

**PROPOSED CONSTITUTIONAL AMENDMENTS APPEARING ON THE 2006 GENERAL ELECTION BALLOT
PROPOSED AMENDMENT NUMBER 1**

A vote FOR this amendment will authorize the Legislature to permit counties, cities, and villages to acquire, own, develop, and lease or finance real and personal property for use by nonprofit enterprises for nonsectarian, nondevotional, and nonreligious purposes and to issue revenue bonds for such purpose and will prohibit the use of condemnation for acquiring such property and operation of such property as a business by the county, city, or village.

A vote AGAINST this amendment will not authorize the Legislature to permit counties, cities, and villages to acquire, own, develop, and lease or finance real and personal property for use by nonprofit enterprises or to issue revenue bonds for such purpose.

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against

TEXT OF PROPOSED AMENDMENT NUMBER 1

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~ subsection shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from

local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

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

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

**PROPOSED BY THE 2006 LEGISLATURE
PROPOSED AMENDMENT NUMBER 2**

A vote FOR this amendment will authorize the Legislature to permit political subdivisions to invest public endowment funds in the same manner as would a prudent investor acting with skill, care, and diligence and in such investments that the political subdivision, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, may determine, subject to limitations as the Legislature may provide.

A vote AGAINST this amendment will retain the existing, more limiting restrictions on a political subdivision's ability to invest public endowment funds.

A constitutional amendment to authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in such manner and in such investments as the governing body of such political subdivision may determine, subject to limitations by the Legislature.

For

Against

TEXT OF PROPOSED AMENDMENT NUMBER 2

AN ACT relating to political subdivisions; to provide for submission to the electors of an amendment to the Constitution of Nebraska by amending Article XI, section 1, to authorize the investment of public endowment funds by political subdivisions subject to limitations as provided by the Legislature; and to provide for the time and manner of submission and the ballot language for submission.

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

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association, except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in the manner required of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, village, school district, public power district, and other political subdivision, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, may determine, subject to such limitations as the Legislature may by statute provide.

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

A constitutional amendment to authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in such manner and in such investments as the governing body of such political subdivision may determine, subject to limitations by the Legislature.

For

Against.

**PROPOSED BY THE 2006 LEGISLATURE
PROPOSED AMENDMENT NUMBER 3**

A vote FOR this amendment will increase the allocation of state lottery proceeds to the Compulsive Gamblers Assistance Fund from \$500,000 to \$1,000,000.

A vote AGAINST this amendment will not increase the allocation to the Compulsive Gamblers Assistance Fund.

A constitutional amendment to increase the amount of state lottery proceeds to be distributed to the Compulsive Gamblers Assistance Fund.

For

Against

TEXT OF PROPOSED AMENDMENT NUMBER 3

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

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

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

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

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

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

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

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

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

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

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

A constitutional amendment to increase the amount of state lottery proceeds to be distributed to the Compulsive Gamblers Assistance Fund.

For

Against.

**PROPOSED BY THE 2006 LEGISLATURE
PROPOSED AMENDMENT NUMBER 4**

A vote FOR this amendment will change the separation of powers provision of the Constitution of Nebraska to authorize the Legislature to assign to the judicial and executive departments responsibilities regarding the supervision of individuals sentenced to probation, released on parole, or subject to programs provided by a court.

A vote AGAINST this amendment will not authorize a change to the separation of powers provision of the Constitution of Nebraska.

A constitutional amendment to permit supervision of individuals sentenced to probation, released on parole, or enrolled in court programs or services by the judicial and executive departments as provided by the Legislature.

For

Against

TEXT OF PROPOSED AMENDMENT NUMBER 4

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article II, section 1:

II-1 (1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

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

A constitutional amendment to permit supervision of individuals sentenced to probation, released on parole, or enrolled in court programs or services by the judicial and executive departments as provided by the Legislature.

For

Against.

**PROPOSED BY THE 2006 LEGISLATURE
PROPOSED AMENDMENT NUMBER 5**

A vote FOR this amendment will permit use of perpetual school funds for early childhood educational purposes through public schools, will create an early childhood education endowment fund and allocate \$40,000,000 of perpetual school funds to the endowment fund, subject to reversion to the common schools if the annual income from \$20,000,000 of private funds is not irrevocably committed to the endowment fund, and will define early childhood education for purposes of Article VII of the Constitution of Nebraska.

A vote AGAINST this amendment will not change the use of the perpetual school funds, will not create an early childhood education endowment fund, and will not define early childhood education.

A constitutional amendment to permit use of funds dedicated to the common schools for early childhood educational purposes.

For

Against

TEXT OF PROPOSED AMENDMENT NUMBER 5

AN ACT relating to educational lands and funds; to provide for submission to the electors of an amendment to the

Constitution of Nebraska by amending Article VII, sections 7, 8, and 9, to permit the use of funds dedicated to the schools for common school and early childhood educational purposes; and to provide for the time and manner of submission and the ballot language for submission.

