

Revised per General File amendments

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

LB 775 was amended by AM709. This amendment was then divided into AM856 and AM832. Each amendment will be discussed separately below.

**AM856**

*Incorporates the provisions of LB 72*

This amendment seeks to change the definition of gross proceeds under the Nebraska County and City Lottery Act so that gross proceeds do not include any admission costs collected at any location where the lottery is also available to the public free of any admission charge.

The Department of Revenue (DOR) estimates the changes made by this aspect of the amendment will have minimal impact on General Fund revenues and that there would be minimal costs to implement the bill. There is no basis to disagree with these estimates.

Political subdivisions could see some fiscal impact from this change in definition.

*Keeps the original provisions of LB 775*

This amendment also seeks to make changes to the Nebraska Racetrack Gaming Act (Act). The amendment changes the definition of racetrack enclosure to mean all real property licensed and utilized for the conduct of a race meeting, including the racetrack and any grandstand, concession stand, office, barn, barn area, employee housing facility, parking lot, and additional area designated by the Racing and Gaming Commission in accordance with the Constitution of Nebraska and applicable Nebraska law.

Additionally, this aspect of the amendment would add that the Commission is to recommend to the Governor and to the General Affairs Committee of the Legislature amendments to all laws administered by the Commission.

Finally, this aspect of the amendment creates the possibility of the Commission delegating to an adjudication subcommittee powers and duties of the Commission as necessary to carry out and effectuate the purposes of the Act and investigate and respond to violations of the Act. The adjudication subcommittee can impose a fine, not to exceed \$15,000, if it finds that the Act, or any rule or regulation adopted and promulgated under the Act has been violated. The fines collected would be distributed in accordance with Article VII, section 5, of the Constitution of Nebraska for distribution to schools.

The Commission estimates no fiscal impact to it from this aspect of the amendment.

There is no basis to disagree with this estimate.

*Incorporates the provisions of LB 73*

This aspect of the amendment would expand the use of the County Visitors Improvement Fund to allow the fund to be used on facilities that conduct parimutuel wagering if the facility is the site of the state fair or district or county agricultural society fair.

The Fund is an additional sales tax on hotel occupancy not to exceed 2%. The Fund is collected by the DOR and re-distributed to the counties of origin for administration by the governing body of counties with advice of the county Visitors Committee.

This aspect of the amendment would have no impact on revenues collected, and would only expand eligible use of the Fund. There may be a positive impact on the revenues of the State Fair Board, however the timing and amounts of such impact are unknown.

**AM832**

This amendment incorporates the provisions of LB 232 with some modification.

The amendment defines a digital-on-premises ticket. A digital-on-premises ticket would be a digital ticket purchased in person on a mobile or other electronic device verified to be present at the location of the lottery operator or an authorized sales outlet location. Additionally, under LB775 AM832, debit cards, the cash balance of a payment application, a transfer from a deposit account at a financial institution, or an account established in the name of the player with the lottery operator could be used to pay for tickets or wagers. Under the amendment, credit cards would not be accepted for payment for any wager on keno. The lottery operator could also allow a participant to deposit prize money won from the lottery and refunds from the lottery to the account to be used for lottery play. The amendment differs from the original version of LB 232 in that a participant cannot deposit funds into the account to be used for lottery play from a debit card transaction if the total amount of funds from all such debit card transactions in that calendar day would exceed \$200.

The amendment also details the process for a lottery operator to provide digital-on-premises tickets. The operator must file with the DOR as well as provide controls associated with the sale of digital-on-premises tickets. These controls are subject to approval by the DOR.

The DOR estimates that the impact on General Fund revenues from this amendment would be minimal. Additionally, the DOR estimates minimal costs to implement the amendment.

There is no basis to disagree with these estimates.

The impact to political subdivisions is likely to be minimal.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 775	AM: 709	AGENCY/POLT. SUB: City of Lincoln	
REVIEWED BY:	Jacob Leaver	DATE: 3/20/2023	PHONE: (402) 471-4173
COMMENTS: There is no basis to dispute the City of Lincoln's estimate of minimal fiscal impact to the city as a result of LB 775 AM 709. <u>Technical Note:</u> AM709 was divided into 3 separate amendments: AM856, AM832, and AM312. The first 2 amendments were adopted while AM 813 was placed on Select File.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 775	AM: 709	AGENCY/POLT. SUB: City of Omaha	
REVIEWED BY:	Jacob Leaver	DATE: 3/20/2023	PHONE: (402) 471-4173
COMMENTS: There is no basis to dispute the City of Omaha's estimate of minimal fiscal impact to the city as a result of LB 775 AM 709. <u>Technical Note:</u> AM709 was divided into 3 separate amendments: AM856, AM832, and AM312. The first 2 amendments were adopted while AM 813 was placed on Select File.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 775	AM: 709	AGENCY/POLT. SUB: Lancaster County	
REVIEWED BY:	Jacob Leaver	DATE: 3/20/2023	PHONE: (402) 471-4173
COMMENTS: There is no basis to dispute the Lancaster County's estimate of no fiscal impact to the county as a result of LB 775 AM 709. <u>Technical Note:</u> AM709 was divided into 3 separate amendments: AM856, AM832, and AM312. The first 2 amendments were adopted while AM 813 was placed on Select File.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 775                      AM: 709                      AGENCY/POLT. SUB: Nebraska Association of County Officials

REVIEWED BY:    Jacob Leaver                      DATE:    3/20/2023                      PHONE: (402) 471-4173

COMMENTS: There is no basis to dispute the Nebraska Association of County Official's estimate of minimal fiscal impact to the city as a result of LB 775 AM 709. Technical Note: AM709 was divided into 3 separate amendments: AM856, AM832, and AM312. The first 2 amendments were adopted while AM 813 was placed on Select File.



Please complete ALL (5) blanks in the first three lines.

**2023**

**LB<sup>(1)</sup> 775 AM 709**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> City of Lincoln

Prepared by: <sup>(3)</sup> Claire Oglesby Date Prepared: <sup>(4)</sup> 3/10/23 Phone: <sup>(5)</sup> 402 441 8301

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

The change in the definition of gross proceeds may have minimal to no fiscal impact to the city.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

Please complete ALL (5) blanks in the first three lines.

**2023**

**LB<sup>(1)</sup> 775 AM 709**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> City of Omaha

Prepared by: <sup>(3)</sup> Jeff Roh Date Prepared: <sup>(4)</sup> 3-16-23 Phone: <sup>(5)</sup> 402-444-5451

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

There would be minimal fiscal impact.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

**2023**

**LB<sup>(1)</sup> 775, AM709**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County

Prepared by: <sup>(3)</sup> Dennis Meyer Date Prepared: <sup>(4)</sup> 3-16-23 Phone: <sup>(5)</sup> 402-441-6869

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

No fiscal impact to Lancaster County.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

**2023**

**LB<sup>(1)</sup> 775 – AM709**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Association of County Officials (NACO)

Prepared by: <sup>(3)</sup> Elaine Menzel Date Prepared: <sup>(4)</sup> 3/15/2023 Phone: <sup>(5)</sup> 402.434.5660

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
.	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

AM709 to LB775 makes various changes to the Nebraska County and City Lottery Act, including excepting gross proceeds from admission costs collected at any location where the lottery is also available to the public free on any admission charge. Such provision would have an unknown positive fiscal impact to counties where a lottery is available to the public.

AM709 to LB775 would also allow the County Visitors Promotion Fund dollars to be used to improve a facility in which parimutuel wagering is conducted if such facility also serves as the site of a county agricultural society fair. There is not a revenue related fiscal impact.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>