

E AND R AMENDMENTS TO LB 224

Introduced by Enrollment and Review Committee: Nordquist, 7,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 2-101, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5           2-101 (1) The Nebraska State Fair Board, formerly known  
6 as the State Board of Agriculture, shall hold an annual meeting for  
7 the purpose of deliberating and consulting as to the wants,  
8 prospects, and conditions of the agricultural, horticultural,  
9 industrial, mechanical, and other interests throughout the state,  
10 as well as those interests in the encouragement and perpetuation of  
11 the arts, skilled crafts, and sciences.

12           (2) The Nebraska State Fair Board may provide in its  
13 constitution and bylaws for the qualification and participation  
14 of delegates at the annual meeting from such associations  
15 incorporated under the laws of the state for purposes of promoting  
16 and furthering the interests of participants in agricultural,  
17 horticultural, industrial, mechanical, or other pursuits or for the  
18 encouragement and perpetuation of the arts, skilled crafts, and  
19 sciences, and from such associations as provide for the training,  
20 encouragement, and competition of the youth of Nebraska in such  
21 endeavors. The annual meeting shall be held in every odd-numbered  
22 year at the capital of the state and in every even-numbered year at  
23 such location as the board determines. The chairperson of the board

1 shall also have the power to call meetings of the board whenever he  
2 or she may deem it expedient. All meetings of the board shall be  
3 conducted in accordance with the Open Meetings Act.

4 (3) The Nebraska State Fair shall be under the direction  
5 and supervision of the Nebraska State Fair Board. The board may, at  
6 its discretion, hold or dispense with the holding of the fair, in  
7 any year.

8 (4) (a) It is the intent of the Legislature that no later  
9 than 2010 the Nebraska State Fair be permanently located within  
10 the city of Grand Island upon the site and tract of land owned  
11 by the Hall County Livestock Improvement Association and known as  
12 ~~Fonner Park no later than 2010-~~ and, as available and necessary,  
13 upon other parcels of land adjacent to Fonner Park. The Nebraska  
14 State Fair Board shall cooperate and coordinate with the Hall  
15 County Livestock Improvement Association, the city of Grand Island,  
16 and other appropriate entities to provide for and carry out any  
17 plan of improvements to ~~Fonner Park,~~ such location, including  
18 the construction of buildings, and other capital facilities,  
19 the relocation of existing improvements, and other enhancements,  
20 necessary to develop the site as a location suitable for conducting  
21 the Nebraska State Fair. Such cooperation and coordination may  
22 include financial participation in the costs of site development,  
23 new construction, and other capital improvements upon ~~Fonner Park~~  
24 such location and includes the execution of any agreement for site  
25 governance, revenue sharing, and facility utilization between and  
26 among the Nebraska State Fair Board, the Hall County Livestock  
27 Improvement Association, and other appropriate entities.

1           (b) The Nebraska State Fair Board, the Department of  
2 Administrative Services, and the Board of Regents of the University  
3 of Nebraska shall cooperate with each other and with other  
4 appropriate entities to provide for and carry out the plan to  
5 relocate the Nebraska State Fair and transfer the Nebraska State  
6 Fairgrounds in Lancaster County to the Board of Regents, including  
7 activities by the Board of Regents to obtain due diligence surveys,  
8 reports, and site assessments at the Nebraska State Fairgrounds in  
9 Lancaster County and by the Nebraska State Fair Board in connection  
10 with providing marketable title to the same in a form acceptable to  
11 the Board of Regents.

12           Sec. 2. Section 2-109, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           2-109 The Department of Revenue shall, ~~on a quarterly~~  
15 ~~basis,~~ at the conclusion of each calendar quarter, provide to  
16 the most populous city within the county in which the state  
17 ~~fair~~ Nebraska State Fair is located, held written notification of  
18 the amount estimated by the department to equal ten percent of  
19 the lottery revenue collected during the calendar quarter to be  
20 transferred to the Nebraska State Fair Support and Improvement Cash  
21 Fund. If the state fair is scheduled to be held in a different  
22 county from that in which the most recent state fair was held, the  
23 written notification required by this section shall be made to the  
24 most populous city within the county in which the state fair is  
25 scheduled to be held beginning with the written notification made  
26 at the conclusion of the first calendar quarter during the calendar  
27 year in which the state fair is held or scheduled to be held in

1 such county. The department shall provide a copy of the written  
2 notification to the Department of Administrative Services.

