

General Affairs Committee
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Annual Report of Legislation

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General Affairs 2024 End of Session Legislation Report

LB 144 (Brandt) (2023) Change and eliminate certain classes of licenses under the State Electrical Act. LB 144 was introduced in 2023 and passed in 2024.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 144	3/06/23	2/08/24	2/20/24	3/07/24	3/11/24

Bill Summary: LB 144 proposes several updates to the State Electrical Act. It removes references to a Class B master electrician license as this is not a category of license used by the State Electrical Board. The bill also removes all references for Installer for the same reason. Additional language is stricken to reflect current practices of the board that need to be updated in statute, in areas including continuing education requirements, standards for applicants for contractor licenses, and training provided by the State Electrical Division. New language in the bill increases the late fee for filing a late request for inspection from fifty dollars to two hundred fifty dollars. Finally, telegraph systems are stricken from the act as they are no longer in use and therefore not in need of inspection by the board.

Background & Legislative History: Senator Brandt brought LB 866 in 2022 that sought to increase the late fee for filing a late request for inspection from fifty dollars to two hundred fifty dollars, which is included in section 12 of this bill.

Section-by-Section Summary:

Section 1: amends section 81-2102 by striking current subsection (6) which defines “Class B Master Electrician” which is a license designation no longer available from the board in the State of Nebraska. It also strikes subsection (11) from this section which contains the definition of “Installer”, which, again, is no longer recognized or used by the State Electrical Board.

New language added at the end of this section adds solar installation to the definition of “Special Electrician” to indicate the type of qualifications, training and experience a licensed person may possess to obtain the designation of special electrician.

Section 2: amends section 81-2106 by striking reference to section 81-2110, which is stricken entirely by this bill. Section 81-2110 lays out the rights and duties of an individual holding an Installer License, which is no longer used by the State Board.

Section 3: amends section 81-2107 by striking the requirement in statute for an applicant for an electrical contractor license have at least five years’ experience in planning for, laying out,

supervising, and installing wiring, apparatus, or equipment for electrical light, heat, and power, that is no longer the practice of the board to require.

In subsection (2) of this section, Class B master electrician license is stricken to keep the consistency of striking all references to this non-used license designation by the board.

Section 4: amends section 81-2108 by striking the references in this section 81-2110 and Class B master electrician as above.

Section 5: amends section 81-2112 to strike the word “he” from statute and instead inserts the language “such licensee” to acknowledge that an individual of any gender could hold a license from the board.

Section 6: amends section 81-2113 by striking the reference to Class B master electrician, and strikes the requirement for an apprentice to present documentary evidence of successful completion of the requisite hours of continuing education courses under section 81-2117.01, and replaces it with new language which requires the apprentice to present documentary evidence of ANY continuing education courses under 81-2117.01 that have been completed by the applicant. This section also changes the language regarding when the board will assess up to a six month increase of required experience necessary for the applicant to qualify for the examination under section 81-2115, making it mandatory for the board to do so unless the applicant presents documentary evidence of the requisite hours of continuing education courses under section 81-2117.01.

Section 7: amends section 81-2114 by restructuring the way this section is drafted by removing subsection (2). This section allows the State Electrical Division to provide training sessions for people applying for licenses, and requires the division to remit any money collected under this section to the State Treasurer for credit to the Electrical Division Fund.

By striking the language in subsection (2), the division will no longer be required to designate six training sites in the state which are the most convenient and easily accessible locations in the state for those persons who attend to take the licensing examination and who desire to attend training sessions. Striking this language will allow the division more flexibility in planning the locations of the training sessions.

Section 8: amends section 81-2117.01 by adding a new subsection (b) to section (1), which states that continuing education is not mandatory, however, a registrant that completes twelve contact hours of continuing education by January 1 of each odd numbered year in accordance with this section will not be required to obtain an increase of required experience under section 81-2113 to qualify for the examination.

Section (2) of this section requires an application for approval of the instructor and course operation to be submitted to the board by January 1 of each odd-numbered year, and any approval by the board of this application will be valid until December 31 of the subsequent even-numbered year following the approval.

Subsection (5) of this section is stricken, and this strikes the language that states nothing in this section shall be construed to mean that a registrant shall be denied renewal of a registration by

the board based solely on a failure to complete the continuing education requirement under subsection (1) of this section. This is providing consistency with the new language in subsection (1)(b) as discussed above.

Section 9: amends section 81-2117.02 by striking all references to Class B master electrician and Installer in this section of statute.

Section 10: amends section 81-2118 by adding a new subsection (e) to section (1), which adds the Special Electrician License with a fee of sixty dollars to the schedule of licenses and fees for examinations contained in this section.

This section also strikes Class B master electrician, and the fee of one hundred twenty-five dollars and installer, from subsection (4)(c) of this section.

Section 11: amends section 81-2119 by striking references to Class B master electrician.

Section 12: amends section 81-2126 by increasing the delinquent fee for filing a late request for inspection from fifty dollars to two hundred fifty dollars.

Section 13: amends section 81-2132 by striking the word “telegraph” from this section, as telegraph systems no longer exist.

Section 14: amends section 81-2141 by striking a reference to the Class B master electrician license.

Section 15: amends section 81-2144 by adding new language which gives permission to a person who is a directional boring contractor to install underground conduit “on the load side of the meter” under the direct supervision of a Class A master electrician, and strikes the reference to the Class B master electrician.

Section 16: is the repealer section of the original sections amended by this bill.

Section 17: is the repealer section that outright repeals section 81-2110, as discussed above.

LB 257 (Lowe) (2023) Change provisions relating to cemeteries and abandonment and reversion of cemetery lots. LB 257 was introduced in 2023 and was passed in 2024.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 257	3/06/23	2/08/24	2/20/24	3/07/24	3/12/24

Bill Summary: LB 257 is a bill to re-write section 12-701 of the cemetery statutes to provide cities, counties, and villages with a process to re-vest lots purchased for internment or burial in a cemetery owned by the city, county, or village, if no one has been buried in the lot for at least thirty years. The bill provides for proper notice proceedings that allow the owner of such a lot the opportunity to file a valid claim showing they have not abandoned the lot, and further allows the governing body to bring an action in district court to restore the cemetery lot to the governing body, should no valid claim by an owner be filed.

New language is added to section 12-702 to allow the city, county, or village that becomes the reversionary owner of the cemetery lot pursuant to 12-701 to then sell the same and convey title to a new purchaser of the lot for purposes of internment or burial.

Background & Legislative History: this bill was brought after an interim study, LR 339, was conducted by committee staff after the legislature adjourned sine die in 2022.

Section-by-Section Summary:

Section 1: Amends section 12-701, by striking the existing language entirely and inserting new language which does the following:

First, it defines lot owner as the purchaser of a cemetery lot or such purchaser's heirs, administrators, trustees, legatees, devisees, or assigns, for purposes of this section.

