

AMENDMENTS TO LB1204

Introduced by General Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 9-402, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 9-402 (1) The purpose of the Nebraska Lottery and Raffle Act is to
6 protect the health and welfare of the public, to protect the economic
7 welfare and interest in certain lotteries and raffles with gross proceeds
8 greater than fifteen ~~one~~ thousand dollars ~~and certain raffles with gross~~
9 ~~proceeds greater than five thousand dollars~~, to insure that the profits
10 derived from the operation of any such lottery or raffle are accurately
11 reported in order that their revenue-raising potential be fully exposed,
12 to insure that the profits are used for legitimate purposes, and to
13 prevent the purposes for which the profits of any such lottery or raffle
14 are to be used from being subverted by improper elements.

15 (2) The purpose of the Nebraska Lottery and Raffle Act is also to
16 completely and fairly regulate each level of the traditional marketing
17 scheme of tickets or stubs for such lotteries and raffles to insure
18 fairness, quality, and compliance with the Constitution of Nebraska. To
19 accomplish such purpose, the regulation and licensure of nonprofit
20 organizations and any other person involved in the marketing scheme are
21 necessary.

22 (3) The Nebraska Lottery and Raffle Act shall apply to all lotteries
23 and raffles with gross proceeds greater than fifteen ~~in excess of one~~
24 thousand dollars, except for lotteries by the sale of pickle cards
25 conducted in accordance with the Nebraska Pickle Card Lottery Act,
26 lotteries conducted by a county, city, or village in accordance with the
27 Nebraska County and City Lottery Act, and lottery games conducted in

1 accordance with the State Lottery Act, ~~and to all raffles with gross~~
2 ~~proceeds in excess of five thousand dollars.~~

3 (4) All such lotteries and raffles shall be played and conducted
4 only by the methods permitted in the Nebraska Lottery and Raffle Act ~~act~~.
5 No other form, means of selection, or method of play shall be allowed.

6 Sec. 2. Section 9-422, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 9-422 No person, except a licensed organization operating pursuant
9 to the Nebraska Lottery and Raffle Act, shall conduct any lottery or
10 raffle with gross proceeds greater than fifteen ~~in excess of one thousand~~
11 ~~dollars or any raffle with gross proceeds in excess of five thousand~~
12 ~~dollars~~. Any lottery or raffle conducted in violation of this section is
13 hereby declared to be a public nuisance. Any person who violates this
14 section shall be guilty of a Class III misdemeanor. Nothing in this
15 section shall be construed to apply to any lottery conducted in
16 accordance with the Nebraska County and City Lottery Act, any lottery by
17 the sale of pickle cards conducted in accordance with the Nebraska Pickle
18 Card Lottery Act, or any lottery game conducted pursuant to the State
19 Lottery Act.

20 Sec. 3. Section 9-426, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 9-426 (1) A licensed organization may obtain from the department a
23 special permit to conduct one raffle and one lottery. The cost of the
24 special permit shall be ten dollars. The special permit shall exempt the
25 licensed organization from subsection (2) ~~subsections (2) and (3)~~ of
26 section 9-427 and from section 9-430. The organization shall comply with
27 all other requirements of the Nebraska Lottery and Raffle Act.

28 (2) The special permit shall be valid for one year and shall be
29 issued by the department upon the proper application by the licensed
30 organization. The special permit shall become invalid upon termination,
31 revocation, or cancellation of the organization's license to conduct a

1 lottery or raffle. The application shall be in such form and contain such
2 information as the department may prescribe.

3 (3) No licensed organization conducting a raffle or lottery pursuant
4 to a special permit shall pay persons selling tickets or stubs for the
5 raffle or lottery, except that nothing in this subsection shall prohibit
6 the awarding of prizes to such persons based on ticket or stub sales.

7 Sec. 4. Section 9-427, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 9-427 (1) The gross proceeds of any lottery or raffle shall be used
10 solely for lawful purposes, awarding of prizes, and allowable expenses.

11 ~~(2) Not less than sixty-five percent of the gross proceeds of any~~
12 ~~lottery shall be used for the awarding of prizes, and not more than ten~~
13 ~~percent of the gross proceeds shall be used to pay the allowable expenses~~
14 ~~of operating such scheme.~~

15 (2) (3) Not less than sixty-five percent of the gross proceeds of
16 any lottery or raffle shall be used for the awarding of prizes, and not
17 more than ten percent of the gross proceeds of a lottery or raffle shall
18 be used to pay the allowable expenses of operating such scheme, except
19 that if prizes are donated to the licensed organization to be awarded in
20 connection with a such raffle, the prizes awarded shall have a fair
21 market value equal to at least sixty-five percent of the gross proceeds
22 of the raffle and the licensed organization shall use the proceeds for
23 allowable expenses, optional additional prizes, and a lawful purpose.

24 Sec. 5. Section 9-429, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 9-429 Any licensed organization or any other organization ~~or person~~
27 conducting a lottery or raffle activity required to be licensed pursuant
28 to the Nebraska Lottery and Raffle Act shall pay to the department a tax
29 of two percent of the gross proceeds of each lottery or raffle having
30 gross proceeds greater ~~of more than~~ fifteen ~~one~~ thousand dollars ~~or~~
31 ~~raffle having gross proceeds of more than five thousand dollars.~~ Such tax

1 shall be remitted annually by September 30 each year on forms approved
2 and provided by the department. The department shall remit the tax to the
3 State Treasurer for credit to the Charitable Gaming Operations Fund. All
4 deficiencies of the tax imposed by this section shall accrue interest and
5 be subject to a penalty as provided for sales and use taxes in the
6 Nebraska Revenue Act of 1967.

7 Sec. 6. Section 9-502, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 9-502 (1) The purpose of the Nebraska Small Lottery and Raffle Act
10 is to allow qualifying nonprofit organizations to conduct lotteries and
11 raffles with gross proceeds not greater than fifteen ~~one~~ thousand dollars
12 ~~or raffles with gross proceeds not greater than five thousand dollars~~
13 subject to minimal regulation.

14 (2) The Nebraska Small Lottery and Raffle Act shall apply to all
15 lotteries and raffles with gross proceeds not greater than fifteen ~~one~~
16 thousand dollars, except for lotteries by the sale of pickle cards
17 conducted in accordance with the Nebraska Pickle Card Lottery Act,
18 lotteries conducted by a county, city, or village in accordance with the
19 Nebraska County and City Lottery Act, and lottery games conducted
20 pursuant to the State Lottery Act, ~~and to all raffles with gross proceeds~~
21 ~~not greater than five thousand dollars.~~

22 (3) All such lotteries and raffles shall be played and conducted
23 only by the methods permitted in the Nebraska Small Lottery and Raffle
24 Act ~~act~~. No other form or method shall be authorized or permitted.

