

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 296CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Karpisek, 32.

Read first time January 19, 2010

Committee: General Affairs

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

3 Section 1. At the general election in November 2010 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or 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
10 lottery or gift enterprise when the consideration for a chance
11 to participate involves the payment of money for the purchase of
12 property, services, or a chance or admission ticket or requires an
13 expenditure of 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, charitable poker, and gift enterprises which

1 are intended solely as business promotions or the proceeds of
2 which are to be used solely for charitable or community betterment
3 purposes without profit to the promoter of such lotteries, raffles,
4 charitable poker, or gift enterprises.

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

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

13 (ii) Forty-four and one-half percent of the money
14 remaining after the payment of prizes and operating expenses and
15 the initial transfer to the Compulsive Gamblers Assistance Fund
16 shall be transferred to the Nebraska Environmental Trust Fund to be
17 used as provided in the Nebraska Environmental Trust Act;

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

22 (iv) Ten percent of the money remaining after the payment
23 of prizes and operating expenses and the initial transfer to
24 the Compulsive Gamblers Assistance Fund shall be transferred to
25 the Nebraska State Fair Board if the most populous city within

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

10 (v) One percent of the money remaining after the payment
11 of prizes and operating expenses and the initial transfer to the
12 Compulsive Gamblers Assistance Fund shall be transferred to the
13 Compulsive Gamblers Assistance Fund.

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

17 (4) Nothing in this section shall be construed to
18 prohibit (a) the enactment of laws providing for the licensing
19 and regulation of wagering on the results of horseraces, wherever
20 run, either within or outside of the state, by the parimutuel
21 method, when such wagering is conducted by licensees within a
22 licensed racetrack enclosure or (b) the enactment of laws providing
23 for the licensing and regulation of bingo games conducted by
24 nonprofit associations which have been in existence for a period
25 of five years immediately preceding the application for license,

1 except that bingo games cannot be conducted by agents or lessees of
2 such associations on a percentage basis.

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

6 A constitutional amendment to permit the Legislature to
7 authorize and regulate charitable poker.

8 For

9 Against.