

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 1

FINAL READING

Introduced by Executive Board: Hughes, 44, Chairperson.

Read first time January 07, 2021

Committee: General File

- 1 A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to
- 2 amend section 77-3001, Reissue Revised Statutes of Nebraska, as
- 3 amended by section 12, Initiative Law 2020, No. 430; to correlate
- 4 provisions with Laws 2019, LB538, section 2; to repeal the original
- 5 section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-3001, Reissue Revised Statutes of Nebraska, as
2 amended by section 12, Initiative Law 2020, No. 430, is amended to read:

3 77-3001 For purposes of the Mechanical Amusement Device Tax Act,
4 unless the context otherwise requires:

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

10 (2) Department means the Department of Revenue;

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

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

30 (5) Operator means any person who operates a place of business in
31 which a machine or device owned by him or her is physically located or

1 any person who places and who either directly or indirectly controls or
2 manages any machine or device;

3 (6) ~~(1)~~ Person means an individual, partnership, limited liability
4 company, society, association, joint-stock company, corporation, estate,
5 receiver, lessee, trustee, assignee, referee, or other person acting in a
6 fiduciary or representative capacity, whether appointed by a court or
7 otherwise, and any combination of individuals;

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

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

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

30 (7) ~~(5)~~ Whenever in the act, the words machine or device are used,
31 they refer to mechanical amusement device;-and

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

5 (9) (6) Whenever in the act, the words machine, device, person,
6 operator, or distributor are used, the words in the singular include the
7 plural and in the plural include the singular.

8 Sec. 2. Original section 77-3001, Reissue Revised Statutes of
9 Nebraska, as amended by section 12, Initiative Law 2020, No. 430, is
10 repealed.

11 Sec. 3. Since an emergency exists, this act takes effect when
12 passed and approved according to law.