Second, it grants all rights to land on which no burial has taken place, acquired by a city, county, or village for the purpose of maintaining a cemetery, or if the governing body has acquired a cemetery from a cemetery association as provided for in section 12-530, or if the city, county, or village is currently the owner of a cemetery pursuant to section 15-530, 16-241, or 17-926, the land in which no dead human remains has been actually buried may be re-vested in the county, city, or village subject to several conditions.

- (a) First, no internment or burial can have occurred for a period of at least thirty years prior to the commencement of proceedings to re-vest such lot or other piece of ground pursuant to this section;
- (b) Second, if the lot owner is a resident of the county (city or village within the county) in which the cemetery is located, the governing body must serve notice to the lot owner that proceedings have been initiated to re-vest all rights in the burial lot to the county, city, or village. The lot owner must be notified of their right to file in writing a statement explaining how their rights in the lot were acquired and that they desire to assert their internment rights in the lot, within the time limits provided in the notice of not less than thirty days. If the claim is determined to be valid, all proceedings to re-vest the title in the lot in the county, city, or village will be terminated at that time.
- (c) If the owner of the lot in question is not a resident of the county (city or village within the county), and cannot be found within the county, the notice may be published once each week for two consecutive weeks in a newspaper of general circulation within the county, city, or village where the cemetery lot is located. The notice must contain a general description of the title reversion proceedings being undertaken by the governing body, the lot number and a description of the lot, and the name of the lot owner on record. The notice must also explain that the lot owner may file a statement of their rights as

described above within the time frame provided in the notice. If the lot owner timely files their statement, and the governing body determines the statement filed is a valid claim to the rights of the lot, all proceedings to revest the lot in the county, city, or village shall be terminated.

- (d) All notices, including proof of service on the lot owner or in the newspaper of general circulation are to be made a part of the public records of the governing body.
- (e) Any lot owner who fails to timely file a statement shall be deemed to have abandoned their rights in the lot in question. The governing body may then bring an action to revest the title of the cemetery lot in the city, county, or village that owns the cemetery.
- (f) Failure to assert a claim in the lot in question shall be considered prima facie evidence that the lot owner has abandoned any rights they may have had in the lot.
- (g) A certified copy of the judgment in these actions to quiet title may be filed in the office of the registrar of deeds for the county in which the cemetery is located.
- (h) All notices and proceedings pursuant to this section must distinctly describe the portion of the lot unused for burial purposes, and sufficient ingress to and egress from any grave on the lot must be allowed for either by dedicated streets or alleys in the cemetery, or by leaving sufficient amounts of the unused portions of the cemetery for these purposes.

Third, this section contains new language that exempts any cemetery association that has entered into a perpetual care contract between the cemetery or the county, city, or village, and the owner of the lot from this section of statute.

Fourth, this section provides that compliance with the terms of this section will fully revest the lot in question with the county, city, or village, and divest the lot owner of record of title to the lot or portions of the lot that are unused for burial purposes, as though the lot had never been conveyed to any person. This further gives the county, city, or village rights to have, hold, and enjoy the unclaimed portions of the lot for its own uses and purposes, subject to the laws of Nebraska, the charter of the cemetery, and rules, regulations, ordinances, or resolutions of the governing body.

Fifth, new language requires any transfer by the lot owner of the interment right in the lot be subject to rules, regulations, ordinances, or resolutions adopted and promulgated by the governing body.

The original language in 12-701 is entirely stricken.

Section 2: Amends section 12-702 grants permission to any county, city, or village that is the reversioner owner of a lot pursuant to section 12-701 to sell and convey title to said lot.

The governing body is also permitted in new language added to this section to invest such funds as long as the investor acts as a fiduciary and complies with the prudent investor rule set forth in sections 30-3883 to 30-3889.

Section 3: Amends section 17-938 to permit any city of the second class or village that has not levied a tax pursuant to subsection (1) of this section within the prior five calendar years of a proposed forfeiture of a cemetery lot, shall, for purposes of forfeiture, reclamation, or reinvestment of a cemetery lot, be governed by section 12-701.

LB 685 (2023) AM 2035 (2024) (Lowe) Committee Priority Bill
 Portions of LB 836 were amended into LB 685 by AM 2382

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 685 and AM 2035	2/13/23 and 1/22/24	2/12/24	3/07/24	4/11/24	4/15/24

Bill Summary: AM 2035 replaces all of the language in LB 685. AM 2035 keeps the mechanical amusement device tax act under the Department of Revenue. It also puts a definition of manufacturer of cash devices into statute and charges an annual licensing fee of five thousand dollars for manufacturers and distributors of cash devices. It requires background checks for anyone applying for a license and it levies a tax of five percent on the net operating revenue of each cash device annually. This amendment also establishes the authority of the department to pass rules and regulations to enforce the act and gives them authority to assess administrative penalties for violations of the act.

Section-by-Section Summary:

Section 1: amends section 77-3001 by adding two new definitions to the act. The first is the definition of “manufacturer” which means an individual, partnership, corporation, or limited liability company that manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise makes modifications to cash devices or associated equipment for use or play of cash devices.

The second is the definition of “net gaming revenue” which means the dollar amount collected by an owner or operator of any cash device as computed pursuant to applicable statutes, rules, and regulations less the total of cash awards paid out to players as described in subdivision (1) of this section.

Also throughout this section, the term “mechanical amusement” device is used to replace “machine” for clarification purposes.

Section 2: amends section 77-3002 by adding new language providing that a license application for an operator of cash devices will now be subject to a full background check by the department prior to the issuance of a license, and that the costs of the background check will be borne by the applicant.

Additional new language details scenarios for which the director has cause for denial of a license application. These include violations of the act; caused, aided or abetted with another person to violate the act; convicted or or pleaded guilty or nolo contendere to any offense or crime, whether a felony or misdemeanor, involving any gambling activity or fraud; theft; willful failure to make required payments or reports; or filing false reports with a governmental agency at any level;

failure to demonstrate good character, honesty, and integrity; or been cited for a violation of the Nebraska Liquor Control act.

Beginning January 1, 2025, the application to operate a cash device must be accompanied by an application fee of two hundred fifty dollars.

The tax commissioner also has the authority to suspend or revoke the license of any operator that is in violation of this act.

Outdated language is also stricken at the end of this section.

Section 3: amends section 77-3003 by requiring a distributor of mechanical amusement devices to be subject to a full background check, and the tax commissioner has the authority to deny an application for cause, for the same violations listed above in section 2 of this memo.

Beginning January 1, 2025, the annual license fee for a distributor is set at five thousand dollars.

Section 4: is new language regarding manufacturers of cash devices, and requires such to procure an annual license from the tax commissioner in the same manner as distributors and operators listed above, including being subject to a background check. They are subject to the same denial of application for cause examples above, and the license fee for a manufacturer of a cash device is five thousand dollars.

Section 5: amends section 77-3003.01 by giving the tax commissioner the authority to suspend or revoke the license of any operator, manufacturer, or distributor of a cash device that is in violation of this section.

Additional new language exempts any device that is regulated under the jurisdiction of the Nebraska Racetrack Gaming Act from this section.

