



Ninety-Seventh Legislature - Second Session - 2002
Committee Statement
LR 292CA

Hearing Date: February 11, 2002

Committee On: General Affairs

Introducer(s): (Beutler)

Title: Constitutional amendment to authorize gaming on Indian lands and interdiction gaming zones

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Burling, Cunningham, Janssen, McDonald, Redfield, Schrock, Synowiecki
1	No	Senator Erdman
	Present, not voting	
	Absent	

Proponents:

Sen. Beutler

Representing:

Introducer

Opponents:

Dan Hazuka
Bill Thurman
Lyle Japp
Al Riskowski
Mike Kelly

Representing:

Gambling with the Good Life
Self
Gambling with the Good Life
Non Partisan Family Coalition
Nebraska Horsemen's Benevolent Protective Association
Gambling with the Good Life
Chairman of Gambling with the Good Life

Pat Loontjer
Jonathan Krutz

Neutral:

Deb Hammond
Harlan Vogel
Don Hays
Roger Trudell

Representing:

First Step Wellness Center
Family Service
First Step of Nebraska City
Santee-Sioux Tribe of Nebraska

Summary of purpose and/or changes:

LR 292CA would allow the Legislature to establish one “interdiction gaming zone” in the state with up to six gaming facilities within the zone and would allow gaming on certain Indian lands.

An “interdiction gaming zone” is defined as an area of the state within two miles of an adjoining state that allows gaming. The zone may not include Indian reservation or Ponca trust lands in Knox and Boyd County. LR 292CA includes that if the adjoining state then prohibits gaming after the interdiction gaming zone is created, then any gaming in a zone or the zone itself can only last for two years following the adjoining state’s decision.

“Gaming” is defined in LR 292CA to mean any game played with cards, dice, equipment, or a machine for money, credit, or any representative of value if the game is not included within the definition of Class I or Class II gaming under the federal Indian Gaming Regulatory Act.

LR292CA allows the Legislature to regulate and tax gaming activities in the interdiction gaming zone. The Legislature could grant one or more federally recognized Indian tribes in Nebraska the ability to conduct gaming in the interdiction gaming zone, however, the tribe would have to agree not to conduct gaming activities on their reservation land or land held in trust for the Ponca tribe in order to participate in the zone.

LR 292CA in (6) includes essentially the provisions of LR 6CA(2001) in stating that nothing in the statutes or Constitution of Nebraska prohibits or restricts gaming on Indian reservation land and specific land held in trust for the Ponca in accordance with federal law.

Finally, the proposal sets out in (8) how any revenue received by the state from gaming activities in the interdiction gaming zone or from a compact negotiated for gaming on Indian reservation or trust lands will be used. LR 292CA states that 45% shall be used by the state for property tax relief and 45% shall be used to enhance after-school and summer programs in public school districts.

Explanation of amendments, if any:

The committee amendment makes several changes. It changes the number of facilities allowed in the interdiction gaming zone from six to five.

It changes the definition of gaming to clarify that it applies to games of chance. It changes the definition of interdiction gaming zone to state that if an adjoining state no longer has gaming conducted in its jurisdiction for two years, the interdiction gaming zone or gaming in the portion of the zone that adjoins that state shall be discontinued.

Subsection (8) is removed which would have designated how revenue received by the state from gaming activities under the amendment would be used.

The committee amendment adds that the legislature may provide for the licensing and regulation of the operation of slot machines within any licensed racetrack enclosure which was in operation on January 1, 2002.

The committee amendment requires that only the State of Nebraska or one or more federally recognized Indian tribes in Nebraska may operate the gaming activities in the interdiction gaming zone.

Language is added in subsection (6) stating that “Except if an agreement is reached under subsection (7)”. This would clarify this section to coordinate with the requirement in subsection (7) that a tribe must agree not to operate gaming on their reservation or trust land to conduct gaming in the interdiction gaming zone.

It adds the language “in Nebraska” on page 4, line 2 of the amendment in order to clarify that it only relates to their reservation and trust land in Nebraska.

Finally, the ballot language is changed accordingly in section 2.

Senator Ray Janssen, Chairperson