25 Sec. 7. Section 9-511, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 9-511 Any qualifying nonprofit organization may conduct a lottery or
28 raffle that has gross proceeds not greater than fifteen ~~five~~ thousand
29 dollars. Each chance in such lottery or raffle shall have an equal
30 likelihood of being a winning chance. The gross proceeds shall be used
31 solely for charitable or community betterment purposes, awarding of

1 prizes, and expenses. Any qualifying nonprofit organization may conduct
2 one lottery per calendar month that has gross proceeds not greater than
3 fifteen thousand dollars. Any qualifying nonprofit organization may
4 conduct one or more raffles in a calendar month if the total gross
5 proceeds from such raffles do not exceed fifteen ~~five~~ thousand dollars
6 during such month.

7 Sec. 8. Section 9-823, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 9-823 The Tax Commissioner shall adopt and promulgate rules and
10 regulations necessary to carry out the State Lottery Act. The rules and
11 regulations shall include provisions relating to the following:

12 (1) The lottery games to be conducted subject to the following
13 conditions:

14 (a) No lottery game shall use the theme of dog racing or
15 horseracing;

16 (b) In any lottery game utilizing tickets, each ticket in such game
17 shall bear a unique number distinguishing it from every other ticket in
18 such lottery game;

19 (c) No name of an elected official shall appear on the tickets of
20 any lottery game; and

21 (d) In any instant-win game, the overall estimated odds of winning
22 some prize shall be printed on each ticket and shall also be available at
23 the office of the division at the time such lottery game is offered for
24 sale to the public;

25 (2) The retail sales price for lottery tickets;

26 (3) The types and manner of payment of prizes to be awarded for
27 winning tickets in lottery games;

28 (4) The method for determining winners, the frequency of drawings,
29 if any, or other selection of winning tickets subject to the following
30 conditions:

31 (a) No lottery game shall be based on the results of a dog race,

1 horserace, or other sports event;

2 (b) If the lottery game utilizes the drawing of winning numbers, a
3 drawing among entries, or a drawing among finalists (i) the drawings
4 shall be witnessed by an independent certified public accountant, (ii)
5 any equipment used in the drawings shall be inspected by the independent
6 certified public accountant and an employee of the division or designated
7 agent both before and after the drawing, and (iii) the drawing shall be
8 recorded on videotape with an audio track; and

9 (c) Drawings in an instant-win game, other than grand prize drawings
10 or other runoff drawings, shall not be held more often than weekly.
11 Drawings or selections in an online game shall not be held more often
12 than daily;

13 (5) The validation and manner of payment of prizes to the holders of
14 winning tickets subject to the following conditions:

15 (a) The prize shall be given to the person who presents a winning
16 ticket, except that for awards in excess of five hundred dollars, the
17 winner shall also provide his or her social security number or tax
18 identification number;

19 (b) A prize may be given to only one person per winning ticket,
20 except that a prize shall be divided between the holders of winning
21 tickets if there is more than one winning ticket per prize;

22 (c) For the convenience of the public, the director may authorize
23 lottery game retailers to pay winners of up to five hundred dollars after
24 performing validation procedures on their premises appropriate to the
25 lottery game involved;

26 (d) No prize shall be paid to any person under nineteen years of
27 age, and any prize resulting from a lottery ticket held by a person under
28 nineteen years of age shall be awarded to the parent or guardian or
29 custodian of the person under the Nebraska Uniform Transfers to Minors
30 Act;

31 (e) No prize shall be paid for tickets that are stolen, counterfeit,

1 altered, fraudulent, unissued, produced or issued in error, unreadable,
2 not received or not recorded by the division by acceptable deadlines,
3 lacking in captions that confirm and agree with the lottery play symbols
4 as appropriate to the lottery game involved, or not in compliance with
5 additional specific rules and regulations and public or confidential
6 validation and security tests appropriate to the particular lottery game
7 involved;

8 (f) No particular prize in any lottery game shall be paid more than
9 once. In the event of a binding determination by the director that more
10 than one claimant is entitled to a particular prize, the sole right of
11 such claimants shall be the award to each of them of an equal share in
12 the prize;~~and~~

13 (g) After the expiration of the claim period for prizes for each
14 lottery game, the director shall make available a detailed tabulation of
15 the total number of tickets actually sold in the lottery game and the
16 total number of prizes of each prize denomination that were actually
17 claimed and paid;and

18 (h) The division and any lottery contractor shall not publicly
19 disclose the identity of any person awarded a prize of two hundred fifty
20 thousand dollars or more except upon written authorization of such
21 person;

22 (6) Requirements for eligibility for participation in grand prize
23 drawings or other runoff drawings, including requirements for submission
24 of evidence of eligibility;

25 (7) The locations at which tickets may be sold except that no ticket
26 may be sold at a retail liquor establishment holding a license for the
27 sale of alcoholic liquor at retail for consumption on the licensed
28 premises unless the establishment holds a Class C liquor license with a
29 sampling designation as provided in subsection (6) of section 53-124;

30 (8) The method to be used in selling tickets;

31 (9) The contracting with persons as lottery game retailers to sell

1 tickets and the manner and amount of compensation to be paid to such
2 retailers;

3 (10)(a) The form and type of marketing of informational and
4 educational material.

5 (b) Beginning on September 1, 2019, all lottery advertisements shall
6 disclose the odds of winning the prize with the largest value for any
7 lottery game in a clear and conspicuous manner. Such disclosure shall be
8 in a font size of not less than thirty-five percent of the largest font
9 used in the advertisement, except that for any online advertisement, such
10 disclosure shall be in a font size of at least ten points. This
11 subdivision (b) shall not apply to advertisements printed, distributed,
12 broadcast, or otherwise disseminated or conducted prior to September 1,
13 2019;

14 (11) Any arrangements or methods to be used in providing proper
15 security in the storage and distribution of tickets or lottery games; and

16 (12) All other matters necessary or desirable for the efficient and
17 economical operation and administration of lottery games and for the
18 convenience of the purchasers of tickets and the holders of winning
19 tickets.

20 Sec. 9. Section 28-1105.01, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 28-1105.01 (1) A person commits the offense of gambling debt
23 collection if he or she employs any force or intimidation or threatens
24 force or intimidation in order to collect any debt which results from
25 gambling as described in ~~defined by~~ sections ~~9-510,~~ 28-1101 to 28-1109,
26 and 28-1117.

27 (2) Gambling debt collection is a Class III felony.

