a particular game on such device to perform the  
26 tasks required by the game to win; or

27        (b) The results of an analysis by any independent testing authority  
28 preapproved by the Tax Commissioner to evaluate factors set forth by the  
29 Tax Commissioner, other than reaction time, required for the player of a  
30 particular game on such device to perform the tasks required by the game  
31 to win.

1       (6) Factors which are not sufficient indications of a skill-based  
2 game include, but are not limited to:

3       (a) Whether a comprehensive list of prizes or outcomes is offered to  
4 the player or whether all outcomes are drawn from a finite pool of  
5 predetermined outcomes or starting positions;

6       (b) Whether a player can increase his or her chance of winning based  
7 on knowledge of probabilities in general or the probabilities of any  
8 particular prize or outcome in a game or on a device;

9       (c) Whether a player can simply choose not to play before committing  
10 money or credits; or

11       (d) A game task consisting solely of moving a symbol up or down,  
12 replacing one symbol with another, or any similar action, with or without  
13 a timer.

14       (7) Upon approval of an application based on a determination that  
15 the mechanical amusement device is a game of skill and not a game of  
16 chance, the Tax Commissioner shall issue a mechanical amusement device  
17 decal for the device as configured and as provided in subsection (8) of  
18 this section. No mechanical amusement device decal shall be issued for  
19 any cash device unless the department has determined that such device is  
20 a game of skill and not a game of chance and that the manufacture, sale,  
21 transport, placement, possession, or operation of such device does not  
22 constitute a violation of section 28-1107. If the Tax Commissioner does  
23 not approve the application for the device, the application shall be  
24 denied and the operator shall have the opportunity for an administrative  
25 hearing before the Tax Commissioner at which evidence may be presented on  
26 the issue of whether the device is specifically authorized by law and is  
27 not a gambling device as defined in section 28-1101. After such hearing,  
28 the Tax Commissioner shall enter a final decision approving or denying  
29 the application. The Tax Commissioner's final decision may be appealed,  
30 and the appeal shall be in accordance with the Administrative Procedure  
31 Act.



1       (8)(a) Upon approval of a specimen of a mechanical amusement device  
2 as a game of skill under this section, the department may issue a  
3 mechanical amusement device decal for each such device:

4       (i) If certified by the manufacturer to be functionally identical in  
5 both hardware and software configurations to the specimen provided to the  
6 department; and

7       (ii) If the application fee described in subdivision (2)(b) of this  
8 section and the annual decal fee described in subdivision (c) of this  
9 subsection have been paid.

10       (b) An owner or operator of a retail establishment shall operate no  
11 more than four cash devices, except that an establishment with over four  
12 thousand square feet may have one cash device for each one thousand  
13 square feet, up to a maximum of fifteen cash devices.

14       (c) The owner or operator of a cash device shall pay an annual decal  
15 fee of two hundred fifty dollars to the department for each device in  
16 operation in Nebraska. The decal issued under this section shall be  
17 distinct from other decals issued by the department for mechanical  
18 amusement devices that are not required to be evaluated under this  
19 section. Regardless of the issuance of a decal by the department, no  
20 device shall be considered in compliance if it does not bear an unexpired  
21 decal in a conspicuous place.

22       (9) The application process described in this section shall not be  
23 construed to limit further investigation by the department or the  
24 issuance of further regulations to promote compliance after the  
25 application process is completed. At any point after a determination of  
26 skill by the department, the department may request from the  
27 manufacturer, distributor, or operator information about any device in  
28 operation in this state, including, but not limited to, information  
29 regarding currently operable source code, changes to software or  
30 hardware, and communications from or to the device over the Internet. A  
31 manufacturer, distributor, or operator that receives a request shall

1 respond with all responsive information in its possession or control  
2 within fifteen business days.