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

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, sections 7, 8, and 9:

VII-7 The following are hereby declared to be perpetual funds for common school purposes, including early childhood educational purposes operated by or distributed through the common schools, of which the annual interest or income only can be appropriated, to wit:

First. Such ~~per cent~~ percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

VII-8 All funds belonging to the state for common school educational purposes, including early childhood educational purposes operated by or distributed through the common schools, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in ~~the~~ this Constitution, such funds shall be invested as the Legislature may by statute provide.

VII-9 (1) The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state or for early childhood education operated by or distributed through the common schools as provided in subsection (3) of this section, as the Legislature shall provide:

~~a-~~ (a) Income arising from the perpetual funds;

~~b-~~ (b) The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied;

~~e-~~ (c) All other grants, gifts, and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift, or devise; and

~~d-~~ (d) Such other support as the Legislature may provide.

(2) No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term required by law.

(3)(a) An early childhood education endowment fund shall be created for the purpose of supporting early childhood education in this state as provided by the Legislature.

(b) An amount equal to forty million dollars of the funds belonging to the state for common school and early childhood educational purposes operated by or distributed through the common schools described in Article VII, section 7, of this Constitution shall be allocated for the early childhood education endowment fund.

(c) Only interest or income on such early childhood education endowment fund may be appropriated as provided by the Legislature for the benefit of the common schools and for the exclusive purpose of supporting early childhood education in this state.

(d) For purposes of Article VII of this Constitution, early childhood education means programs operated by or distributed through the common schools promoting development and learning for children from birth to

kindergarten-entrance age.

(e) If the annual income from twenty million dollars of private funding is not irrevocably committed by July 1, 2011, to the use of the early childhood education endowment fund, then the forty-million-dollar allocation pursuant to subdivision (3)(b) of this section may revert to the use of the common schools as the Legislature shall determine.

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

A constitutional amendment to permit use of funds dedicated to the common schools for early childhood educational purposes.

For

Against.

**PROPOSED BY THE 2006 LEGISLATURE
PROPOSED AMENDMENT NUMBER 6**

A vote FOR this amendment will remove the requirement that property eligible for public debt and special property tax financing be substandard and blighted and allow development of property as a qualifying purpose for the use of public debt and special property tax financing. The Legislature will also be given the authority to: (1) determine the terms and conditions for use of public debt and special property tax financing; (2) authorize counties, in addition to cities and villages, to use public debt and special property tax financing; (3) authorize cities and villages to expand the use of public debt and special property tax financing beyond their boundaries; and (4) extend the pledge and payment schedule for public debt and special property tax treatment from fifteen years to thirty years under specified circumstances.

A vote AGAINST this amendment will retain the constitutional requirement that property be substandard and blighted in order to use public debt and special property tax financing, will not add development of property as a qualifying purpose, will not authorize use of public debt and special property tax financing beyond the boundaries of cities and villages, will not authorize the Legislature to expand the use of public debt and special property tax financing by counties, and will not extend the pledge and payment schedule from fifteen years to thirty years.

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add development as a purpose for use of the constitutional provision authorizing public debt and special property tax treatment, to permit counties and cities and villages outside their corporate boundaries to use such constitutional provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For

Against

TEXT OF PROPOSED AMENDMENT NUMBER 6

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 (1) For the purpose of developing, rehabilitating, acquiring, or redeveloping ~~substandard and blighted property in a redevelopment project as determined by law; property, the Legislature may by general law authorize any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, within its corporate boundaries or within the area in which it exercises planning, zoning, and code enforcement authority or any county to incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise, notwithstanding any other provision in this Constitution and without regard to charter limitations and restrictions.~~ Notwithstanding

(2) Except as provided in subsection (3) of this section and notwithstanding any other provision in the this Constitution or a local charter, such cities, ~~or~~ villages, or counties may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such

rate for a period not to exceed fifteen years, on the assessed valuation of the property ~~in the project area portion of a designated blighted and substandard area~~ that is in excess of the assessed valuation of such property for the year prior to such development, rehabilitation, acquisition, or redevelopment.

(3) Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of fifteen years on the collection of all taxes levied on the excess value of property collected for the payment of the indebtedness incurred for the purpose of developing, rehabilitating, acquiring, or redeveloping such property may be extended to a period not to exceed thirty years if more than one-half of the property by area within the project area is owned by the State of Nebraska and if the indebtedness to be incurred for the development, rehabilitation, acquisition, or redevelopment of such property cannot be reasonably financed within fifteen years.

(4) When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

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

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add development as a purpose for use of the constitutional provision authorizing public debt and special property tax treatment, to permit counties and cities and villages outside their corporate boundaries to use such constitutional provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For

Against.
