

LEGISLATIVE BULLETIN

LEAGUE OF NEBRASKA MUNICIPALITIES

108th Legislature, First Session

April 28, 2023 - Bulletin 17



ITEMS OF INTEREST TO MUNICIPALITIES

- **LB 77: “Constitutional carry” bill signed into law**
- **LB 775: On April 21, Gov. Pillen signed LB 775, a bill amending the Nebraska Gaming Act, incorporating provisions of LB 72, LB 73, LB 542, LB 544 and LB 232 (a League-supported bill which allows keno to be played in a digital format)**

NOT ALL ITEMS OF INTEREST ARE INCLUDED ON THIS LIST.
ALSO SEE THE REMAINDER OF THE LEGISLATIVE BULLETIN.

LB 77: “Constitutional carry” bill signed into law

On April 25, Governor Jim Pillen signed **LB 77**, the “constitutional carry” law. The Legislature passed the bill on April 19 on a 33-14 vote.

LB 77, introduced by Gordon **Sen. Tom Brewer**, allows a person to carry a concealed weapon without a permit in Nebraska. Minors and prohibited persons, defined as persons who are prohibited from possessing a firearm by state or federal law, are not allowed to carry concealed weapons. The bill outlines places or premises where a person is not allowed to carry a concealed handgun when the owner or employer of the place or premises prohibits it. Before LB 77, getting a concealed-carry permit required passing a criminal background check, paying a \$100 fee, and taking an eight- to 16-hour gun safety class.

The first section of LB 77 states that “the regulation of the ownership, possession, storage, transportation, sale and transfer of firearms and other weapons is a matter of statewide concern.” The bill goes on to say that municipalities do not have the power to regulate firearms except as expressly provided by state law. Also, municipalities are not allowed to require registration of firearms or other weapons. Any city or village ordinance in violation of these provisions is declared null and void.

Sen. Jane Raybould of Lincoln requested an Attorney General’s opinion asking about a municipality’s ability to prohibit concealed handguns and other weapons in publicly owned property or on public transportation.

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*Sen. Tom Brewer
District 43*



Gov. Jim Pillen

The Attorney General has indicated he will not be able to issue an opinion now that the bill has passed. LB 77 will become law three months after the Legislature adjourns, which is currently scheduled for June 9. The League encourages municipalities to review their current ordinances regarding these issues. ■

LB 775: On April 21, Gov. Pillen signed LB 775, a bill amending the Nebraska Gaming Act, incorporating provisions of LB 72, LB 73, LB 542, LB 544 and LB 232

LB 232 is a League-supported bill which allows keno to be played in a digital format

On April 21, Gov. Jim Pillen signed **LB 775**, amending the Nebraska Gaming Act, incorporating provisions of LB 72, LB 73, LB 542, LB 544 and **LB 232 (a League-supported bill which allows keno to be played in a digital format)**. Thanks

to Kearney **Sen. John Lowe**, Chair of the General Affairs Committee; Omaha **Sen. John Cavanaugh**, primary introducer of LB 232; and other Senators noted in this article who strongly advocated to include the provisions of LB 232 in LB 775.

LB 775 will become law three months after the Legislature adjourns sine die, which currently is scheduled for June 9.

As previously reported, when LB 775 was considered on General File, there was extensive debate about including provisions of **LB 232**, introduced by **Sen. John Cavanaugh** and co-introduced by Grand Island **Sen. Ray**

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Gaming

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Aguilar and Bellevue **Sen. Carol Blood**. LB 232 amends the Nebraska County and City Lottery Act governing keno to allow for a **“digital-on-premises ticket”** defined in the bill as *“a digital ticket purchased in person on a mobile or other electronic device verified to be present at the location of the lottery operator or an authorized sales outlet location”* in accordance with the strict controls submitted by the lottery operator for approval by the Nebraska Department of Revenue. Thanks to **Sen. John Cavanaugh**, North Platte **Sen. Mike Jacobson**, **Sen. Blood**, Seward **Sen. Jana Hughes** and Lincoln **Sen. George Dungan** who strongly advocated for including the provisions of LB 232 into LB 775, to authorize an OPTION for keno to be played in a digital format, on the premises of the lottery operator or licensed sales outlet location; the provisions restrict a participant from using a debit card to purchase more than \$200 of keno wagers from a lottery operator in a single day. These provisions also restrict a participant from being able to deposit more than \$200 per calendar day from a debit card into their account at a keno lottery operator’s location. **Sen. John Cavanaugh and others repeatedly stated that these provisions are OPTIONAL!** Notwithstanding, the first motion to include these provisions failed, receiving 21 ayes, 17 nays and 7 not voting.

Fortunately, Sen. John Cavanaugh’s motion to reconsider including the provisions of LB 232 into LB 775 to modernize keno was successful with 32 ayes, 12 nays and 0 not voting. The 12 Senators who voted no are as follows: Albrecht, Ballard, Bostelman, Briesse, Clements, Erdman, Halloran, Hardin, Holdcroft, Lippincott, Moser and von Gillern.

Throughout the extensive floor debate, Sen. John Cavanaugh and others indicated these provisions authorize an OPTION for keno to be played in a digital format but will not speed up the game since only one game will be allowed every five minutes, as provided in current law. In addition, for keno to be offered in a digital format, the keno operator would have to develop the app according to the requirements established by the department. **The department would have to approve the app and the city would have to approve the implementation of digital keno in its community.** The operator would then have the option to offer it, but the establishment would have the ability to decide if they want to do so. **The customer also would have the option of deciding whether to use the app.** The purpose of these provisions is to create a



*Sen. John Cavanaugh
District 9*



*Sen. John Lowe
District 37*



Gov. Jim Pillen

more efficient opportunity for businesses to sell keno tickets electronically instead of requiring servers to do so while providing food and beverages to customers.

These provisions (LB 232) provide that purchases of tickets for a keno game must be made **in person** at the location of the lottery operator or an authorized sales outlet location. The bill also provides that in addition to tickets issued on paper as currently allowed, **tickets could be issued “with the consent of the governing body of the county, city, or village conducting the lottery, digitally to a mobile or other device which, at the time of purchase, is verified to be present at the location of the lottery operator or an authorized sales outlet location” as provided in the Act.**

Currently, keno tickets only can be purchased with cash. These provisions (LB 232) also authorize tickets to be bought with *“a debit card, the cash balance of a payment application, a transfer from a deposit account at a financial institution, or an account established in the name of the player with the lottery operator and funded”* as provided in the Act. **Credit cards cannot be used to purchase keno tickets.**

See Legislative Bulletin 16 for more BACKGROUND INFORMATION. ■