3           Sec. 3. Section 2-110, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           2-110 The most populous city within the county in  
6 which the state fair is located Nebraska State Fair is held  
7 or scheduled to be held that calendar year shall remit quarterly  
8 payments to the State Treasurer in amounts equal to the matching  
9 fund requirement established by the Department of Revenue under  
10 section 2-109. The State Treasurer shall credit the matching funds  
11 to the Nebraska State Fair Support and Improvement Cash Fund.  
12 The city shall provide written notification to the Department  
13 of Administrative Services regarding its compliance with the  
14 matching fund requirement. Upon verification by the Department  
15 of Administrative Services that a quarterly transfer of lottery  
16 proceeds to the Nebraska State Fair Support and Improvement Cash  
17 Fund has been executed and that the full amount of the matching  
18 funds requirement has been received from the city, the Department  
19 of Administrative Services shall authorize the expenditure of the  
20 fund by the Nebraska State Fair Board. Matching fund requirements  
21 shall not apply to investment income accruing to the fund and  
22 investment income may be expended by the board.

23           Sec. 4. Section 2-111, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           2-111 ~~(1)~~ The Nebraska State Fair Board shall, no later  
26 than November 1 of each year, provide an annual report to the  
27 Governor and the Legislature regarding the use of the Nebraska

1 State Fair Support and Improvement Cash Fund. The report shall  
2 include ~~(a)~~ (1) a detailed listing of how the proceeds of the  
3 fund were expended in the prior fiscal year and ~~(b)~~ (2) any  
4 distributions from the fund that remain unexpended and on deposit  
5 in Nebraska State Fair accounts.

6 ~~(2) The Nebraska State Fair Board shall cooperate with a  
7 study by the Agriculture Committee of the Legislature of capital  
8 facilities and infrastructure requirements to serve the purposes  
9 and goals of the Nebraska State Fair and other uses of the Nebraska  
10 State Fairgrounds as a year-round multipurpose facility sufficient  
11 to host and accommodate events and attractions of local, state, and  
12 regional interest and attendance. The Nebraska State Fair Board may  
13 utilize available funds, not to exceed one hundred fifty thousand  
14 dollars, including funds disbursed from the Nebraska State Fair  
15 Support and Improvement Cash Fund and other resources, to assist in  
16 completion of such study. This subsection terminates on January 1,  
17 2008.~~

18 Sec. 5. Section 2-113, Revised Statutes Cumulative  
19 Supplement, 2008, is amended to read:

20 2-113 (1) Upon completion of the conditions specified  
21 in subsection (2) of this section, the Director of Administrative  
22 Services shall, on or before December 31, 2009, transfer by  
23 warranty deed the site and tract of land in Lancaster County known  
24 as the Nebraska State Fairgrounds, to the Board of Regents of the  
25 University of Nebraska. Such transfer shall occur notwithstanding  
26 sections 72-811 to 72-818 or any other provision of law.

27 (2) The transfer described in subsection (1) of this

1 section shall be contingent upon:

2 (a) Funds for the purpose of carrying out subsection  
3 (4) of section 2-101 having been provided by or on behalf of the  
4 University of Nebraska in a total amount of no less than twenty-one  
5 million five hundred thousand dollars in cash or legally binding  
6 commitments. Such funds may be provided over time, but they shall  
7 in cumulative increments equal at least seven million five hundred  
8 thousand dollars by October 1, 2008, fourteen million five hundred  
9 thousand dollars by February 1, 2009, and twenty-one million five  
10 hundred thousand dollars by July 1, 2009;

11 (b) The University of Nebraska providing a master plan  
12 and business plan to carry out the master plan for the Innovation  
13 Campus to the Department of Administrative Services and to the  
14 Clerk of the Legislature on or before December 1, 2009, and  
15 a commitment to provide on or before December 1 of each year  
16 thereafter an annual update of the master plan and business plan to  
17 the Clerk of the Legislature; and

18 (c) Funds for the purpose of carrying out subsection  
19 (4) of section 2-101 having been provided by or on behalf of the  
20 city of Grand Island in a total amount of no less than eight  
21 million five hundred thousand dollars in cash or legally binding  
22 commitments. Such funds may be provided over time, but they shall  
23 in cumulative increments equal at least three million dollars by  
24 October 1, 2008, six million dollars by February 1, 2009, and eight  
25 million five hundred thousand dollars by July 1, 2009.

26 (3) The University of Nebraska and the city of  
27 Grand Island shall provide certification to the Department of

1 Administrative Services on October 1, 2008, February 1, 2009, and  
2 July 1, 2009, of all funds provided to carry out subsection (4) of  
3 section 2-101. All amounts as certified in subdivisions (2)(a) and  
4 (c) of this section shall be held and expended as determined by  
5 agreement between the Hall County Livestock Improvement Association  
6 and the Nebraska State Fair Board.

