

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 51CA**

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Heidemann, 1.

Read first time January 19, 2011

Committee: Natural Resources

1                   THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF  
2 NEBRASKA, FIRST SESSION, RESOLVE THAT:

3                   Section 1. At the general election in November 2012 the  
4 following proposed amendment to the Constitution of Nebraska shall be  
5 submitted to the electors of the State of Nebraska for approval or  
6 rejection:

7                   To amend Article III, section 24:

8                   III-24 (1) Except as provided in this section, the  
9 Legislature shall not authorize any game of chance or any lottery or  
10 gift enterprise when the consideration for a chance to participate  
11 involves the payment of money for the purchase of property, services,  
12 or a chance or admission ticket or requires an expenditure of  
13 substantial effort or time.

14                   (2) The Legislature may authorize and regulate a state  
15 lottery pursuant to subsection (3) of this section and other  
16 lotteries, raffles, and gift enterprises which are intended solely as  
17 business promotions or the proceeds of which are to be used solely  
18 for charitable or community betterment purposes without profit to the

1 promoter of such lotteries, raffles, or gift enterprises.

2 (3)(a) The Legislature may establish a lottery to be  
3 operated and regulated by the State of Nebraska. The proceeds of the  
4 lottery shall be appropriated by the Legislature for the costs of  
5 establishing and maintaining the lottery and for the following  
6 purposes, as directed by the Legislature:

7 (i) The first five hundred thousand dollars after the  
8 payment of prizes and operating expenses shall be transferred to the  
9 Compulsive Gamblers Assistance Fund;

10 (ii) ~~Forty-four and one-half~~ Twenty-two and one-fourth  
11 percent of the money remaining after the payment of prizes and  
12 operating expenses and the initial transfer to the Compulsive  
13 Gamblers Assistance Fund shall be transferred to the ~~Nebraska~~  
14 ~~Environmental Trust Fund to be used as provided in the Nebraska~~  
15 ~~Environmental Trust Act;~~ Water Resources Cash Fund;

16 (iii) Twenty-two and one-fourth percent of the money  
17 remaining after the payment of prizes and operating expenses and the  
18 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
19 transferred to the Board of Regents of the University of Nebraska for  
20 the Nebraska Innovation Campus through 2038 and shall be transferred  
21 to the General Fund beginning in 2039;

22 ~~(iii)~~ (iv) Forty-four and one-half percent of the money  
23 remaining after the payment of prizes and operating expenses and the  
24 initial transfer to the Compulsive Gamblers Assistance Fund shall be  
25 used for education as the Legislature may direct;

1           ~~(iv)~~ (v) Ten percent of the money remaining after the  
2 payment of prizes and operating expenses and the initial transfer to  
3 the Compulsive Gamblers Assistance Fund shall be transferred to the  
4 Nebraska State Fair Board if the most populous city within the county  
5 in which the fair is located provides matching funds equivalent to  
6 ten percent of the funds available for transfer. Such matching funds  
7 may be obtained from the city and any other private or public entity,  
8 except that no portion of such matching funds shall be provided by  
9 the state. If the Nebraska State Fair ceases operations, ten percent  
10 of the money remaining after the payment of prizes and operating  
11 expenses and the initial transfer to the Compulsive Gamblers  
12 Assistance Fund shall be transferred to the General Fund; and

13           ~~(v)~~ (vi) One percent of the money remaining after the  
14 payment of prizes and operating expenses and the initial transfer to  
15 the Compulsive Gamblers Assistance Fund shall be transferred to the  
16 Compulsive Gamblers Assistance Fund.

17           (b) No lottery game shall be conducted as part of the  
18 lottery unless the type of game has been approved by a majority of  
19 the members of the Legislature.

20           (4) Nothing in this section shall be construed to  
21 prohibit (a) the enactment of laws providing for the licensing and  
22 regulation of wagering on the results of horseraces, wherever run,  
23 either within or outside of the state, by the parimutuel method, when  
24 such wagering is conducted by licensees within a licensed racetrack  
25 enclosure or (b) the enactment of laws providing for the licensing

1 and regulation of bingo games conducted by nonprofit associations  
2 which have been in existence for a period of five years immediately  
3 preceding the application for license, except that bingo games cannot  
4 be conducted by agents or lessees of such associations on a  
5 percentage basis.

6           Sec. 2. The proposed amendment shall be submitted to the  
7 electors in the manner prescribed by the Constitution of Nebraska,  
8 Article XVI, section 1, with the following ballot language:

9           A constitutional amendment to change the distribution of  
10 state lottery revenue, to provide funding for the Water Resources  
11 Cash Fund and the Nebraska Innovation Campus, and to eliminate  
12 funding for the Nebraska Environmental Trust Fund.

13           For

14           Against.