3 (10)(a) Before any rules and regulations adopted and promulgated to  
4 carry out this section become effective, any manufacturer, distributor,  
5 or owner may continue to manufacture, sell, transport, place, possess, or  
6 enter into a transaction involving (i) cash devices already in operation  
7 at an establishment as of May 1, 2019, or (ii) other cash devices that  
8 are functionally identical to those already in operation at an  
9 establishment as of May 1, 2019.

10 (b) After any rules and regulations adopted and promulgated to carry  
11 out this section become effective, until any determination of compliance  
12 or noncompliance by the department, any manufacturer, distributor, or  
13 owner may continue to manufacture, sell, transport, place, possess, or  
14 enter into a transaction involving cash devices described in subdivision  
15 (10)(a) of this section if, within ninety days after the date when any  
16 such rules and regulations become effective, the manufacturer or  
17 distributor files an application with the department for such a  
18 determination.

19 (c) If a manufacturer or distributor receives a determination from  
20 the department that a device described in subdivision (10)(a) of this  
21 section is not in compliance with the Mechanical Amusement Device Tax  
22 Act, such manufacturer or distributor shall have thirty days after the  
23 issuance of that determination to remove any such device from operation  
24 in Nebraska.

25 (11) Application fees collected under subsection (2) of this section  
26 and annual decal fees collected under subsection (8) of this section  
27 shall be remitted to the State Treasurer for credit to the Department of  
28 Revenue Enforcement Fund.

29 Sec. 4. No cash device shall be operated using a credit card,  
30 charge card, or debit card. No person under nineteen years of age shall  
31 play or participate in any way in the operation of a cash device. No

1 operator or employee or agent of any operator shall knowingly permit any  
2 individual under nineteen years of age to play or participate in any way  
3 in the operation of a cash device.

4 Sec. 5. Section 77-3006, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 77-3006 The administration of the Mechanical Amusement Device Tax  
7 Act provisions of sections 77-3001 to 77-3011 is hereby vested in the Tax  
8 Commissioner of the State of Nebraska subject to other provisions of law  
9 relating to the Tax Commissioner. The Tax Commissioner may prescribe,  
10 adopt and promulgate, and enforce rules and regulations relating to the  
11 administration and enforcement of the act the provisions of sections  
12 77-3001 to 77-3011, and may delegate authority to his or her  
13 representatives to conduct hearings, or perform any other duties imposed  
14 under the act. The Tax Commissioner may adopt and promulgate rules and  
15 regulations necessary to carry out section 3 of this act provisions of  
16 sections 77-3001 to 77-3011.

17 Sec. 6. Section 77-3007, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 77-3007 (1) The payment of the tax imposed by the Mechanical  
20 Amusement Device Tax Act provisions of sections 77-3001 to 77-3011 shall  
21 be evidenced by a separate decal for each device signifying payment of  
22 the tax, in a form prescribed by the Tax Commissioner.

23 (2) Every operator shall place such decal in a conspicuous place on  
24 each device to denote payment of the tax for each device for the current  
25 year.

26 Sec. 7. Section 77-3008, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 77-3008 Nothing in the Mechanical Amusement Device Tax Act sections  
29 77-3001 to 77-3011 shall be construed to limit, usurp, or repeal any  
30 power to tax granted to the political subdivisions and municipalities of  
31 the State of Nebraska by the laws and Constitution of the State of

1 Nebraska.

2 Sec. 8. Section 77-3010, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 77-3010 Prosecutions for any violations of the Mechanical Amusement  
5 Device Tax Act sections ~~77-3001 to 77-3011~~ shall be brought by the  
6 Attorney General or county attorney in the county in which the violation  
7 occurs. Any prosecution for the violation of any of the provisions of the  
8 act sections ~~77-3001 to 77-3011~~ shall be instituted within three years  
9 after the commission of the offense.

10 Sec. 9. Section 77-3011, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 77-3011 Sections 77-3001 to 77-3011 and sections 3 and 4 of this act  
13 shall be known and may be cited as the Mechanical Amusement Device Tax  
14 Act.