28 Sec. 10. Section 28-1418.01, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 28-1418.01 For purposes of sections 28-1418 to 28-1429.03 and
31 sections 15 to 18 of this act:

1 (1) Alternative nicotine product means any noncombustible product
2 containing nicotine that is intended for human consumption, whether
3 chewed, absorbed, dissolved, or ingested by any other means. Alternative
4 nicotine product does not include any electronic nicotine delivery
5 system, cigarette, cigar, or other tobacco product, or any product
6 regulated as a drug or device by the United States Food and Drug
7 Administration under Chapter V of the Federal Food, Drug, and Cosmetic
8 Act;

9 (2) Cigarette means any product that contains nicotine, is intended
10 to be burned or heated under ordinary conditions of use, and consists of
11 or contains (a) any roll of tobacco wrapped in paper or in any substance
12 not containing tobacco, (b) tobacco, in any form, that is functional in
13 the product which, because of its appearance, the type of tobacco used in
14 the filler, or its packaging and labeling, is likely to be offered to, or
15 purchased by, consumers as a cigarette, or (c) any roll of tobacco
16 wrapped in any substance containing tobacco which, because of its
17 appearance, the type of tobacco used in the filler, or its packaging and
18 labeling, is likely to be offered to, or purchased by, consumers as a
19 cigarette described in subdivision (2)(a) of this section;

20 (3) Delivery sale means to sell, give, or furnish products (a) by
21 mail or delivery service, (b) through the Internet or a computer network,
22 (c) by telephone, or (d) through any other electronic method;

23 (4)(a) ~~(3)(a)~~ Electronic nicotine delivery system means any product
24 or device containing nicotine, tobacco, or tobacco derivatives that
25 employs a heating element, power source, electronic circuit, or other
26 electronic, chemical, or mechanical means, regardless of shape or size,
27 to simulate smoking by delivering the nicotine, tobacco, or tobacco
28 derivatives in vapor, fog, mist, gas, or aerosol form to a person
29 inhaling from the product or device.

30 (b) Electronic nicotine delivery system includes, but is not limited
31 to, the following:

1 (i) Any substance containing nicotine, tobacco, or tobacco
2 derivatives, whether sold separately or sold in combination with a
3 product or device that is intended to deliver to a person nicotine,
4 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol
5 form;

6 (ii) Any product or device marketed, manufactured, distributed, or
7 sold as an electronic cigarette, electronic cigar, electronic cigarillo,
8 electronic pipe, electronic hookah, or similar products, names,
9 descriptors, or devices; and

10 (iii) Any component, part, or accessory of such a product or device
11 that is used during operation of the product or device when sold in
12 combination with any substance containing nicotine, tobacco, or tobacco
13 derivatives.

14 (c) Electronic nicotine delivery system does not include the
15 following:

16 (i) An alternative nicotine product, cigarette, cigar, or other
17 tobacco product, or any product regulated as a drug or device by the
18 United States Food and Drug Administration under Chapter V of the Federal
19 Food, Drug, and Cosmetic Act; or

20 (ii) Any component, part, or accessory of such a product or device
21 that is used during operation of the product or device when not sold in
22 combination with any substance containing nicotine, tobacco, or tobacco
23 derivatives;

24 (5) ~~(4)~~ Self-service display means a retail display that contains a
25 tobacco product, a tobacco-derived product, an electronic nicotine
26 delivery system, or an alternative nicotine product and is located in an
27 area openly accessible to a retailer's customers and from which such
28 customers can readily access the product without the assistance of a
29 salesperson. Self-service display does not include a display case that
30 holds tobacco products, tobacco-derived products, electronic nicotine
31 delivery systems, or alternative nicotine products behind locked doors;

1 and

2 ~~(6) (5)~~ Tobacco specialty store means a retail store that (a)
3 derives at least seventy-five percent of its revenue from tobacco
4 products, tobacco-derived products, electronic nicotine delivery systems,
5 or alternative nicotine products and (b) does not permit persons under
6 the age of twenty-one years to enter the premises unless accompanied by a
7 parent or legal guardian, ~~except that until January 1, 2022, a tobacco~~
8 ~~specialty store may allow an employee who is nineteen or twenty years of~~
9 ~~age to work in the store.~~

10 Sec. 11. Section 28-1420, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 28-1420 ~~(1) A It shall be unlawful for any person, partnership,~~
13 limited liability company, or corporation shall not to sell, keep for
14 sale, or give away in course of trade, any cigars, tobacco, electronic
15 nicotine delivery systems, cigarettes, or cigarette material to anyone
16 without first obtaining a license as provided in sections 28-1421 and
17 28-1422.

18 ~~(2) A It shall also be unlawful for any wholesaler shall not to~~ sell
19 or deliver any cigars, tobacco, electronic nicotine delivery systems,
20 cigarettes, or cigarette material to any person, partnership, limited
21 liability company, or corporation who, at the time of such sale or
22 delivery, is not the recipient of a valid tobacco license for the current
23 year to retail the same as provided in ~~such~~ sections 28-1421 and 28-1422.

24 ~~(3) A It shall also be unlawful for any person, partnership, limited~~
25 liability company, or corporation shall not to purchase or receive, for
26 purposes of resale, any cigars, tobacco, electronic nicotine delivery
27 systems, cigarettes, or cigarette material if such person, partnership,
28 limited liability company, or corporation is not the recipient of a valid
29 tobacco license under sections 28-1421 and 28-1422 to retail such tobacco
30 products at the time the same are purchased or received.

31 (4) A wholesaler or retailer shall not purchase or receive, for

1 purposes of resale, any cigars, tobacco, electronic nicotine delivery
2 systems, cigarettes, or cigarette material if the manufacturer of such
3 products does not hold any license or certification required by the
4 Tobacco Products Tax Act at the time such products are purchased or
5 received.

6 (5) A tobacco product manufacturer shall not sell or deliver any
7 cigars, tobacco, electronic nicotine delivery systems, cigarettes, or
8 cigarette material to any wholesaler or retailer who, at the time of such
9 sale or delivery, is not the recipient of a valid tobacco license under
10 sections 28-1421 and 28-1422 for the current year to sell such products
11 at wholesale or retail.

12 (6) A ~~whoever shall be person~~ found guilty of violating this section
13 is ~~shall be~~ guilty of a Class III misdemeanor for each offense.

14 Sec. 12. Section 28-1422, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 28-1422 (1) Every person, partnership, limited liability company,
17 or corporation desiring a license under sections 28-1420 to 28-1429 shall
18 file with the clerk or finance department of the city, town, or village
19 where his, her, their, or its place of business is located, if within the
20 limits of a city, town, or village, or with the clerk of the county where
21 such place of business is located, if outside the limits of any city,
22 town, or village, a written application stating:

23 (a) ~~The~~ the name of the person, partnership, limited liability
24 company, or corporation for whom such license is desired;

25 (b) An email address for contacting such person, partnership,
26 limited liability company, or corporation; and

27 (c) ~~The~~ the exact location of the place of business. ~~and~~

28 (2) Each applicant shall also deposit with such application the
29 amount of the license fee provided in section 28-1423.

30 (3) If the applicant is an individual, the application shall include
31 the applicant's social security number.

1 (4) Any clerk or finance department that grants such a license shall
2 notify the Tax Commissioner of such granting and transmit all applicable
3 application materials received to the Tax Commissioner.

