

ONE HUNDRED SIXTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE RESOLUTION 295CA**

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Wayne, 13.

Read first time January 13, 2020

Committee: General Affairs

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

3 Section 1. At the general election in November 2020, the following  
4 proposed amendment to the Constitution of Nebraska shall be submitted to  
5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 24:

7 III-24 (1) ~~The~~ Except as provided in this section, the Legislature  
8 ~~may shall not~~ authorize, regulate, and tax any game of chance or any  
9 lottery or gift enterprise, including any game of chance, 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, or  
12 a chance or admission ticket or requires an expenditure of substantial  
13 effort or time.

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

20 (3)(a) The Legislature may establish a lottery to be operated and  
21 regulated by the State of Nebraska. The proceeds of the lottery shall be  
22 appropriated by the Legislature for the costs of establishing and  
23 maintaining the lottery and for the following purposes, as directed by

1 the Legislature:

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

5 (ii) Forty-four and one-half percent of the money remaining after  
6 the payment of prizes and operating expenses and the initial transfer to  
7 the Compulsive Gamblers Assistance Fund shall be transferred to the  
8 Nebraska Environmental Trust Fund to be used as provided in the Nebraska  
9 Environmental Trust Act;

10 (iii) Forty-four and one-half percent of the money remaining after  
11 the payment of prizes and operating expenses and the initial transfer to  
12 the Compulsive Gamblers Assistance Fund shall be used for education as  
13 the Legislature may direct;

14 (iv) Ten percent of the money remaining after the payment of prizes  
15 and operating expenses and the initial transfer to the Compulsive  
16 Gamblers Assistance Fund shall be transferred to the Nebraska State Fair  
17 Board if the most populous city within the county in which the fair is  
18 located provides matching funds equivalent to ten percent of the funds  
19 available for transfer. Such matching funds may be obtained from the city  
20 and any other private or public entity, except that no portion of such  
21 matching funds shall be provided by the state. If the Nebraska State Fair  
22 ceases operations, ten percent of the money remaining after the payment  
23 of prizes and operating expenses and the initial transfer to the  
24 Compulsive Gamblers Assistance Fund shall be transferred to the General  
25 Fund; and

26 (v) One percent of the money remaining after the payment of prizes  
27 and operating expenses and the initial transfer to the Compulsive  
28 Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers  
29 Assistance Fund.

30 (b) No lottery game shall be conducted as part of the lottery unless  
31 the type of game has been approved by a majority of the members of the

1 Legislature.

2 (4) Nothing in this section shall be construed to prohibit (a) the  
3 enactment of laws providing for the licensing and regulation of wagering  
4 on the results of horseraces, wherever run, either within or outside of  
5 the state, by the parimutuel method, when such wagering is conducted by  
6 licensees within a licensed racetrack enclosure or (b) the enactment of  
7 laws providing for the licensing and regulation of bingo games conducted  
8 by nonprofit associations which have been in existence for a period of  
9 five years immediately preceding the application for license, except that  
10 bingo games cannot be conducted by agents or lessees of such associations  
11 on a percentage basis.

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

15 A constitutional amendment to allow the Legislature to authorize  
16 gambling subject to taxation and regulation by the Legislature.

17 For

18 Against.