15 Sec. 10. Section 77-5601, Reissue Revised Statutes of Nebraska, as  
16 amended by section 2, Legislative Bill 237, One Hundred Sixth  
17 Legislature, First Session, 2019, is amended to read:

18 77-5601 (1) From August 1, 2004, through October 31, 2004, there  
19 shall be conducted a tax amnesty program with regard to taxes due and  
20 owing that have not been reported to the Department of Revenue. Any  
21 person applying for tax amnesty shall pay all unreported taxes that were  
22 due on or before April 1, 2004. Any person that applies for tax amnesty  
23 and is accepted by the Tax Commissioner shall have any penalties and  
24 interest waived on unreported and delinquent taxes notwithstanding any  
25 other provisions of law to the contrary.

26 (2) To be eligible for the tax amnesty provided by this section, the  
27 person shall apply for amnesty within the amnesty period, file a return  
28 for each taxable period for which the amnesty is requested by December  
29 31, 2004, if no return has been filed, and pay in full all taxes for  
30 which amnesty is sought with the return or within thirty days after the  
31 application if a return was filed prior to the amnesty period. Tax

1 amnesty shall not be available for any person that is under civil or  
2 criminal audit, investigation, or prosecution for unreported or  
3 delinquent taxes by this state or the United States Government on or  
4 before April 16, 2004.

5 (3) The department shall not seek civil or criminal prosecution  
6 against any person for any taxable period for which amnesty has been  
7 granted. The Tax Commissioner shall develop forms for applying for the  
8 tax amnesty program, develop procedures for qualification for tax  
9 amnesty, and conduct a public awareness campaign publicizing the program.

10 (4) If a person elects to participate in the amnesty program, the  
11 election shall constitute an express and irrevocable relinquishment of  
12 all administrative and judicial rights to challenge the imposition of the  
13 tax or its amount. Nothing in this section shall prohibit the department  
14 from adjusting a return as a result of any state or federal audit.

15 (5)(a) Except for any local option sales tax collected and returned  
16 to the appropriate municipality and any motor vehicle fuel, diesel fuel,  
17 and compressed fuel taxes, which shall be deposited in the Highway Trust  
18 Fund or Highway Allocation Fund as provided by law, no less than eighty  
19 percent of all revenue received pursuant to the tax amnesty program shall  
20 be deposited in the General Fund; and ten percent, not to exceed five  
21 hundred thousand dollars, shall be deposited in the Department of Revenue  
22 Enforcement Fund; ~~and ten percent, not to exceed five hundred thousand~~  
23 ~~dollars, shall be deposited in the Department of Revenue Enforcement~~  
24 ~~Technology Fund~~. Any amount that would otherwise be deposited in the  
25 Department of Revenue Enforcement Fund ~~or the Department of Revenue~~  
26 ~~Enforcement Technology Fund~~ that is in excess of the five-hundred-  
27 thousand-dollar limitation shall be deposited in the General Fund.

28 (b) For fiscal year 2005-06, all proceeds in the Department of  
29 Revenue Enforcement Fund shall be appropriated to the department for  
30 purposes of employing investigators, agents, and auditors and otherwise  
31 increasing personnel for enforcement of the Nebraska Revenue Act of 1967.

1 ~~For fiscal year 2005-06, all proceeds in the Department of Revenue~~  
2 ~~Enforcement Technology Fund shall be appropriated to the department for~~  
3 ~~the purposes of acquiring lists, software, programming, computer~~  
4 ~~equipment, and other technological methods for enforcing the act.~~

5 (c) For fiscal years after fiscal year 2005-06, twenty percent of  
6 all proceeds received during the previous calendar year due to the  
7 efforts of auditors and investigators hired pursuant to subdivision (5)  
8 (b) of this section, not to exceed seven hundred fifty thousand dollars,  
9 shall be deposited in the Department of Revenue Enforcement Fund for  
10 purposes of employing investigators and auditors or continuing such  
11 employment for purposes of increasing enforcement of the act.

