

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 298CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Brandt, 32; Conrad, 46; Raybould, 28; Wordekemper, 15.

Read first time January 12, 2026

Committee: Natural Resources

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

3 **Section 1.** At the general election in November 2026, 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 by the Nebraska
7 Environmental Trust exclusively for administering the Nebraska
8 Environmental Trust and funding competitively awarded grants to tax-
9 exempt entities, Nebraska political subdivisions, or Nebraska state
10 agencies for the conservation, enhancement, or restoration of the natural
11 physical and biological environment in Nebraska, including the air, land,
12 ground water, surface water, flora and fauna, prairies and forests,
13 wildlife and wildlife habitats, and natural areas of aesthetic or scenic
14 value. A project proposed by a Nebraska state agency shall not be awarded
15 a grant by the Nebraska Environmental Trust unless at least fifty percent
16 of the project's funding is provided by a political subdivision, the
17 federal government, or private donors as provided in the Nebraska
18 Environmental Trust Act;

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

23 (iv) Ten percent of the money remaining after the payment of prizes
24 and operating expenses and the initial transfer to the Compulsive
25 Gamblers Assistance Fund shall be transferred to the Nebraska State Fair
26 Board if the most populous city within the county in which the fair is
27 located provides matching funds equivalent to ten percent of the funds
28 available for transfer. Such matching funds may be obtained from the city
29 and any other private or public entity, except that no portion of such
30 matching funds shall be provided by the state. If the Nebraska State Fair
31 ceases operations, ten percent of the money remaining after the payment

1 of prizes and operating expenses and the initial transfer to the
2 Compulsive Gamblers Assistance Fund shall be transferred to the General
3 Fund; and

4 (v) One percent of the money remaining after the payment of prizes
5 and operating expenses and the initial transfer to the Compulsive
6 Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers
7 Assistance Fund.

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

11 (4) Nothing in this section shall be construed to prohibit (a) the
12 enactment of laws providing for the licensing and regulation of wagering
13 on the results of horseraces, wherever run, either within or outside of
14 the state, by the parimutuel method, when such wagering is conducted by
15 licensees within a licensed racetrack enclosure or (b) the enactment of
16 laws providing for the licensing and regulation of bingo games conducted
17 by nonprofit associations which have been in existence for a period of
18 five years immediately preceding the application for license, except that
19 bingo games cannot be conducted by agents or lessees of such associations
20 on a percentage basis.

21 (5) This section shall not apply to any law which is enacted
22 contemporaneously with the adoption of this subsection or at any time
23 thereafter and which provides for the licensing, authorization,
24 regulation, or taxation of all forms of games of chance when such games
25 of chance are conducted by authorized gaming operators within a licensed
26 racetrack enclosure.

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

30 A constitutional amendment to create requirements for the use of the
31 Nebraska Environmental Trust Fund and grants made by the Nebraska

- 1 Environmental Trust.
- 2 For
- 3 Against.