4 Sec. 13. Section 28-1425, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 28-1425 Any licensee who shall sell, give, or furnish in any way to
7 any person under the age of twenty-one years, or who shall willingly
8 allow to be taken from his or her place of business by any person under
9 the age of twenty-one years, any cigars, tobacco, cigarettes, cigarette
10 material, electronic nicotine delivery systems, or alternative nicotine
11 products is guilty of a Class III misdemeanor. Any officer, director, or
12 manager having charge or control, either separately or jointly with
13 others, of the business of any corporation which violates sections
14 28-1419, 28-1420 to 28-1429, and 28-1429.03 and sections 15 to 18 of this
15 act, if he or she has knowledge of such violation, shall be subject to
16 the penalties provided in this section. In addition to the penalties
17 provided in this section, such licensee shall be subject to the
18 additional penalty of a revocation and forfeiture of his, her, their, or
19 its license, at the discretion of the court before whom the complaint for
20 violation of such sections may be heard. If such license is revoked and
21 forfeited, all rights under such license shall at once cease and
22 terminate and a new license shall not be issued until the expiration of
23 the period provided for in section 28-1429.

24 Sec. 14. Section 28-1429, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 28-1429 (1) If a ~~In the event that the license issued under~~
27 sections 28-1420 to 28-1429 is of a licensee hereunder shall be revoked
28 and forfeited as provided in section 28-1425 for a violation of section
29 15 or 16 of this act, no new license shall be issued to such licensee
30 until the expiration of five years after the date of such revocation and
31 forfeiture.

1 (2) If a license issued under sections 28-1420 to 28-1429 is revoked
2 and forfeited as provided in section 28-1425 for any other violation of
3 sections 28-1418 to 28-1429.03 and sections 17 and 18 of this act, no new
4 license shall be issued to such licensee until the expiration of one year
5 from after the date of such revocation and forfeiture except as otherwise
6 provided in section 28-1423.

7 Sec. 15. A person holding a license under sections 28-1420 to
8 28-1429 who sells, gives, or furnishes in any way to any consumer in this
9 state, or who willingly allows to be taken from such licensee's place of
10 business by any person, any controlled substance or counterfeit
11 substance, as such terms are defined in section 28-401, shall be, in
12 addition to the penalties provided for in the Uniform Controlled
13 Substances Act, subject to the additional penalty of revocation and
14 forfeiture of such license as provided in sections 28-1425 and 28-1429 at
15 the discretion of the court.

16 Sec. 16. (1) A person shall not, by delivery sale, sell, give, or
17 furnish to any consumer in this state any electronic nicotine delivery
18 system. A violation of this subsection is a Class I misdemeanor.

19 (2) Any common carrier that knowingly transports any electronic
20 nicotine delivery system in any form for a person who is in violation of
21 subsection (1) of this section is guilty of a Class I misdemeanor.

22 (3) In addition to any other penalty, a violation of this section
23 shall constitute a deceptive trade practice under the Uniform Deceptive
24 Trade Practices Act and shall be subject to any remedies or penalties
25 available for a violation of such act.

26 (4) All electronic nicotine delivery systems that are sold, given,
27 or furnished in violation of this section are subject to seizure,
28 forfeiture, and destruction and shall not be purchased or sold in the
29 state. The cost of such seizure, forfeiture, and destruction shall be
30 borne by the person from whom the products are seized.

31 (5) This section does not apply to the following:

1 (a) The shipment of electronic nicotine delivery systems to a
2 foreign trade zone that is established under 19 U.S.C. 81a et seq. and
3 that is located in this state if the products are from outside of this
4 country, were ordered by a distributor in another state, and are not
5 distributed in this state;

6 (b) A government employee who is acting in the course of the
7 employee's official duties; or

8 (c) The shipment of electronic nicotine delivery systems to a
9 university that is acquiring the systems to conduct basic and applied
10 research, if the systems are exempt from federal excise tax under 26
11 U.S.C. 5704(a).

12 Sec. 17. (1) A person holding a license under sections 28-1420 to
13 28-1429 shall ensure that any e-liquid container for an electronic
14 nicotine delivery system sold by such person:

15 (a) Meets any applicable packaging standards imposed by the federal
16 Child Nicotine Poisoning Prevention Act of 2015, 15 U.S.C. 1472a; and

17 (b) Has a label that meets the nicotine addictiveness warning
18 statement requirements set forth in 21 C.F.R. 1143.3.

19 (2) For purposes of this section, e-liquid container means a
20 container holding any consumable material as defined in section
21 77-4003.01.

22 Sec. 18. A person holding a license under sections 28-1420 to
23 28-1429 shall not market, advertise, sell, or cause to be sold an
24 electronic nicotine delivery system if the system's container, packaging,
25 or advertising:

26 (1) Depicts a cartoon-like fictional character that mimics a
27 character primarily aimed at entertaining minors;

28 (2) Imitates or mimics trademarks or trade dress of products that
29 are or have been primarily marketed to minors;

30 (3) Includes a symbol that is primarily used to market products to
31 minors;

- 1 (4) Includes an image of a celebrity; or
- 2 (5) Is designed to disguise the fact that it is an electronic
- 3 nicotine delivery system.

4 Sec. 19. Section 53-101, Revised Statutes Supplement, 2023, is
5 amended to read:

6 53-101 Sections 53-101 to 53-1,122 and section 21 of this act shall
7 be known and may be cited as the Nebraska Liquor Control Act.

8 Sec. 20. Section 53-103, Revised Statutes Supplement, 2023, is
9 amended to read:

10 53-103 For purposes of the Nebraska Liquor Control Act, the
11 definitions found in sections 53-103.01 to 53-103.51 and section 21 of
12 this act apply.

13 Sec. 21. Rickhouse means an offsite bonded warehouse which is kept
14 and maintained for the purpose of storing spirits in barrels for aging in
15 order to impart flavor from the barrel into the spirits.

16 Sec. 22. Section 53-123.01, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 53-123.01 (1) A manufacturer's license shall allow the manufacture,
19 storage, and sale of alcoholic liquor to wholesale licensees in this
20 state and to such persons outside the state as may be permitted by law,
21 except that nothing in the Nebraska Liquor Control Act shall prohibit a
22 manufacturer of beer from distributing tax-paid samples of beer at the
23 premises of a licensed manufacturer for consumption on the premises. A
24 manufacturer's license issued pursuant to this section shall be the only
25 license required by the Nebraska Liquor Control Act for the manufacture
26 and retail sale of beer manufactured on the licensed premises for
27 consumption on the licensed premises.

