

## LEGISLATIVE BILL 744

Approved by the Governor April 3, 1984

Introduced by Hoagland, 6; H. Peterson, 35; Lamb, 43; Barrett, 39; Chronister, 18; R. Peterson, 21; Lundy, 36; Sieck, 24; L. Johnson, 15; Vickers, 38; Kahle, 37; Marsh, 29; Chambers, 11; Abboud, 12; Hefner, 19; Remmers, 1

AN ACT relating to gambling; to amend section 28-1101, Revised Statutes Supplement, 1983; to redefine terms; to provide for the termination of certain lotteries; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-1101, Revised Statutes Supplement, 1983, be amended to read as follows:

28-1101. As used in this article, unless the context otherwise requires:

(1) A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but shall not be limited to conduct directed toward (a) the creation or establishment of the particular game, contest, scheme, device, or activity involved or (b) the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor;

(2) Bookmaking shall mean advancing gambling activity by unlawfully accepting bets from members of the public as a business upon the outcome of future contingent events;

(3) A person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of gambling activity;

(4) A person engages in gambling if he or she bets something of value upon the outcome of a future event, which outcome is determined by an element of chance, or upon the outcome of a game, contest, or election, or conducts or participates in any lottery or scheme not authorized or conducted pursuant to sections 28-1114 to 28-1116.01 or section 2 of this act, or conducts or participates in any bingo or lottery by the sale of pickle cards not authorized or conducted pursuant to the Nebraska Bingo and Pickle Card Regulatory Act, but a person does not

engage in gambling by:

(a) Entering into a lawful business transaction;  
 (b) Playing an amusement device or a coin-operated mechanical game which confers as a prize an immediate, unrecorded right of replay not exchangeable for something of value;

(c) Conducting or participating in a prize contest;

(d) Conducting or participating in a contest, lottery, raffle, or gift enterprise conducted in accordance with the provisions of sections 28-1113 to 28-1116.01 or section 2 of this act; or

(e) Participating in or conducting bingo or participating in or conducting a lottery by the sale of pickle cards pursuant to the Nebraska Bingo and Pickle Card Regulatory Act;

(5) Gambling device shall mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. Gambling device shall also include any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes, except as authorized in the furtherance of parimutuel wagering. Bingo supplies and equipment as defined in section 9-129, pickle cards as defined in section 9-140.01, pickle card units as defined in section 9-140.05, and tickets, cards, and other items used in the playing phases of schemes defined in sections 28-1113 to 28-1116.01, or section 2 of this act are not gambling devices within this definition;

(6) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value. Lottery shall not include any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes;

(7) Something of value shall mean any money or property, any token, object, or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or

property or of any interest therein, or involving extension of a service or entertainment;

(8) Prize contest shall mean any competition in which one or more competitors are awarded something of value as a consequence of winning or achieving a certain result in the competition and (a) the value of such awards made to competitors participating in the contest does not depend upon the number of participants in the contest or upon the amount of consideration, if any, paid for the opportunity to participate in the contest or upon chance and (b) the value or identity of such awards to be made to competitors is published before the competition begins;

(9) Gift enterprise shall mean a game in which prizes are offered and awarded to participants in such games when no payment is required for participation therein. For business promotion purposes only, such games may require as a condition of participation the evidence of the purchase of a product or other property, except that the price charged for such product or other property shall be no greater than it would be if no game were involved; and

(10) Raffle shall mean any gambling scheme in which: (a) Participants pay or agree to pay something of value for an opportunity to win something of value; (b) winning opportunities are represented by tickets or cards differentiated by numbers sequentially enumerated; and (c) winners are determined by a random drawing of the tickets or cards. Nothing in this subdivision shall be construed to include any bingo as defined in section 9-127 nor any lottery by the sale of pickle cards as defined in section 9-140.01.

Sec. 2. Any county, city, or village which has authorized, established, or is conducting a lottery which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device on the effective date of this act may conduct such lottery only within the boundaries of such county or the corporate limits of such city or village until January 1, 1985, at which time such lottery shall be terminated.

Sec. 3. That original section 28-1101, Revised Statutes Supplement, 1983, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.