

Revised per AM813 and AM1178

**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>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
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.**

AM813 and AM1178 were adopted on Select File and are discussed separately below:

**AM813**

This amendment seeks to add language that would allow for employees of racing licensees and gaming licensees to both be able to take parimutuel wagers and sports wagers.

There is no fiscal impact from this change.

**AM1178**

This amendment incorporates the provisions of LB 544. This amendment would change the definitions of both bingo and bingo card monitoring device so that bingo numbers could be entered/concealed automatically and manually. The bill would add that the bingo card monitoring device could communicate with the host system in order to allow for the functioning of the mentioned automation.

The Department of Revenue (DOR) estimates that this amendment would have no impact to General Fund revenues and no costs to it to implement. There is no basis to disagree with these estimates.

LB 775 was also amended by AM709. This amendment was then divided into AM856 and AM832. These amendments were adopted on General File and the discussion of these amendments from the previous fiscal note is 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 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 go to the appropriate county in accordance with Article VII, section 5, of the Constitution of Nebraska.

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 to 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.