28 (2)(a) A licensee who or which first obtains a craft brewery license
29 pursuant to section 53-123.14, holds such license for not less than three
30 years, and operates a brewpub or microbrewery on the licensed premises of
31 such craft brewery license shall obtain a manufacturer's license when the

1 manufacture of beer on the licensed premises exceeds twenty thousand
2 barrels per year. The manufacturer's license shall authorize the
3 continued retail sale of beer for consumption on or off the premises but
4 only to the extent the premises were previously licensed as a craft
5 brewery. The sale of any beer other than beer manufactured by the
6 licensee, wine, or alcoholic liquor for consumption on the licensed
7 premises shall require the appropriate retail license. The holder of such
8 manufacturer's license may continue to operate up to five retail
9 locations which are in operation at the time such manufacturer's license
10 is issued and shall divest itself from retail locations in excess of five
11 locations. The licensee shall not begin operation at any new retail
12 location even if the licensee's production is reduced below twenty
13 thousand barrels per year.

14 (b) The holder of such manufacturer's license may obtain an annual
15 catering license pursuant to section 53-124.12, a special designated
16 license pursuant to section 53-124.11, or an entertainment district
17 license pursuant to section 53-123.17.

18 (3) A holder of a manufacturer's license to manufacture spirits may
19 operate a rickhouse that meets the requirements for a distilled spirit
20 plant pursuant to 26 U.S.C. 5178, as such section existed on January 1,
21 2024, if such manufacturer receives authorization from the commission and
22 notifies the commission of the location of such rickhouse in a manner
23 prescribed by the commission.

24 Sec. 23. Section 53-123.16, Revised Statutes Supplement, 2023, is
25 amended to read:

26 53-123.16 (1) Any person who operates a microdistillery shall obtain
27 a license pursuant to the Nebraska Liquor Control Act. A license to
28 operate a microdistillery shall permit the licensee to produce a maximum
29 of one hundred thousand gallons of liquor per year in the aggregate from
30 all physical locations comprising the licensed premises. For purposes of
31 this section, licensed premises may include up to five separate physical

1 locations. A microdistillery may also sell to licensed wholesalers for
2 sale and distribution to licensed retailers. A microdistillery license
3 issued pursuant to this section shall be the only license required by the
4 Nebraska Liquor Control Act for the manufacture and retail sale of
5 microdistilled product for consumption on or off the licensed premises,
6 except that the sale of any beer, wine, or alcoholic liquor, other than
7 microdistilled product manufactured by the microdistillery licensee, by
8 the drink for consumption on the microdistillery premises shall require
9 the appropriate retail license. Any license held by the operator of a
10 microdistillery shall be subject to the act. A holder of a
11 microdistillery license may obtain an annual catering license pursuant to
12 section 53-124.12, a special designated license pursuant to section
13 53-124.11, an entertainment district license pursuant to section
14 53-123.17, or a promotional farmers market special designated license
15 pursuant to section 53-124.16. The commission may, upon the conditions it
16 determines, grant to any microdistillery licensed under this section a
17 special license authorizing the microdistillery to purchase and to
18 import, from such persons as are entitled to sell the same, wines or
19 spirits to be used solely as ingredients and for the sole purpose of
20 blending with and flavoring microdistillery products as a part of the
21 microdistillation process.

22 (2) A holder of a microdistillery license may directly sell for
23 resale up to five hundred gallons per calendar year of microdistilled
24 products produced at its licensed premises directly to retail licensees
25 located in the State of Nebraska which hold the appropriate retail
26 license if the holder of the microdistillery license:

27 (a) Self-distributes its microdistilled products utilizing only
28 persons employed by the microdistillery licensee; and

29 (b) Complies with all relevant statutes, rules, and regulations that
30 apply to Nebraska wholesalers regarding distribution of microdistilled
31 products.

1 (3) A holder of a microdistillery license may store and warehouse
2 tax-paid products produced on such licensee's licensed premises in a
3 designated, secure, offsite storage facility if the holder of the
4 microdistillery license receives authorization from the commission and
5 notifies the commission of the location of the storage facility and
6 maintains, at the microdistillery and at the storage facility, a separate
7 perpetual inventory of the product stored at the storage facility.
8 Consumption of alcoholic liquor at the storage facility is strictly
9 prohibited.

10 (4) A holder of a microdistillery license may operate a rickhouse
11 that meets the requirements for a distilled spirit plant pursuant to 26
12 U.S.C. 5178, as such section existed on January 1, 2024, if such licensee
13 receives authorization from the commission and notifies the commission of
14 the location of such rickhouse in a manner prescribed by the commission.

15 (5) ~~(4)~~ The commission may adopt and promulgate rules and
16 regulations relating to the distribution rights of microdistillery
17 licensees.

18 Sec. 24. Section 59-1523, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 59-1523 (1) The cigarette tax division of the Tax Commissioner may,
21 after notice and hearing, revoke or suspend for any violation of section
22 59-1520 the:

23 (a) License ~~license~~ or licenses of any person licensed under
24 sections 28-1418 to 28-1429.03 and sections 15 to 18 of this act or
25 sections 77-2601 to 77-2622; or -

26 (b) License or certification of any person licensed or certified
27 under the Tobacco Products Tax Act.

28 (2) Cigarettes that are acquired, held, owned, possessed,
29 transported, sold, or distributed in or imported into this state in
30 violation of section 59-1520 are declared to be contraband goods and are
31 subject to seizure and forfeiture. Any cigarettes so seized and forfeited

1 shall be destroyed. Such cigarettes shall be declared to be contraband
2 goods whether the violation of section 59-1520 is knowing or otherwise.

3 Sec. 25. Section 77-4001, Revised Statutes Supplement, 2023, is
4 amended to read:

5 77-4001 Sections 77-4001 to 77-4025 and sections 29 and 30 of this
6 act shall be known and may be cited as the Tobacco Products Tax Act.

7 Sec. 26. Section 77-4003, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 77-4003 Cancel shall mean to discontinue for up to five years all
10 rights and privileges under a license or certification.

11 Sec. 27. Section 77-4005, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 77-4005 Revoke shall mean to permanently void and recall all rights
14 and privileges of a person to obtain a license or certification.

15 Sec. 28. Section 77-4006, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 77-4006 Suspend shall mean to temporarily interrupt for up to one
18 year all rights and privileges under a license or certification.

19 Sec. 29. (1) Each manufacturer of electronic nicotine delivery
20 systems that are sold at retail in this state, whether directly or
21 through a distributor, wholesaler, retailer, or similar intermediary or
22 intermediaries, shall be certified as provided in this section.