7 (4)(a) The Nebraska State Fair shall be relocated to  
8 the city of Grand Island pursuant to subsection (4) of section  
9 2-101 contingent upon completion of the conditions specified in  
10 ~~subsection (2)~~ subdivisions (2)(a) and (c) of this section.

11 (b) The Nebraska State Fair Board shall be responsible  
12 for any remaining costs associated with site improvements for  
13 relocating the Nebraska State Fair, not to exceed seven million  
14 dollars.

15 (c) On or before December 31, 2009, the Nebraska  
16 State Fair Board shall provide written release or other written  
17 instrument acceptable to the State Building Administrator in  
18 consultation with the President of the University of Nebraska  
19 in connection with the transfer of the Nebraska State Fairgrounds  
20 to the Board of Regents.

21 Sec. 6. Section 2-1208.01, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 2-1208.01 (1) There is hereby imposed a tax on the gross  
24 sum wagered by the parimutuel method at each race enclosure during  
25 a calendar year as follows:

26 ~~(1) For meets conducted on the Nebraska State~~  
27 ~~Fairgrounds, no tax shall be imposed, but the licensee shall apply~~

1 two percent of any amount in excess of ten million dollars for the  
2 purpose of maintenance of buildings, streets, utilities, and other  
3 existing improvements on the Nebraska State Fairgrounds; and

4 ~~(2) For all other meets:~~

5 (a) The first ten million dollars shall not be taxed;

6 (b) Any amount over ten million dollars but less than or  
7 equal to seventy-three million dollars shall be taxed at the rate  
8 of two and one-half percent; and

9 (c) Any amount in excess of seventy-three million dollars  
10 shall be taxed at the rate of four percent, and

11 ~~(d) An~~ (2) (a) Except as provided in subdivision (2) (b) of  
12 this section, an amount equal to two percent of the first taxable  
13 seventy million dollars at each race meeting shall be retained by  
14 the licensee for capital improvements and for maintenance of the  
15 premises within the licensed racetrack enclosure and shall be a  
16 credit against the tax levied in subsection (1) of this section.  
17 This subdivision includes each race meeting held after January 1,  
18 2010, within the licensed racetrack enclosure located in Lancaster  
19 County where the Nebraska State Fair was held prior to 2010.

20 (b) For race meetings conducted at the location where  
21 the Nebraska State Fair is held, an amount equal to two and  
22 one-half percent of the first taxable seventy million dollars at  
23 each race meeting shall be retained by the licensee for the purpose  
24 of maintenance of the premises within the licensed racetrack  
25 enclosure and maintenance of other buildings, streets, utilities,  
26 and existing improvements at the location where the Nebraska State  
27 Fair is held. Such amount shall be a credit against the tax levied

1 in subsection (1) of this section.

2 (3) A return as required by the Tax Commissioner shall be  
3 filed for a racetrack enclosure for each month during which wagers  
4 are accepted at the enclosure. The return shall be filed with and  
5 the net tax due pursuant to this section shall be paid to the  
6 Department of Revenue on the tenth day of the following month.

7 (4) On or before July 1, 2010, and on or before July 1  
8 of each year thereafter, the State Treasurer shall remit thirty  
9 thousand dollars of the tax collected pursuant to this section to  
10 the State Fair Host Facility Maintenance Assistance Fund.

11 Sec. 7. Sections 6 and 9 of this act become operative on  
12 January 1, 2010. The other sections of this act become operative on  
13 their effective date.

14 Sec. 8. Original sections 2-109, 2-110, and 2-111,  
15 Reissue Revised Statutes of Nebraska, and sections 2-101 and  
16 2-113, Revised Statutes Cumulative Supplement, 2008, are repealed.

17 Sec. 9. Original section 2-1208.01, Reissue Revised  
18 Statutes of Nebraska, is repealed.

19 Sec. 10. The following section is outright repealed:  
20 Section 2-131, Reissue Revised Statutes of Nebraska.

21 Sec. 11. Since an emergency exists, this act takes effect  
22 when passed and approved according to law.

23 2. On page 1, strike beginning with "section" in line  
24 3 through line 9 and insert "sections 2-101 and 2-113, Revised  
25 Statutes Cumulative Supplement, 2008; to change and eliminate  
26 provisions relating to relocation, matching funds, reports,  
27 studies, and taxes on horseracing; to provide operative dates;

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1 to repeal the original sections; to outright repeal section  
2 2-131, Reissue Revised Statutes of Nebraska; and to declare an  
3 emergency.".