Other new language clarifies that the independent testing authority used to certify devices as a game of skill must be a testing authority that is certified to be used by the tax commissioner. Additionally, this section has new language intending to clarify these new requirements apply only to cash devices, and not all of the other types of mechanical amusement devices.

In subsection (8) of this section, new language creates a new business standard that requires an owner or operator to generate a least sixty (60) percent of their gross operating revenue from their retail establishment from sources other than the total gross operating revenue of any cash devices located within the retail establishment. They are also not permitted to have more cash devices than the number that will generate forty (40) percent or less of the gross operating revenue of the retail establishment.

Section 6: amends section 77-3003.02 to prohibit anyone under the age of twenty-one (21) from playing or operating a cash device. New language is included that requires every operator in the state to verify the age of any individual requesting to play a cash device. Operators are prohibited from charging a fee or requiring a gratuity in return for the payment of any prize money won by a player of a cash device at their retail establishment.

The tax commissioner is again given authority to suspend or revoke the license of any operator of a cash device for a violation of this section, and the department is required to adopt and promulgate rules and regulations for the implementation and enforcement of this section as long as the rules and regulations do not seek to restrict how a cash device manufacturer, distributor, or operator markets or advertises the device, unless they are willfully conflating or advertising the device as a casino-style gambling or slot machine wagering.

Section 7: amends section 77-3004 by clarifying the occupation tax is required to be paid by every person operating mechanical amusement devices in the state of nebraska. The price of the occupation tax is not being increased by this bill, it remains at thirty five dollars per year.

Section 8: amends section 77-3005 by removing the authority of any political subdivision from levying any taxes on mechanical amusement devices.

Section 9: amends section 77-3006 with new language granting the department the authority to review all documents between distributors, manufacturers, and operators regarding cash devices.

Further, new language gives the department the authority to approve the location of all cash devices across the state, and prohibits any cash device from being moved without the prior approval of the department.

The department is further required to establish retail establishment location standards for the placement of any cash device in the state, and is directed to adopt and promulgate rules and regulations to carry out this act.

Section 10: amends section 77-3007 to clarify that the payment of the occupation tax will be evidenced by a separate decal for each mechanical amusement device to signify the occupation tax has been paid.

Section 11: amends section 77-3008 with new language requiring each distributor of cash devices to pay taxes owed quarterly, to be filed January 1, April 1, June 1, and October 1 of each calendar year, and taxes required to be paid include income tax, occupation tack and net gaming revenue tax.

Operators of cash devices are also required to pay income taxes generated quarterly on the same schedule listed above for distributors.

Operators are further required to furnish an IRS Form 1099 to each player of a cash device who wins a prize in excess of one thousand one hundred ninety nine dollars, and the department will make this form available to all operators on the department's website.

Additionally, new language requires distributors and manufacturers located outside of the State of Nebraska to pay income taxes in Nebraska on all income earned within this state.

Section 12: amends section 77-3009 to amend the administrative penalty for placing a cash device in operation in the state without the necessary decal being placed conspicuously on it or without having obtained the necessary license from seventy five dollars per day to up to one thousand dollars per day for each unlicensed cash device.

Further, the department is given authority to levy an administrative penalty of up to one thousand dollars per day for any violation of the act.

Section 13: is new language requiring the tax commissioner to establish a central server for the purposes of receiving data and accurate revenue and income reporting from all cash devices across the state. The central server must be in place and operational within one year of the effective date of this act.

Section 14: is new language regarding the tax placed on the net operating revenue of all cash devices operating within the state for profit or gain, either directly or indirectly received. The tax is due and payable quarterly, on January 1, April 1, July 1, and October 1 of each calendar year.

The tax imposed is five percent of the net operating revenue. Of this, the taxes will be distributed as follows:

- a. Twenty percent to the Charitable Gaming Division of the Department of Revenue for enforcement of the act and maintenance of the central server;
- b. Two and a half percent to the Compulsive Gamblers Assistance Fund;
- c. Two and a half percent to the General Fund;
- d. Ten percent to the Nebraska Tourism Commission;
- e. Forty percent to the Property Tax Credit Cash Fund; and
- f. The remaining twenty five percent to the county treasurer of the county in which the cash device is located. If the cash device is located completely within an unincorporated area of a county, the full amount is retained by the county. If the cash device is located within the limits of a city or village, half of the remaining twenty five percent goes to the city, and half goes to the county within which the cash device is located.

Section 15: includes new language to incorporate all sections of this bill into the Mechanical Amusement Device Tax Act.

Section 16: is the repealer section. No sections in this bill are repealed outright.

LB 716 (Cavanaugh, J.) (2023) Change provisions relating to licensure, registration, and state inspection fees under the State Electrical Act. LB 716 was introduced in 2023 and passed in 2024.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 716	3/06/23	2/08/24	2/20/24	3/07/24	3/11/24

Bill Summary: LB 716 is a bill that proposes to remove the different examination and license fees administered by the State Electrical Board from statute, along with fees for inspections, and provides new language to allow these fees to be set by the Board. New language also requires the Board to file an annual report with the Attorney General and the Legislative Fiscal Analyst stating the amount of each fee set by the Board.

Section-by-Section Summary:

Section 1: amends section 81-2118 by adding new language requiring the board to set reasonable fees for examination, issuance, and renewal of licenses and registrations issued by the board, in amounts necessary to cover the costs incurred by the State Electrical Division and the board in administering and carrying out their duties, in a manner that unnecessary surpluses are avoided.

Additional language requires the board to file an annual report with the attorney general and the legislative fiscal analyst stating the amount of the fees set by the board, and the report must be submitted on or before July 1 of each year. The report is required to be submitted electronically.

The current fees that are in statute are stricken throughout the remainder of this section.

Section 2: amends section 81-2135 by requiring the board to set reasonable fees for state electrical inspections with all the same additional requirements discussed in the above section.

Current fee amounts are then stricken from the remaining subsections currently in statute.

Section 3: this is the repealer section.

LB 836 (Lowe) Provide requirements for retail licensees relating to the display of co-branded alcoholic beverages under the Nebraska Liquor Control Act. Portions of this bill were amended into LB 685 by AM 2382.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 836	1/22/24	2/12/24			See LB 685

LB 836 is a bill to create a statutory definition and regulatory scheme for a new class of alcoholic beverage, defined below as a co-branded alcoholic beverage. This bill also contains requirements for holders of liquor licenses for the display of these beverages in their retail establishments.

Section 1: amends section 53-101 to include section two of this bill in the Nebraska Liquor Control Act.

Section 2: is new language that creates a definition of co-branded alcohol, which is defined as an alcoholic liquor beverage containing the same or similar brand name, logo, or packaging as a nonalcoholic beverage; a new definition of immediately adjacent, which means directly touching or immediately bordering one another from above, below, or the side. Immediately adjacent does not include a separate aisle; and a new definition of retail sales floor, which means the part of a retailer's premises that contains goods on display that are freely accessible to the consumer.