23 (2) An application for certification under this section shall be
24 made on a form and in a manner prescribed by the Tax Commissioner. The
25 application shall include:

26 (a) The name and address of the applicant or, if the applicant is a
27 firm, partnership, limited liability company, or association, the name
28 and address of each of its members or, if the applicant is a corporation,
29 the name and address of each of its officers and the address of its
30 principal place of business;

31 (b) The location of the principal place of business to be licensed;

1 (c) If applicable, a copy of the Prevent All Cigarette Trafficking
2 (PACT) Act Registration Form (ATF Form 5070.1) as submitted by the
3 applicant to the Bureau of Alcohol, Tobacco, Firearms and Explosives of
4 the United States Department of Justice, and an attestation that the
5 applicant is in compliance with, and will continue to comply with, all
6 applicable requirements of 15 U.S.C. 375 and 376;

7 (d) An attestation that the applicant will comply with all
8 applicable laws of Nebraska and of the applicant's principal place of
9 business;

10 (e) For an applicant with a principal place of business outside the
11 United States, a declaration, in a form prescribed by the Tax
12 Commissioner, from each of its importers into the United States of any of
13 its brands to be sold in the State of Nebraska, that the importer accepts
14 joint and several liability with the applicant for all liability imposed
15 in accordance with Tobacco Products Tax Act, including any fees, costs,
16 attorney's fees, and penalties imposed under the act;

17 (f) An attestation that the applicant's products fully comply with
18 the requirements of the United States Customs and Border Protection
19 agency, including accurate Entry Summary forms (CPB Form 7501), and that
20 the applicant is not in violation of 18 U.S.C. 541, 542, or 545;

21 (g) A list of each type or model of electronic nicotine delivery
22 system of the manufacturer which is sold in this state; and

23 (h) Such other information as the Tax Commissioner may require for
24 the purpose of administering the Tobacco Products Tax Act.

25 (3) An application for a certification under this section shall be
26 accompanied by a nonrefundable fee in an amount equal to two hundred
27 fifty dollars for each type or model of electronic nicotine delivery
28 system which is sold in this state.

29 (4) A manufacturer shall not cause to be sold at retail in this
30 state any type or model of electronic nicotine delivery system not
31 included in the application under this section without first:

1 (a) Filing an amended certification form in a form and manner
2 prescribed by the Tax Commissioner; and

3 (b) Paying the appropriate fee under subsection (3) of this section.

4 (5) Upon receipt of an application in proper form and payment of the
5 fee, the Tax Commissioner shall issue a certification to the applicant,
6 except as provided in section 77-4013. A certification shall not be
7 assignable, shall be valid only for the person in whose name it is
8 issued, and shall be continuously valid unless suspended, canceled, or
9 revoked by the Tax Commissioner.

10 (6) A manufacturer who is certified under this section shall have
11 established sufficient contact with this state for the exercise of
12 personal jurisdiction over the manufacturer in any matter or issue
13 arising under the Tobacco Products Tax Act.

14 Sec. 30. (1) Any nonresident manufacturer of electronic nicotine
15 delivery systems that has not registered to do business in the State of
16 Nebraska as a foreign corporation or business entity shall, as a
17 condition precedent to being certified pursuant to section 29 of this
18 act, appoint and continually engage without interruption the services of
19 an agent in the State of Nebraska to act as agent for the service of
20 process on whom all process, and any action or proceeding against such
21 manufacturer concerning or arising out of the enforcement of the Tobacco
22 Products Tax Act, may be served in any manner authorized by law. Such
23 service shall constitute legal and valid service of process on the
24 manufacturer. The manufacturer shall provide the name, address, telephone
25 number, and proof of the appointment and availability of such agent to
26 the Tax Commissioner.

27 (2) The manufacturer shall provide notice to the Tax Commissioner
28 thirty calendar days prior to termination of the authority of an agent
29 and shall further provide proof to the satisfaction of the Tax
30 Commissioner of the appointment of a new agent no less than five calendar
31 days prior to the termination of an existing agent appointment. In the

1 event an agent terminates an agency appointment, the manufacturer shall
2 notify the Tax Commissioner of the termination within five calendar days
3 and shall include proof to the satisfaction of the Tax Commissioner of
4 the appointment of a new agent.

5 Sec. 31. Section 77-4012, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 77-4012 The Tax Commissioner may revoke, cancel, or suspend any
8 license or certification for a violation of the Tobacco Products Tax Act
9 or any rule or regulation adopted and promulgated by the Tax Commissioner
10 in administering the act. If a license or certification is revoked,
11 canceled, or suspended, the licensee or certified manufacturer shall
12 immediately surrender such license or certification to the Tax
13 Commissioner. No determination of revocation, cancellation, or suspension
14 shall be made until notice has been given and a hearing has been held by
15 the Tax Commissioner as provided in section 77-4019, if requested by the
16 licensee or certified manufacturer.

17 Sec. 32. Section 77-4013, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 77-4013 The Tax Commissioner may restore licenses or certifications
20 which have been revoked, canceled, or suspended, but the Tax Commissioner
21 shall not issue a new license or certification after the revocation of
22 such a license or certification unless he or she is satisfied that the
23 former licensee or certified manufacturer will comply with the Tobacco
24 Products Tax Act. A person whose license or certification has previously
25 been revoked, canceled, or suspended shall pay the Tax Commissioner a fee
26 of twenty-five dollars for the issuance of a license or certification
27 after each revocation, cancellation, or suspension.

28 Sec. 33. Section 77-4017, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 77-4017 (1) Every person licensed or certified under the Tobacco
31 Products Tax Act licensee shall keep complete and accurate records for

1 all places of business, including itemized invoices of tobacco products
2 (a) held, purchased, manufactured, or brought in or caused to be brought
3 into this state or (b) for a person licensee located outside of this
4 state, shipped or transported to retailers in this state. Such records
5 shall be of sufficient detail to identify the manufacturer of each
6 tobacco product held, purchased, manufactured, or brought in or caused to
7 be brought into this state. For snuff, such records shall also include
8 the net weight as listed by the manufacturer.

9 (2) All books, records, and other papers and documents required to
10 be kept by this section shall be preserved for a period of at least three
11 years after the due date of the tax imposed by the Tobacco Products Tax
12 Act unless the Tax Commissioner, in writing, authorizes their destruction
13 or disposal at an earlier date.

14 (3) At any time during usual business hours, duly authorized agents
15 or employees of the Tax Commissioner may enter any place of business of a
16 person licensed or certified under the Tobacco Products Tax Act licensee
17 and inspect the premises, the records required to be kept pursuant to
18 this section, and the tobacco products contained in such place of
19 business for purposes of determining whether or not such person licensee
20 is in full compliance with the act. Refusal to permit such inspection by
21 a duly authorized agent or employee of the Tax Commissioner shall be
22 grounds for revocation, cancellation, or suspension of the license or
23 certification.

24 Sec. 34. Section 77-4019, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 77-4019 (1) A licensee may request a hearing on any proposed notice
27 of deficiency issued by the Tax Commissioner.

28 (2) Any person licensed or certified under the Tobacco Products Tax
29 Act A ~~licensee~~ may ~~also~~ request a hearing after notice that the Tax
30 Commissioner intends to revoke, cancel, or suspend a license or
31 certification.