12 (d) Ten percent of all proceeds received during each calendar year  
13 due to the contracts entered into pursuant to section 77-367 shall be  
14 deposited in the Department of Revenue Enforcement Fund for purposes of  
15 identifying nonfilers of returns, underreporters, nonpayers of taxes, and  
16 improper or fraudulent payments.

17 (6)(a) The department shall prepare a report by April 1, 2005, and  
18 by February 1 of each year thereafter detailing the results of the tax  
19 amnesty program and the subsequent enforcement efforts. For the report  
20 due April 1, 2005, the report shall include (i) the amount of revenue  
21 obtained as a result of the tax amnesty program broken down by tax  
22 program, (ii) the amount obtained from instate taxpayers and from out-of-  
23 state taxpayers, and (iii) the amount obtained from individual taxpayers  
24 and from business enterprises.

25 (b) For reports due in subsequent years, the report shall include  
26 (i) the number of personnel hired for purposes of subdivision (5)(b) of  
27 this section and their duties, (ii) a description of lists, software,  
28 programming, computer equipment, and other technological methods acquired  
29 ~~pursuant to such subdivision~~ and the purposes of each, and (iii) the  
30 amount of new revenue obtained as a result of the new personnel and  
31 acquisitions during the prior calendar year, broken down into the same

1 categories as described in subdivision (6)(a) of this section.

2 (7) The Department of Revenue Enforcement Fund is ~~and the Department~~  
3 ~~of Revenue Enforcement Technology Fund~~ are created. Transfers may be made  
4 from the Department of Revenue Enforcement Fund to the General Fund at  
5 the direction of the Legislature. The Department of Revenue Enforcement  
6 Fund may receive transfers from the Civic and Community Center Financing  
7 Fund at the direction of the Legislature for the purpose of administering  
8 the Sports Arena Facility Financing Assistance Act. The Department of  
9 Revenue Enforcement Fund shall include any money credited to the fund (a)  
10 under section 77-2703, and such money shall be used by the Department of  
11 Revenue to defray the costs incurred to implement Legislative Bill 237,  
12 One Hundred Sixth Legislature, First Session, 2019, and (b) under the  
13 Mechanical Amusement Device Tax Act, and such money shall be used by the  
14 department to defray the costs incurred to implement and enforce this  
15 legislative bill and any rules and regulations adopted and promulgated to  
16 carry out this legislative bill ~~this legislative bill~~. Any money in the  
17 Department of Revenue Enforcement Fund ~~and the Department of Revenue~~  
18 ~~Enforcement Technology Fund~~ available for investment shall be invested by  
19 the state investment officer pursuant to the Nebraska Capital Expansion  
20 Act and the Nebraska State Funds Investment Act. ~~The Department of~~  
21 ~~Revenue Enforcement Technology Fund shall terminate on July 1, 2006. Any~~  
22 ~~unobligated money in the fund at that time shall be deposited in the~~  
23 ~~General Fund.~~

24 (8) For purposes of this section, taxes mean any taxes collected by  
25 the department, including, but not limited to state and local sales and  
26 use taxes, individual and corporate income taxes, financial institutions  
27 deposit taxes, motor vehicle fuel, diesel fuel, and compressed fuel  
28 taxes, cigarette taxes, transfer taxes, and charitable gaming taxes.

29 Sec. 11. This act becomes operative on January 1, 2020.

30 Sec. 12. Original sections 28-1107, 77-3001, 77-3006, 77-3007,  
31 77-3008, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska, and

1 section 77-5601, Reissue Revised Statutes of Nebraska, as amended by  
2 section 2, Legislative Bill 237, One Hundred Sixth Legislature, First  
3 Session, 2019, are repealed.