Subsection two (2) of this section is new language prohibiting the holder of a retail license to sell alcoholic liquor, beer, or wine at retail for consumption off the licensed premises with a retail sales floor that is larger than two thousand five hundred (2500) square feet from displaying any co-branded alcoholic beverage immediately adjacent to any soft drink, fruit juice, bottled water, candy, or snack food portraying cartoons or youth-oriented images.

Further in subsection three (3), new language requires the holder of a retail license to sell alcoholic liquor, beer, or wine at retail for consumption off the licensed premises with a retail sales floor that is two thousand five hundred (2500) square feet or smaller to not place any co-branded alcoholic beverage immediately adjacent to any soft drink, fruit juice, bottled water, candy, or snack food portraying cartoons or youth-oriented images OR equip any such display containing any co-branded alcoholic beverage immediately adjacent to any soft drink, fruit juice, bottled water, candy, or snack food portraying cartoons or youth-oriented images with signage that indicates the product is an alcoholic beverage.

Any signage must be clearly visible to consumers, not less than eight and a half by eleven inches in size, and must contain language substantially similar to the following "This product is an alcoholic beverage available only to persons who are twenty-one years of age or older."

Subsection four (4) of this section contains new language which states this section does not apply to a shelf, aisle, display, or display area in which the primary items for sale contain alcoholic liquor or in an area in which persons younger than twenty-one (21) years of age are prohibited from entering without a parent or legal guardian.

Subsection five (5) of this section allows the commission to make an inspection on the premises of all retail licensees relating to co-branded alcoholic beverage displays, and if violation of this section or any rules and regulations are found, the commission may suspend, cancel, or revoke the license after opportunity for the licensee to be heard.

Section 3: is the repealer section. No sections are outright repealed.

LB 838 (Lowe) Change provisions relating to the appointment of members of the Nebraska Arts Council.

Bill Summary: LB 838 is a bill to remove the required approval of the legislature for appointees to the Nebraska Arts Council.

Section-by-Section Summary:

Section 1: amends section 82-309 by striking the words “with the approval of the Legislature” from the sentence that creates the Nebraska Arts Council which consists of fifteen members that are appointed by the Governor.

Section 2: is the repealer section. No sections are outright repealed.

LB 839 (Lowe) Change provisions relating to the executive director and members of the State Racing and Gaming Commission.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 839	1/22/24	3/4/24	3/18/24	3/28/24	4/2/24

Bill Summary: LB 839 makes changes to provide for the removal of a commissioner of the Racing and Gaming Commission by the Governor for cause. LB 839 also changes the process for hiring the Executive Director of the Commission by requiring this position to be hired by the Commission and approved by the Governor. It also states that the Executive Director shall not engage in any other employment or business outside of this position.

Section-by-Section Summary:

Section 1: amends section 2-1201 to add new language to this section that will allow the governor to remove commissioners for cause, after an opportunity to be heard. Reasons for removal include malfeasance, misfeasance, neglect in office, or a violation of section 2-1219 by a commissioner.

Additional new language puts in a limitation on commissioners from holding any other office or position under the laws of this state, any other state, or the United States.

Section 2: amends section 2-1202 by changing the policy surrounding the hiring of the executive director of the commission. The new language states the executive director shall be selected by the commission subject to the approval of the governor. The executive director is further required to devote full time to the duties of the office and is prohibited from engaging in any other business or profession or holding any other state public office.

Section 3: is the repealer section. No sections are outright repealed.

Section 4: adds an emergency clause.

LB 875 (Hughes) Prohibit sales of alcohol or beer for consumption off the premises at less than cost under the Nebraska Liquor Control Act.

Bill Summary: LB 875 is a bill to prohibit the sale of beer or alcoholic liquor at less than the cost to the seller.

Background & Legislative History: Senator Karpisek brought a similar bill, LB 776, in 2012. He withdrew the bill before it was scheduled for a hearing.

Section-by-Section Summary:

Section 1: amends section 53-101 by adding section two of this bill to the Nebraska Liquor Control Act.

Section 2: is all new language which prohibits a holder of a retail license to sell alcoholic liquor or beer for consumption off the licensed premises at less than the cost to the licensee to purchase the beverage.

Section 3: is the repealer section. No sections are outright repealed.

LB 926 (Aguilar) Change provisions relating to the Museum Property Act.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 926	2/12/24	3/14/24	3/26/24	4/11/24	4/15/24

Bill Summary: LB 926 is a bill that proposes to modernize the method of communication museums in Nebraska use when notifying the public regarding undocumented items and unclaimed loans. The bill also makes changes to the length of time that must pass in order to respond to notice provided by the museum or bring an action to the museum for damages in the case of injury or loss of property loaned to the museum from three years down to one year.

The bill also proposes changing the timeframe to retain all records for at least 25 years, to meet the American Alliance of Museums required elements of collection's documentation and records.

A state requirement of 25 years will help to guide those museums who may not have a Collections Management Policy.

Section-by-Section Summary:

Section 1: amends section 51-703 by allowing notice by publication in one of three ways, instead of the current one way. This section changes the requirement of at least once each week for three consecutive weeks in a newspaper of general circulation in both the county where the museum is located and the county of the lender's or claimant's address to at least once each week for three consecutive weeks in just the county where the museum is located.

This section also adds two new ways for notice to be given legally, first by publication online on the museum's website for three consecutive weeks or by display in a public area of the museum for three consecutive weeks.

Section 2: amends section 51-705 to make it possible for a museum to acquire title to undocumented property held by the museum for at least seven years by shortening the time frame from three years to one year if a claimant or lender does not respond to the notice provided in subsection two (2) of this section of statute.

Section 3: amends section 51-708 by shortening the time frame an action cannot be brought against a museum for damages because of injury to or loss of property loaned to the museum to more than one year from the date the museum gives the lender or claimant notice or the injury or loss, instead of three years as is currently in statute.

This change will allow a claimant to bring an action for damages against the museum one year from the date they received notice of the damages, instead of having to wait three years to bring the action for damages.

This section also provides that an action cannot be brought against a museum to recover property on loan more than one (1) year from the date of the last written contract between the lender or claimant and the museum, based on the museum's records. The time frame in statute currently is seven (7) years.

Section 4: amends section 51-709 by requiring the museum to retain all written records regarding the property they are taking title to for at least twenty-five (25) years after the date of taking title, instead of three (3) as is currently required in statute.

Section 5: is the repealer section. No sections are outright repealed.

LB 960 (Jacobson) Provide powers and duties for the State Athletic Commissioner relating to the regulation of certain professional and amateur martial arts, kickboxing, and boxing sparring matches and exhibitions.

Bill Summary: LB 960 proposes to add professional bare-knuckle mixed martial arts, amateur kickboxing, amateur bare-knuckle boxing, amateur bare-knuckle mixed martial arts, and amateur sparring matches to the jurisdiction of the State Athletic Commission, for participation in a match or exhibition fight for a prize or purse.

Background & Legislative History: Currently covered sports in statute are professional mixed martial arts, professional boxing, professional kickboxing, professional bare-knuckle boxing, professional sparring matches and exhibitions, and all amateur mixed martial arts.

