

## LEGISLATIVE BILL 1255

Approved by the Governor April 15, 1996

Introduced by General Affairs Committee: Schellpeper, 18, Chairperson;  
Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robak, 22;  
Robinson, 16; Will, 8

AN ACT relating to horseracing; to amend sections 2-1213 and 2-1226, Reissue Revised Statutes of Nebraska, and section 2-1207.01, Revised Statutes Supplement, 1994; to change provisions relating to distribution of amounts deducted from wagers; to redefine a term; to change a provision relating to simulcasting; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 2-1207.01, Revised Statutes Supplement, 1994, is amended to read:

2-1207.01. The amount deducted from wagers pursuant to subsection (2) of section 2-1207 may be used to promote agriculture and horsebreeding in Nebraska and shall be distributed as purse supplements and breeder and stallion awards at racetracks for Nebraska-bred horses, as defined and registered pursuant to section 2-1213, at the racetrack where the funds were generated, except that if a racetrack does not continue to conduct live race meets, amounts deducted may be distributed as purse supplements and breeder and stallion awards at racetracks that conduct live race meets and amounts deducted pursuant to a contract with the organization representing the majority of the licensed owners and trainers at the racetrack's most recent live race meet shall be used by that organization to promote live thoroughbred horseracing in the state or as purse supplements at racetracks that conduct live race meets in the state. Any costs incurred by the State Racing Commission pursuant to this section and subsection (2) of section 2-1207 shall be separately accounted for and be deducted from such funds.

Sec. 2. Section 2-1213, Reissue Revised Statutes of Nebraska, is amended to read:

2-1213. (1) 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 upon application for approval by any racetrack. Such approval shall be given after the commission has considered: (a) Whether Sunday racing at the applicant track will tend to promote and encourage agriculture and horse breeding in Nebraska; (b) whether the applicant track operates under a license granted by the commission; (c) whether the applicant track is in compliance with all applicable health, safety, fire, and police rules and regulations or ordinances; (d) whether the denial of Sunday racing at the applicant track would impair such track's economic ability to continue to function under its license; and (e) whether the record of the public hearing held on the issue of Sunday racing at the applicant track shows reasonable public support. Notice of such public hearing shall be given at least ten days prior thereto by publication in a newspaper having general circulation in the county in which the applicant track is operating, and the commission shall conduct a public hearing in such county. The commission may adopt, promulgate, and enforce rules and regulations governing the application and approval for Sunday racing in addition to its powers in section 2-1203. If the commission permits racing on Sunday, the voters may prohibit such racing in the manner prescribed in section 2-1213.01. If approval by the commission for Sunday racing at the applicant track is granted, no racing shall occur on Sunday until after 1 p.m.

No license shall be granted for racing on more than one racetrack 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 a 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 percent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse.

(2) For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred or Quarter Horse Registry and meeting the following requirements: (a) It shall have been foaled in Nebraska; (b) its dam shall have been registered, prior to foaling, with the

Nebraska Thoroughbred or Quarter Horse Registry; and (c) its dam shall have been continuously in Nebraska for ~~six months~~ ninety days immediately prior to foaling, except that such ~~six-month~~ ninety-day period may be reduced to ~~(+) ninety days in the case of a mare in foal which is registered as a brood mare with the Nebraska Thoroughbred or Quarter Horse Registry but which is being actively trained and raced outside Nebraska and is returned to this state and remains in this state continuously for ninety days immediately prior to foaling or~~ (ii) thirty days in the case of a mare in foal which is purchased at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, and which is brought into this state and remains in this state for thirty days immediately prior to foaling.

The requirement that a dam shall be continuously in Nebraska for either ~~six months~~, ninety days, or thirty days, as specified in subdivision (2)(c) of this section, shall not apply to a dam which is taken outside of Nebraska to be placed for sale at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, or for the treatment of an extreme sickness or injury, if written notice of such proposed sale or treatment is provided to the secretary of the commission within three days of the date such horse is taken out of the state.

The commission may designate official registrars for the purpose of registration and to certify the eligibility of Nebraska-bred horses. An official registrar shall perform such duties in accordance with policies and procedures adopted and promulgated by the commission in the current rules and regulations of the commission. The commission may authorize the official registrar to collect specific fees as would reasonably compensate the registrar for expenses incurred in connection with registration of Nebraska-bred horses. The amount of such fee or fees shall be established by the commission and shall not be changed without commission approval. Fees shall not exceed one hundred dollars per horse.

Any decision or action taken by the official registrar shall be subject to review by the commission or may be taken up by the commission on its own initiative.

Sec. 3. Section 2-1226, Reissue Revised Statutes of Nebraska, is amended to read:

2-1226. Any racetrack issued a license under sections 2-1201 to 2-1223 which operates at least one live race meet during each calendar year except as provided in section 2-1228 may apply to the commission for a simulcast facility license. An application for such license shall be in such form as may be prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued a simulcast facility license may display the simulcast of a horserace on which parimutuel wagering shall be allowed.

Sec. 4. Original sections 2-1213 and 2-1226, Reissue Revised Statutes of Nebraska, and section 2-1207.01, Revised Statutes Supplement, 1994, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.