

ONE HUNDRED SEVENTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 26CA**

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Lindstrom, 18.

Read first time January 19, 2021

Committee: General Affairs

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

3 Section 1. At the general election in November 2022, 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) Except as provided in this section, the Legislature shall  
8 not authorize any game of chance or any lottery or gift enterprise when  
9 the consideration for a chance to participate involves the payment of  
10 money for the purchase of property, services, or a chance or admission  
11 ticket or requires an expenditure of substantial effort or time.

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

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

23 (i) The first five hundred thousand dollars after the payment of

1 prizes and operating expenses shall be transferred to the Compulsive  
2 Gamblers Assistance Fund;

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

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

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

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

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

31 (4) The Legislature may authorize, regulate, and provide for the

1 taxation of sports wagering within the State of Nebraska.

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

12       ~~(6)~~ (5) This section shall not apply to any law which is enacted  
13 contemporaneously with the adoption of this subsection or at any time  
14 thereafter and which provides for the licensing, authorization,  
15 regulation, or taxation of all forms of games of chance when such games  
16 of chance are conducted by authorized gaming operators within a licensed  
17 racetrack enclosure.

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

21       A constitutional amendment to allow the Legislature to authorize  
22 sports wagering subject to taxation and regulation by the Legislature.

23       For

24       Against.