Being proposed in this bill: adding professional bare-knuckle mixed martial arts, amateur kickboxing, amateur bare-knuckle boxing, amateur bare-knuckle mixed martial arts, and amateur sparring matches.

Section-by-Section Summary:

Section 1: amends section 81-8,129 by adding professional bare-knuckle mixed martial arts, amateur kickboxing, amateur bare-knuckle boxing, amateur bare-knuckle mixed martial arts, and amateur sparring matches to the sports under the sole direction, management, control, and jurisdiction of the State Athletic Commissioner, for purposes of holding a match or exhibition for a prize or purse, or at which an admission fee is charged.

Section 2: amends section 81-8,130.01 to allow licenses and permits to be issued to professional bare-knuckle mixed martial arts by the State Athletic Director.

Section 3: amends section 81-8,132 to require a bond in the sum of not less than one thousand dollars in order to issue a license for amateur kickboxing, amateur bare-knuckle boxing, or amateur bare-knuckle mixed martial arts, and not less than five thousand dollars for a license for professional bare-knuckle mixed martial arts.

Currently, a bond of one thousand dollars is required for a license for amateur mixed martial arts, and five thousand dollars for a license for professional boxing, professional kickboxing, and professional bare-knuckle boxing.

Section 4: amends section 81-8,133 by adding professional bare-knuckle mixed martial arts, amateur kickboxing, amateur bare-knuckle boxing, amateur bare-knuckle mixed martial arts, and amateur sparring to the list of matches at which a licensed referee is required to direct and control the match, and declare a winner.

Section 5: amends section 81-8,133.01 by adding professional bare-knuckle mixed martial arts to this section of athletic events at which a licenses to qualified physicians, managers, matchmakers, professional mixed martial arts, professional boxing, professional kickboxing, professional bare-knuckle boxing, and professional sparring match or exhibition judges may be issued, upon submission of an application and annual fee set by the commissioner.

Section 6: amends section 81-8,134. This section lays out the requirements for professional boxing matches, professional mixed martial arts matches, professional kickboxing matches, professional bare-knuckle boxing matches, and amateur mixed martial arts matches conducted in

the state. New language is added to include professional bare-knuckle mixed martial arts matches, amateur kickboxing matches, amateur bare-knuckle boxing matches, and amateur bare-knuckle mixed martial arts matches under these same requirements for how matches are held.

Section 7: amends section 81-8,135 by requiring amateur kickboxing, professional bare-knuckle mixed martial arts, amateur bare-knuckle mixed martial arts, or amateur bare-knuckle boxing to submit a written report to the State Athletic Commissioner which shows the articles of agreement between the contestants, the number of tickets sold for each contest, the amount of the gross receipts thereof, the gross receipts from sale of any television rights, and any other matters prescribed by the State Athletic Commissioner. Five percent of the total gross receipts are required to be paid to the State Athletic Commissioner as well.

These same requirements are currently in force for any professional mixed martial arts, amateur mixed martial arts, professional boxing, professional kickboxing, or professional bare-knuckle boxing match held in the state.

Section 8: amends section 81-8,138 by adding professional bare-knuckle mixed martial arts, amateur kickboxing, amateur bare-knuckle boxing, and amateur bare-knuckle mixed martial arts to the other matches or exhibitions listed under this statute which places a prohibition on sham or fake professional and amateur matches. Contestants in these matches or exhibitions will not be paid before services are rendered, and only if it is determined that the contestant gave an honest exhibition of his or her skill.

Section 9: amends section 81-8,139 by allowing the State Athletic Commissioner to adopt and promulgate rules and regulations for the administration and enforcement of sections 81-8,128 to 81-8,142.01 to apply to amateur kickboxing, amateur bare-knuckle boxing, professional bare-knuckle mixed martial arts, amateur bare-knuckle mixed martial arts, and amateur sparring matches, as they currently exist for referees, physicians, managers, matchmakers, professional boxers, professional mixed martial arts, professional kickboxing, professional bare-knuckle boxing, and professional sparring match or exhibition judges.

Section 10: is the repealer section. No sections are outright repealed.

LB 981 (Holdcroft) Change and eliminate provisions relating to the Nebraska Lottery and Raffle act and the Nebraska Small Lottery and Raffle Act.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
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LB 981	1/22/24				See LB 1204
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Bill Summary: LB 981 is a bill intended to simplify compliance requirements for Charitable Gaming Lottery and Raffle applicants in Nebraska. Organizations must be non-profits and must still meet accountability requirements and report receipts to the Department of Revenue Charitable Gaming Division quarterly and annually.

This bill also increases the dollar amount of gross proceeds of lotteries and raffles to which the act shall apply from one gross proceeds in excess of one thousand dollars to gross proceeds greater than fifteen thousand dollars. Exempted from this provision of law are Pickle Cards, Keno, and state lottery games.

Section 1: amends section 9-402 by adding raffles to the lotteries covered by this section. Additional new language increases the threshold over which the Nebraska Lottery and Raffle Act applies. Currently, this act applies to lotteries with gross proceeds greater than one thousand dollars, and certain raffles with gross proceeds greater than five thousand dollars. This section proposes to change this to lotteries and raffles with gross proceeds greater than fifteen thousand dollars.

Section 2: amends section 9-422 by adding the new language increasing the gross proceeds from excess of one thousand dollars to proceeds greater than fifteen thousand dollars.

Section 3: amends section 9-426. This section allows a licensed organization to obtain a special permit to conduct one raffle and one lottery, and this permit currently exempts the organization from subsections two (2) and three (3) of this section. New language makes it so permit holders are only exempt from subsection two (2) of this section.

Section 4: amends section 9-427 by striking the current subsection two (2) in this section. Subsection two (2) requires that not less than sixty five percent of the gross proceeds of any lottery be used for the awarding of prizes, and not more than ten percent of the gross proceeds can be used to pay the allowable expenses of operating such lottery or raffle. This requirement is stricken in the bill.

Section 5: amends section 9-429 by increasing the threshold for which the licensed organization conducting a lottery or raffle has to pay a tax of two percent of the gross proceeds of more than one thousand dollars to greater than fifteen thousand dollars.

Section 6: amends section 9-502 which currently allows qualifying nonprofit organizations to conduct lotteries with gross proceeds not greater than one thousand dollars or raffles with gross proceeds not greater than five thousand dollars subject to minimal regulation. This section is amended to read lotteries and raffles with gross proceeds not greater than fifteen thousand dollars.

Section 7: amends section 9-511 by adding new language that allows a qualifying nonprofit organization to conduct one lottery per calendar month that has gross proceeds not greater than

fifteen thousand dollars. Also included in this section is language allowing a qualifying non profit organization to conduct one or more raffles in a calendar month if the total gross proceeds from such raffles do not exceed fifteen thousand dollars, which is increased in this bill from five thousand dollars.

Section 8: amends section 28-1105.01 updates the language in the criminal code to reflect the changes made in the previous sections. The offense of gambling debt collection remains a Class III Felony.

Section 9: is a repealer section.