1 (3) Such request shall be made within twenty days after the receipt
2 of the notice of deficiency or the notice that the Tax Commissioner
3 intends to revoke, cancel, or suspend a license or certification.

4 (4) At such hearing the Tax Commissioner, or any officer or employee
5 of the Tax Commissioner designated in writing, may examine any books,
6 papers, or memoranda bearing upon the matter at issue and require the
7 attendance of any person licensed or certified under the Tobacco Products
8 Tax Act licensee or any officer or employee of such person licensee
9 having knowledge pertinent to such hearing. The Tax Commissioner or his
10 or her designee shall have the power to administer oaths to persons
11 testifying at such hearing.

12 (5) During the hearing, the Tax Commissioner or his or her designee
13 shall not be bound by the technical rules of evidence, and no informality
14 in any proceeding or in the manner of taking testimony shall invalidate
15 any order or decision made or approved by the Tax Commissioner.

16 Sec. 35. Section 77-4020, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 77-4020 Within a reasonable time after the hearing pursuant to
19 section 77-4019, the Tax Commissioner shall make a final decision or
20 final determination and notify the licensee or certified manufacturer by
21 mail of such decision or determination. If any tax or additional tax
22 becomes due, such notice shall be accompanied by a demand for payment of
23 any tax due. A licensee or certified manufacturer may appeal the decision
24 of the Tax Commissioner, and the appeal shall be in accordance with the
25 Administrative Procedure Act.

26 Sec. 36. Section 77-4025, Revised Statutes Supplement, 2023, is
27 amended to read:

28 77-4025 (1) There is hereby created a cash fund in the Department of
29 Revenue to be known as the Tobacco Products Administration Cash Fund. All
30 revenue collected or received by the Tax Commissioner from the license
31 fees, certification fees, and taxes imposed by the Tobacco Products Tax

1 Act shall be remitted to the State Treasurer for credit to the Tobacco
2 Products Administration Cash Fund, except that all such revenue relating
3 to electronic nicotine delivery systems shall be remitted to the State
4 Treasurer for credit to the General Fund.

5 (2) All costs required for administration of the Tobacco Products
6 Tax Act shall be paid from the Tobacco Products Administration Cash Fund.
7 Credits and refunds allowed under the act shall be paid from the Tobacco
8 Products Administration Cash Fund. Any receipts, after credits and
9 refunds, in excess of the amounts sufficient to cover the costs of
10 administration may be transferred to the General Fund at the direction of
11 the Legislature.

12 (3) Any money in the Tobacco Products Administration Cash Fund
13 available for investment shall be invested by the state investment
14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
15 State Funds Investment Act.

16 Sec. 37. Section 84-712.05, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 84-712.05 The following records, unless publicly disclosed in an
19 open court, open administrative proceeding, or open meeting or disclosed
20 by a public entity pursuant to its duties, may be withheld from the
21 public by the lawful custodian of the records:

22 (1) Personal information in records regarding a student, prospective
23 student, or former student of any educational institution or exempt
24 school that has effectuated an election not to meet state approval or
25 accreditation requirements pursuant to section 79-1601 when such records
26 are maintained by and in the possession of a public entity, other than
27 routine directory information specified and made public consistent with
28 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
29 regulations adopted thereunder;

30 (2) Medical records, other than records of births and deaths and
31 except as provided in subdivision (5) of this section, in any form

1 concerning any person; records of elections filed under section 44-2821;
2 and patient safety work product under the Patient Safety Improvement Act;

3 (3) Trade secrets, academic and scientific research work which is in
4 progress and unpublished, and other proprietary or commercial information
5 which if released would give advantage to business competitors and serve
6 no public purpose;

7 (4) Records which represent the work product of an attorney and the
8 public body involved which are related to preparation for litigation,
9 labor negotiations, or claims made by or against the public body or which
10 are confidential communications as defined in section 27-503;

11 (5) Records developed or received by law enforcement agencies and
12 other public bodies charged with duties of investigation or examination
13 of persons, institutions, or businesses, when the records constitute a
14 part of the examination, investigation, intelligence information, citizen
15 complaints or inquiries, informant identification, or strategic or
16 tactical information used in law enforcement training, except that this
17 subdivision shall not apply to records so developed or received:

18 (a) Relating to the presence of and amount or concentration of
19 alcohol or drugs in any body fluid of any person; or

20 (b) Relating to the cause of or circumstances surrounding the death
21 of an employee arising from or related to his or her employment if, after
22 an investigation is concluded, a family member of the deceased employee
23 makes a request for access to or copies of such records. This subdivision
24 does not require access to or copies of informant identification, the
25 names or identifying information of citizens making complaints or
26 inquiries, other information which would compromise an ongoing criminal
27 investigation, or information which may be withheld from the public under
28 another provision of law. For purposes of this subdivision, family member
29 means a spouse, child, parent, sibling, grandchild, or grandparent by
30 blood, marriage, or adoption;

31 (6) The identity and personal identifying information of an alleged

1 victim of sexual assault or sex trafficking as provided in section
2 29-4316;

3 (7) Appraisals or appraisal information and negotiation records
4 concerning the purchase or sale, by a public body, of any interest in
5 real or personal property, prior to completion of the purchase or sale;

6 (8) Personal information in records regarding personnel of public
7 bodies other than salaries and routine directory information;

8 (9) Information solely pertaining to protection of the security of
9 public property and persons on or within public property, such as
10 specific, unique vulnerability assessments or specific, unique response
11 plans, either of which is intended to prevent or mitigate criminal acts
12 the public disclosure of which would create a substantial likelihood of
13 endangering public safety or property; computer or communications network
14 schema, passwords, and user identification names; guard schedules; lock
15 combinations; or public utility infrastructure specifications or design
16 drawings the public disclosure of which would create a substantial
17 likelihood of endangering public safety or property, unless otherwise
18 provided by state or federal law;

19 (10) Information that relates details of physical and cyber assets
20 of critical energy infrastructure or critical electric infrastructure,
21 including (a) specific engineering, vulnerability, or detailed design
22 information about proposed or existing critical energy infrastructure or
23 critical electric infrastructure that (i) relates details about the
24 production, generation, transportation, transmission, or distribution of
25 energy, (ii) could be useful to a person in planning an attack on such
26 critical infrastructure, and (iii) does not simply give the general
27 location of the critical infrastructure and (b) the identity of personnel
28 whose primary job function makes such personnel responsible for (i)
29 providing or granting individuals access to physical or cyber assets or
30 (ii) operating and maintaining physical or cyber assets, if a reasonable
31 person, knowledgeable of the electric utility or energy industry, would

