

ONE HUNDRED EIGHTH LEGISLATURE
FIRST SPECIAL SESSION
LEGISLATIVE RESOLUTION 3CA
PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Bostar, 29.

Read first time July 25, 2024

Committee:

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

3 Section 1. At the general election in November 2024, 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) Nothing in this section shall be construed to prohibit (a) the

1 enactment of laws providing for the licensing and regulation of wagering
2 on the results of horseraces, wherever run, either within or outside of
3 the state, by the parimutuel method, when such wagering is conducted by
4 licensees within a licensed racetrack enclosure or (b) the enactment of
5 laws providing for the licensing and regulation of bingo games conducted
6 by nonprofit associations which have been in existence for a period of
7 five years immediately preceding the application for license, except that
8 bingo games cannot be conducted by agents or lessees of such associations
9 on a percentage basis.

10 (5) This section shall not apply to any law which is enacted
11 contemporaneously with the adoption of this subsection or at any time
12 thereafter and which provides for the licensing, authorization,
13 regulation, or taxation of all forms of games of chance when such games
14 of chance are conducted by authorized gaming operators within a licensed
15 racetrack enclosure. Any authorized gaming operator conducting sports
16 wagering within a licensed racetrack enclosure may allow a sports wager
17 to be placed by means of a mobile or electronic platform that is offered
18 by or in partnership with such authorized gaming operator as long as the
19 individual placing the sports wager is located inside the State of
20 Nebraska at the time the sports wager is placed.

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

24 A constitutional amendment to permit an authorized gaming operator
25 conducting sports wagering within a licensed racetrack enclosure to allow
26 a sports wager to be placed by an individual located within the State of
27 Nebraska at the time the individual places the sports wager by means of a
28 mobile or electronic platform.

29 For
30 Against.