Section 10: is outright repealing section 9-510. This section currently states “Any qualifying nonprofit organization may conduct a lottery that has gross proceeds not greater than one thousand dollars. Each chance in such lottery shall have an equal likelihood of being a winning chance. The gross proceeds of the lottery shall be used solely for charitable or community betterment purposes, awarding of prizes, and expenses. No more than one lottery shall be conducted by any qualifying organization within any calendar month.”

LB 1000 (Brandt) Provide for the anonymity of certain state lottery prize winners.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 1000	2/12/24				See LB 1204

Bill Summary: LB1000 would provide lottery winners of a prize greater than \$250,000 the option to remain anonymous.

Section-by-Section Summary:

Section 1: amends section 9-823 by adding a new subsection (h) under subsection (5) of this section which prohibits the division and any lottery contractor from publicly disclosing the identity of any person awarded a prize of two hundred fifty thousand dollars or more without written authorization of the prize winner.

Section 2: amends section 84-712.05 by amending the public records act by adding the name of any prize winner awarded a prize of less than two hundred fifty thousand dollars as information that may be withheld from the public by the Lottery Division of the Department of Revenue.

Section 3: is the repealer section. No sections are outright repealed.

LB 1164 (Lowe) Change provisions relating to the State Racing and Gaming Commission.

Bill Summary: LB 1164 is a shell bill that was introduced for the purpose of assisting the committee in the event it is needed.

Section-by-Section Summary:

Section 1: amends section 2-1201 by striking the phrase “who shall be” with respect to the commission, and its make up of seven members appointed by the Governor and subject to confirmation by the Legislature.

Section 2: is the repealer section. No sections are outright repealed.

LB 1204 (Cavanaugh, J.) Define rickhouse and authorize a holder of a manufacturer’s license or microdistillery license to operate a rickhouse under the Nebraska Liquor Control Act. LB 1204 was a committee priority bill in 2024. Portions of LB 1296, LB 1000, and LB 981 were amended into LB 1204 by AM 2640.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 1204	2/5/24	3/4/24	3/15/24	3/28/24	4/02/24

Bill Summary: LB 1204 is a bill to allow the holder of a microdistillery license to operate a rickhouse that meets the requirements for a distilled spirit plant pursuant to 26 U.S.C 5178, for the purpose of storing spirits in barrels for aging with the approval of the Liquor Control Commission.

Section-by-Section Summary:

Section 1: amends section 53-101 by adding section three (3) of this bill into the Liquor Control Act.

Section 2: amends section 53-103 by including the definitions found in section 3 of this bill into the Nebraska Liquor Control Act.

Section 3: creates a definition of Rickhouse for the act. Rickhouse means an offsite bonded warehouse which is kept and maintained for the purpose of storing spirits in barrels for aging in order to impart flavor from the barrel into the spirits.

Section 4: amends section 53-123.01 by adding a new subsection three (3) to allow a holder of a manufacturer's license to manufacture spirits to operate a rickhouse that meets the federal requirements established in 26 U.S.C. 5178, included below, if the license holder receives authorization from the liquor control commission and notifies the commission of the location of the rickhouse as required.

Section 5: amends section 53-123.16 by adding the same new language found in section four (4) of the bill (above) to this section.

Section 6: is the repealer section. No sections are outright repealed.

26 U.S.C 5178:

(a) LOCATION, CONSTRUCTION, AND ARRANGEMENT

(1) GENERAL

(A) The premises of a **distilled spirits plant** shall be as described in the application required by section 5171(c). The Secretary shall prescribe such regulations relating to the location, construction, arrangement, and protection of **distilled spirits plants** as he deems necessary to facilitate inspection and afford adequate security to the revenue.

(B) No **distilled spirits plant** for the production of **distilled spirits** shall be located in any dwelling house, in any shed, yard, or inclosure connected with any dwelling house, or on board any vessel or boat, or on premises where beer or wine is made or produced, or liquors of any description are retailed, or on premises where any other business is carried on (except when authorized under subsection (b)).

(C) Notwithstanding any other provision of this chapter relating to **distilled spirits plants** the Secretary may approve the location, construction, arrangement, and method of operation of any establishment which was qualified to operate on the date preceding the effective date of this section if he deems that such location, construction, arrangement, and method of operation will afford adequate security to the revenue.

(2) PRODUCTION OPERATIONS

(A) Any person establishing a **distilled spirits plant** may, as described in his application for registration, produce **distilled spirits** from any source or substance.

(B) The distilling system shall be continuous and shall be so designed and constructed and so connected as to prevent the unauthorized removal of **distilled spirits** before their production gauge.

(C) The Secretary is authorized to order and require—

(i) such identification of, changes of, and additions to, distilling apparatus, connecting pipes, pumps, tanks, and any machinery connected with or used in or on the premises, and

(ii) such fastenings, locks, and seals to be part of any of the stills, tubs, pipes, tanks, and other equipment, as he may deem necessary to facilitate inspection and afford adequate security to the revenue.

(3) WAREHOUSING OPERATIONS

(A) Any person establishing a **distilled spirits plant** for the production of **distilled spirits** may, as described in the application for registration, warehouse **bulk distilled spirits** on the **bonded premises** of such plant.

(B) **Distilled spirits plants** for the bonded warehousing of **bulk distilled spirits** elsewhere than as described in subparagraph (A) may be established at the discretion of the Secretary by proprietors referred to in subparagraph (A) or by other persons under such regulations as the Secretary shall prescribe.

(4) PROCESSING OPERATIONS

Any person establishing a **distilled spirits plant** may, as described in the application for registration, process **distilled spirits** on the **bonded premises** of such plant.

(b) USE OF PREMISES FOR OTHER BUSINESSES

The Secretary may authorize the carrying on of such other businesses (not specifically prohibited by **section 5601(a)(6)**) on premises of **distilled spirits plants**, as he finds will not jeopardize the revenue. Such other businesses shall not be carried on until an application to carry on such business has been made to and approved by the Secretary.

(c) CROSS REFERENCES

(1) For provisions authorizing the Secretary to require installation of meters, tanks, and other apparatus, see section 5552.

(2) For penalty for distilling on prohibited premises, see section 5601(a)(6).

(3) For provisions relating to the bottling of **distilled spirits** labeled as alcohol, see section 5235.

(4) For provisions relating to the unauthorized use of **distilled spirits** in any manufacturing process, see section 5601(a)(9).

LB 1276 (Brewer) Change provisions relating to issuance of certain liquor licenses in a city of the second class or village under the Nebraska Liquor Control Act.

Bill Summary: LB 1276 is a bill that seeks to allow an individual to request an opinion from the Nebraska Liquor Control Commission on a license of an establishment that does not yet exist, as to whether they could become a liquor-licensed business. The bill is seeking this pre-approval or disapproval, and requires the submission of design and operational plans to the Commission.

Section-by-Section Summary:

Section 1: amends section 53-131 by adding new language to this section which would allow the commission to issue or deny a license prior to the expiration of the forty-five (45) day period

required in Neb. Rev. Stat. §53-133 (1)(a) or (b) within which the city has the ability to submit a recommendation for denial of a liquor license from the city, village, or county to the Liquor Control Commission on an application for a liquor license.

