

LEGISLATIVE BILL 867

Approved by the Governor April 26, 1978

Introduced by Fowler, 27

AN ACT to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to allow racing on Sunday as prescribed; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 2-1213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1213. No racing under sections 2-1201 to 2-1218 shall be permitted on Sunday except when approved by a majority of the members of the State Racing Commission. If the State Racing Commission permits racing on Sunday the voters may prohibit such racing in the manner prescribed in section 2 of this act. If such approval is granted, no racing shall occur on Sunday until after 1:00 p.m. in counties--having--a--population less-than-twenty-thousand-inhabitants-after-approval-by-a majority-vote-of-those-voting-on-the-issue-in--a--general or-special-election-called-for-that-purpose-in--any--such county-by-the-county-board-in-the-manner-provided-by-law. No license shall be granted for racing on more than one race track in any one county, except that the commission may, in its discretion, grant a license to any county agricultural society to conduct racing during its county fair notwithstanding license may have been issued for racing on another track in such county. Since the purpose of sections 2-1201 to 2-1218 is to encourage agriculture and horse breeding in Nebraska, every licensee shall hold at least one race on each racing day limited to Nebraska-bred horses. Three per cent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse.

For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred Registry and meeting the following requirements: (1) It must have been foaled in Nebraska; (2) its dam must have been registered, prior to foaling, with the Nebraska Thoroughbred Registry; (3) its owner or owners, or, if the owner is a corporation, all stockholders thereof, must have been bona fide citizens of Nebraska continually from January 1 of the year of conception through the date of foaling; and (4) its dam

must have been continuously in Nebraska for six months immediately prior to foaling, except that this period may be reduced to ninety days in the case of a mare in foal and which is either (a) registered as a broodmare with the Nebraska Thoroughbred Registry but which is being actively trained and raced outside Nebraska and is returned to this state and remains herein continuously for ninety days immediately prior to foaling, or (b) purchased at a nationally-recognized thoroughbred blood stock sale, the entries for which are closed prior to September 1 of the year of purchase, the name and pedigree of the mare being listed in the sale catalog, and which is brought into this state and remains herein for ninety days immediately prior to foaling.

Sec. 2. The voters of any city or incorporated village shall have the right to vote on the question of prohibiting the conducting of racing on Sunday within such city or village. The question may be submitted at any general state, city, or village election whenever petitions calling for its submission, signed by at least ten per cent of the number of persons voting in the last preceding general state, city, or village election, are presented to the city or village clerk or election commissioner not less than thirty days prior to the date of such election, except that such question may not be submitted more often than once in four years. The question shall be placed on the ballot in substantially the following form:

SHALL THE CONDUCTING OF RACING ON SUNDAY
BE PROHIBITED IN THE CITY (VILLAGE)
OF
.... FOR RACING ON SUNDAY
.... AGAINST RACING ON SUNDAY

A majority of the voters voting on the issue shall determine such issue. Where racing is conducted outside the limits of any city or incorporated village, the voters of a county shall have the right to vote on the question of prohibiting the conducting of racing on Sunday outside the limits of any incorporated city or village within such county in the same fashion as that hereinbefore provided for voting upon such question by voters within such city or village.

Sec. 3. That original section 2-1213, Reissue Revised Statutes of Nebraska, 1943, is repealed.