1 conclude that the public disclosure of such identity could create a
2 substantial likelihood of risk to such physical or cyber assets.
3 Subdivision (10)(b) of this section shall not apply to the identity of a
4 chief executive officer, general manager, vice president, or board member
5 of a public entity that manages critical energy infrastructure or
6 critical electric infrastructure. The lawful custodian of the records
7 must provide a detailed job description for any personnel whose identity
8 is withheld pursuant to subdivision (10)(b) of this section. For purposes
9 of subdivision (10) of this section, critical energy infrastructure and
10 critical electric infrastructure mean existing and proposed systems and
11 assets, including a system or asset of the bulk-power system, whether
12 physical or virtual, the incapacity or destruction of which would
13 negatively affect security, economic security, public health or safety,
14 or any combination of such matters;

15 (11) The security standards, procedures, policies, plans,
16 specifications, diagrams, access lists, and other security-related
17 records of the Lottery Division of the Department of Revenue and those
18 persons or entities with which the division has entered into contractual
19 relationships. Nothing in this subdivision shall allow the division to
20 withhold from the public any information relating to:

21 (a) Amounts ~~amounts~~ paid persons or entities with which the division
22 has entered into contractual relationships; or

23 (b) Amounts ~~amounts~~ of prizes paid; or

24 (c) The ~~the~~ name of any ~~the~~ prize winner awarded a prize of less
25 than two hundred fifty thousand dollars, and the city, village, or county
26 where the prize winner resides;

27 (12) With respect to public utilities and except as provided in
28 sections 43-512.06 and 70-101, personally identified private citizen
29 account payment and customer use information, credit information on
30 others supplied in confidence, and customer lists;

31 (13) Records or portions of records kept by a publicly funded

1 library which, when examined with or without other records, reveal the
2 identity of any library patron using the library's materials or services;

3 (14) Correspondence, memoranda, and records of telephone calls
4 related to the performance of duties by a member of the Legislature in
5 whatever form. The lawful custodian of the correspondence, memoranda, and
6 records of telephone calls, upon approval of the Executive Board of the
7 Legislative Council, shall release the correspondence, memoranda, and
8 records of telephone calls which are not designated as sensitive or
9 confidential in nature to any person performing an audit of the
10 Legislature. A member's correspondence, memoranda, and records of
11 confidential telephone calls related to the performance of his or her
12 legislative duties shall only be released to any other person with the
13 explicit approval of the member;

14 (15) Records or portions of records kept by public bodies which
15 would reveal the location, character, or ownership of any known
16 archaeological, historical, or paleontological site in Nebraska when
17 necessary to protect the site from a reasonably held fear of theft,
18 vandalism, or trespass. This section shall not apply to the release of
19 information for the purpose of scholarly research, examination by other
20 public bodies for the protection of the resource or by recognized tribes,
21 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
22 the federal Native American Graves Protection and Repatriation Act;

23 (16) Records or portions of records kept by public bodies which
24 maintain collections of archaeological, historical, or paleontological
25 significance which reveal the names and addresses of donors of such
26 articles of archaeological, historical, or paleontological significance
27 unless the donor approves disclosure, except as the records or portions
28 thereof may be needed to carry out the purposes of the Unmarked Human
29 Burial Sites and Skeletal Remains Protection Act or the federal Native
30 American Graves Protection and Repatriation Act;

31 (17) Library, archive, and museum materials acquired from

1 nongovernmental entities and preserved solely for reference, research, or
2 exhibition purposes, for the duration specified in subdivision (17)(b) of
3 this section, if:

4 (a) Such materials are received by the public custodian as a gift,
5 purchase, bequest, or transfer; and

6 (b) The donor, seller, testator, or transferor conditions such gift,
7 purchase, bequest, or transfer on the materials being kept confidential
8 for a specified period of time;

9 (18) Job application materials submitted by applicants, other than
10 finalists or a priority candidate for a position described in section
11 85-106.06 selected using the enhanced public scrutiny process in section
12 85-106.06, who have applied for employment by any public body as defined
13 in section 84-1409. For purposes of this subdivision, (a) job application
14 materials means employment applications, resumes, reference letters, and
15 school transcripts and (b) finalist means any applicant who is not an
16 applicant for a position described in section 85-106.06 and (i) who
17 reaches the final pool of applicants, numbering four or more, from which
18 the successful applicant is to be selected, (ii) who is an original
19 applicant when the final pool of applicants numbers less than four, or
20 (iii) who is an original applicant and there are four or fewer original
21 applicants;

22 (19)(a) Records obtained by the Public Employees Retirement Board
23 pursuant to section 84-1512 and (b) records maintained by the board of
24 education of a Class V school district and obtained by the board of
25 trustees or the Public Employees Retirement Board for the administration
26 of a retirement system provided for under the Class V School Employees
27 Retirement Act pursuant to section 79-989;

28 (20) Social security numbers; credit card, charge card, or debit
29 card numbers and expiration dates; and financial account numbers supplied
30 to state and local governments by citizens;

31 (21) Information exchanged between a jurisdictional utility and city

1 pursuant to section 66-1867;

2 (22) Draft records obtained by the Nebraska Retirement Systems
3 Committee of the Legislature and the Governor from Nebraska Public
4 Employees Retirement Systems pursuant to subsection (4) of section
5 84-1503;

6 (23) All prescription drug information submitted pursuant to section
7 71-2454, all data contained in the prescription drug monitoring system,
8 and any report obtained from data contained in the prescription drug
9 monitoring system;

10 (24) Information obtained by any government entity, whether federal,
11 state, county, or local, regarding firearm registration, possession,
12 sale, or use that is obtained for purposes of an application permitted or
13 required by law or contained in a permit or license issued by such
14 entity. Such information shall be available upon request to any federal,
15 state, county, or local law enforcement agency; and

16 (25) The security standards, procedures, policies, plans,
17 specifications, diagrams, and access lists and other security-related
18 records of the State Racing and Gaming Commission, those persons or
19 entities with which the commission has entered into contractual
20 relationships, and the names of any individuals placed on the list of
21 self-excluded persons with the commission as provided in section 9-1118.
22 Nothing in this subdivision shall allow the commission to withhold from
23 the public any information relating to the amount paid any person or
24 entity with which the commission has entered into a contractual
25 relationship, the amount of any prize paid, the name of the prize winner,
26 and the city, village, or county where the prize winner resides.

27 Sec. 38. Original sections 9-402, 9-422, 9-426, 9-427, 9-429,
28 9-502, 9-511, 9-823, 28-1105.01, 28-1422, 28-1429, 53-123.01, 59-1523,
29 77-4003, 77-4005, 77-4006, 77-4012, 77-4013, 77-4017, 77-4019, and
30 77-4020, Reissue Revised Statutes of Nebraska, sections 28-1418.01,
31 28-1420, 28-1425, and 84-712.05, Revised Statutes Cumulative Supplement,

- 1 2022, and sections 53-101, 53-103, 53-123.16, 77-4001, and 77-4025,
- 2 Revised Statutes Supplement, 2023, are repealed.
- 3 Sec. 39. The following section is outright repealed: Section 9-510,
- 4 Reissue Revised Statutes of Nebraska.