When an individual applies for a liquor license, they submit that application to the commission with the required fee. The Commission then notifies the clerk of the city or village in which such license is being sought, or the county clerk if the license being sought is for a location not within an incorporated city or village, and the clerk has a period of forty five days to then submit a recommendation to either grant or refuse the application to the Liquor Commission, based on the decision made by the local governing body.

The new language in this section is proposing an exception to this which would allow the Liquor Control Commission to either issue or deny a license before the 45 day period has expired, pursuant to the conditions found in Neb. Rev. Stat. §53-133, which contains new language in this bill that is found in section 3 of this memo.

Section 2: amends section 53-132 by incorporating the changes made in section one (1) and section three (3) of the bill into this section, allowing the commission to waive the forty-five (45) day objection period otherwise required by law prior to the issuance of a liquor license.

Section 3: amends section 53-133 by creating a new subsection three (3). This new section allows the Liquor Control Commission to grant a request to waive the forty five (45) day objection period by a city of the second class or village only, if the city or village clerk has been informed of a protest to the issuance of a proposed liquor license prior to the applicant's purchase of land for construction of an establishment for which a license is sought, or purchase and renovation of an existing property for such license, within a city of the second class or village.

This section further allows the commission to hold a hearing on the liquor license application and rule on the issuance or denial of such license, on the basis of the applicant submitting renovation or building plans for the proposed licensed premises, and other considerations as required by law.

Section 4: amends section 53-134 by including language authorizing a city of a second class or village to request a hearing from the commission on the issuance of a liquor license pursuant to section three (3) of the bill.

Section 5: amends section 53-1,115 by incorporating section three (3) of the bill into the definitions contained herein.

Section 6: is the repealer section. No sections are outright repealed.

LB 1296 (Hughes) Change provisions relating to electronic nicotine delivery systems and tobacco products and provide for a directory of manufacturers of such systems.

Bill Number	Hearing Date	General File	Select File	Final Reading	Governor Signed
LB 1296	2/5/24				See LB 1204

Bill Summary: LB 1296 is a bill that will prohibit the sale of electronic nicotine delivery systems in the State of Nebraska that have not received marketing authorization approval, or has applied for such approval to the United States Food and Drug Administration. This bill also prohibits the online sale of electronic nicotine delivery systems. And creates a registry for the manufacturers of these products.

Section-by-Section Summary:

Section 1: amends section 28-1418.01 by adding sections five and six of this bill to this section of Neb. Rev. Stat. §28-1418 to 28-1429.03, which deal with electronic nicotine delivery systems and alternative nicotine products.

New language creates a new subsection three (3) of this section which creates a new definition of Delivery sale. It means to sell, give, or furnish products (a) by mail or delivery service; (b) through the Internet or a computer network; (c) by telephone; or (d) through any other electronic method. Subsequent subsections are renumbered accordingly.

Additionally, in current subsection five (5) (renumbered subsection six (6)), language is stricken that allows a tobacco specialty store to allow an employee who is nineteen or twenty years of age to work in the store until January 1, 2022.

Section 2: Amends section 28-1422 by adding a new subsection (b) of section one (1) that requires every person, partnership, limited liability company, or corporation desiring a license under sections §28-1420 to 28-1429 to file an email address for contacting such person, partnership, limited liability company, or corporation as a part of their written application with the clerk of the finance department of the city, town, or village where the place of business is located, or with the clerk of the county where the place of business is located if it is outside of the limits of any city, town, or village.

New language creates a new section three (3) of this statute which requires the clerk or finance department who grants a license to notify the tax commissioner of the granting of the license and to transmit all applicable application materials received to the tax commissioner.

Section 3: amends section 28-1425 by adding sections five (5) and six (6) of this act to this section, and adds a new provision limiting a new license from being issued until the expiration of the time period provided for in §28-1429.

Section 4: amends section 28-1429 by creating a new provision that requires a wait time of five (5) years from the date of a revocation and forfeiture of a license for a new license to be issued if there is a violation of new sections five (5) and six (6) of this act.

New subsection two (2) requires the expiration of one year from the date of revocation and forfeiture for any other violation of sections §28-1418 to 28-1429.03, except as provided in section §28-1423.

Section 5: is new language creating an additional penalty of a revocation and forfeiture of a license held under this section if the licensee sells, gives, or furnishes in any way to any person, or who allows any controlled substance or counterfeit substance as defined in section §28-401, to the penalties provided for in the Uniform Controlled Substances Act.

Section 6: is also new language prohibiting a license holder under these sections to not sell, give, or furnish any person with any electronic nicotine delivery system by delivery sale, as is newly defined in section one (1) of this bill. A violation of this section is set at a Class I misdemeanor.

This section also makes it a Class I misdemeanor for any common carrier to knowingly transport any electronic nicotine delivery system in any form for a person who is in violation of subsection one (1) of this section.

Further, a violation of this section is deemed to be a deceptive trade practice under the Uniform Deceptive Trade Practices Act in addition to any other penalty, and is subject to any remedies or penalties available for a violation of that act.

Additionally, new language makes all electronic nicotine delivery systems that are sold, given, or furnished in violation of this section subject to seizure, forfeiture, and destruction, and the cost of this will be passed to the person from whom the products were sold.

Exemption language is included to provide this section does not apply to the shipment of electronic nicotine delivery systems to a foreign trade zone established under 19 U.S.C. 81 a et seq. and that is located in the state if the products are from outside of the country, ordered by a distributor in another state, and are not distributed in this state; government employees acting in the course of their official duties; or the shipment of electronic nicotine delivery systems to a university that is acquiring the systems to conduct basic and applied research, if those systems are exempt from federal excise tax under 26 U.S.C. 5704(a).

Section 7: amends section 59-1523 to include sections five (5) and six (6) of this act in this section under the authority of the cigarette tax division of the Tax Commissioner.

Section 8: amends section 77-4001 to incorporate sections nine (9) through nineteen (19) of this act into the Tobacco Products Tax Act.

Section 9: Sections 9 through 19 contain all new language. Section 9 requires each manufacturer of electronic nicotine delivery systems that are sold in Nebraska, to execute and deliver a certification that the manufacturer agrees to comply with the Tobacco Products Tax Act. This is required regardless of how the systems are sold, whether directly or through a distributor, wholesaler, retailer, or similar intermediaries.

They also must certify by April 1, 2025 that the manufacturer has received a marketing authorization or similar order for the electronic nicotine delivery system from the United States Food and Drug Administration pursuant to 21 U.S.C. 387j; or that the electronic nicotine delivery system was marketed in the United States as of August 8, 2016, the manufacturer submitted a premarket tobacco product application to the United States Food and Drug Administration pursuant to 21 U.S.C. 387j on or before September 9, 2020; and the application remains under review or a final decision on said application has not otherwise taken effect.

This form is required annually, and it must separately list each electronic nicotine delivery system that the manufacturer sells in this state.

The annual certification form must be accompanied by either a copy of the marketing authorization or similar order described in subsection (1)(a) of this section, or evidence that a premarket tobacco product application was submitted and either remains under review or a final decision has not otherwise taken effect as described in subsection (1)(b) of this section; AND

A nonrefundable payment of five hundred dollars (\$500.00) for each electronic nicotine delivery system the first time a manufacturer submits a certification form for that particular electronic nicotine delivery system and a nonrefundable payment of five hundred dollars (\$500.00) annually thereafter for each electronic nicotine delivery system they sell in the state.

The last subsection to this section remits all the revenue collected under this section to the State Treasurer for credit to the Department of Revenue Enforcement Fund to administer this act.

Section 10: this section requires a manufacturer who is required to submit a certification form by section nine (9) of this act to notify the Tax Commissioner and Attorney General within thirty days of any material change to the certification form or any other order or action by the Food and Drug Administration or any court that affects the ability of an electronic nicotine delivery system to be introduced or delivered into interstate commerce for commercial distribution in the United States.

Section 11: requires the Tax Commissioner to maintain and make publicly available on their website a directory that lists all electronic nicotine delivery system manufacturers and electronic nicotine delivery systems for which up to date and accurate certification forms that conform to the requirements of this act have been submitted to the department by October 1, 2025. The Commissioner is required to update the directory as necessary to ensure accuracy.

To remove any manufacturer from this directory, the Commissioner must provide thirty (30) days' notice of the intended action, and allow the manufacturer to have those thirty (30) days to come into compliance with sections nine (9) and ten (10) of this act, or, in the alternative, secure a temporary injunction against removal in the district court of Lancaster County.

If the Commissioner determines that a manufacturer will not be included in the directory, the manufacturer is granted the ability to request a contested case before the Commissioner pursuant to the Administrative Procedure Act, found in Neb. Rev. Stat. §81-901 et seq. The request for hearing must be made within thirty (30) calendar days after the date of determination, and must contain evidence of the manufacturer's compliance with this act. The commissioner is required to hold the requested hearing within sixty (60) days after the request was made. The commissioner must render a final decision within thirty (30) days of the hearing, and the bill provides for appeal of any decision of the commissioner.

For any removal of a manufacturer from the directory, every retailer, distributor, and wholesaler in the state must remove all the affected systems from their inventory and return them to the manufacturer for disposal within twenty-one (21) calendar days after the removal. After that twenty-one (21) day period, any system that remains in the state is subject to seizure, forfeiture, and destruction, and the costs will be passed on to the person from whom the products are seized.

Beginning October 1, 2025, no electronic nicotine delivery systems shall be sold in the state if they are not included in the directory; and no manufacturer can sell any delivery system that is not included in the directory, through any means of sale.

Section 12: creates a civil penalty for any retailer, distributor, or wholesaler who sells or offers for sale any electronic nicotine delivery system that is not included in the directory. The dollar amount of the penalty is not yet established in this section, but it will be a specified number of dollars per day for each system and each day it is offered until the system is removed from the market or until it is properly listed in the directory.

Subsequent violations will result in a license suspension for fourteen (14) days for a second offense within a twelve-month period, sixty (60) day suspension for a third violation within a twelve-month period, and at least one year suspension for a fourth or subsequent violation within a twelve-month period.

Section 13: provides for a monetary civil penalty not yet set in the bill for manufacturers whose electronic systems are not listed in the directory and are sold in this state whether directly or through a distributor, wholesaler, retailer, or similar. The penalty is per day for each system offered for sale in violation of this act until the system in question is either removed from the market or listed properly in the directory.

Section 14: requires all fees and penalties collected by the tax commissioner to be remitted to the State Treasurer for credit to the Tobacco Products Administration Cash fund to be used for administration and enforcement of the act.

Section 15: establishes that violations of this act constitute a deceptive trade practice under the Uniform Deceptive Trade Practices Act, and shall be subject to any remedies or penalties available for a violation under the Uniform Deceptive Trade Practices Act as well as any penalties set forth in this act.

Section 16: grants authority to the tax commissioner and Attorney General to examine the books, papers, invoices and other records of any person or business engaged in the sale of electronic nicotine delivery systems. If violations of this act are found, unannounced followup

compliance checks are authorized and must be conducted within thirty (30) days after violations of the act are found.

Section 17: requires nonresident manufacturers of delivery systems who are not registered to do business in the state as a foreign corporation or business to appoint an agent in Nebraska to act on their behalf and on whom service of process may be served.

Section 18: allows the tax commissioner to adopt and promulgate rules and regulations to carry out sections nine (9) through nineteen (19) of this act.

Section 19: requires the tax commissioner to annually submit a report to the legislature regarding the status of the directory, manufacturers, and electronic nicotine delivery systems, revenue and expenditures related to the administration of the act, and enforcement activities undertaken in the prior fiscal year beginning August 31, 2025.

Section 20: is the repealer section. No sections are outright repealed.

Interim Studies

LR 344 (Lowe) Interim study to examine issues within the jurisdiction of the General Affairs Committee.

LR 345 (Lowe) Interim study to examine all licenses issued by the State Racing and Gaming Commission.

LR 353 (Lowe) Interim study to examine the pricing and taxation of alcohol in Nebraska.

Gubernatorial Appointments

Name	Board	New or Reappointment	Hearing Date	Committee Report	Floor vote
Bruce D. Bailey	Liquor Control Commission	Reappointment	2/20/24	Confirm	Y

Brian Botsford	Arts Council	Reappointment	2/20/24	Confirm	Y
Zachary Cheek	Arts Council	Reappointment	2/20/24	Confirm	Y
Jana Goranson	Arts Council	Reappointment	2/20/24	Confirm	Y
Jon Gross	Arts Council	New	2/20/24	Confirm	Y
Clark Rousch	Arts Council	Reappointment	2/20/24	Confirm	Y
John (Chris) Stinson	Racing and Gaming	New	2/20/24	Confirm	Y
Lovell James Wright	Arts Council	New	2/20/24	Confirm	Y
Cameron Arch	Problem Gambling	Reappointment	2/20/24	Confirm	Y
Kelly Lambert	Problem Gambling	Reappointment	2/20/24	Confirm	Y
Claudia Moore	Problem Gambling	Reappointment	2/20/24	Confirm	Y
Stephen M. Farrington	State Electrical Board	New	4/2/24	Confirm	Y
Don F. Gerjevic	State Electrical Board	New	3/28/24	Confirm	Y
Michael M. Hunsberger	State Electrical Board	Reappointment	3/28/24	Confirm	Y
Jeanne Salerno	Arts Council	New	3/28/24	Confirm	Y
Helen	Racing and	New and prior	4/2/24	Confirm	Y

Abbott Feller	Gaming	service			
Paul Leckband	Problem Gambling	Reappointment	4/2/24	Confirm	Y
Dan Volnek	Problem Gambling	Reappointment	4/2/24	Confirm	Y
Todd Zohner	Problem Gambling	Reappointment	4/2/24	Confirm	Y
Janelle Beveridge	Racing and Gaming	Reappointment	7/31/24	Confirm	Y