

E AND R AMENDMENTS TO LB 806

Introduced by Larson, 40, Chairman Enrollment and Review

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

3 Section 1. Section 2-1203.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 2-1203.01 The State Racing Commission shall:

6 (1) Enforce all state laws covering horseracing as
7 required by sections 2-1201 to 2-1242 and enforce rules and
8 regulations adopted and promulgated by the commission under the
9 authority of section 2-1203;

10 (2) License racing industry participants, race officials,
11 mutuel employees, teleracing facility employees, telephone deposit
12 center employees, concessionaires, and such other persons as deemed
13 necessary by the commission and approve and license teleracing
14 facilities and telephonic wagering if the license applicants meet
15 eligibility standards established by the commission;

16 (3) Prescribe and enforce security provisions, including,
17 but not limited to, the restricted access to areas within track
18 enclosures, backstretch areas, and teleracing facilities, and
19 prohibitions against misconduct or corrupt practices;

20 (4) Determine or cause to be determined by chemical
21 testing and analysis of body fluids whether or not any prohibited
22 substance has been administered to the winning horse of each race
23 and any other horse selected by the board of stewards;

1 (5) Verify the certification of horses registered as
2 being Nebraska-bred under section 2-1213; ~~and~~

3 (6) Collect and verify the amount of revenue received by
4 the commission under section 2-1208; ~~and-~~

5 (7) Be authorized to license and regulate parimutuel
6 wagering on historic horseraces as defined in section 2 of this act
7 within a licensed racetrack enclosure as provided in sections 2 to
8 4 of this act.

9 Sec. 2. (1) For purposes of licensure and regulation
10 pursuant to subdivision (7) of section 2-1203.01, historic
11 horserace means a form of horserace that creates a parimutuel pool
12 from wagers placed on a horserace previously held.

13 (2) The commission may adopt and promulgate rules and
14 regulations to implement subdivision (7) of section 2-1203.01.

15 (3) As part of the regulation under subdivision (7)
16 of section 2-1203.01, the commission shall require enough of the
17 historic horserace to be televised so as to maintain the integrity
18 of such horserace before another wager takes place or before
19 beginning another historic horserace.

20 (4) As part of the regulation under subdivision (7) of
21 section 2-1203.01, the commission shall impose an initial, one-time
22 licensing fee of one thousand dollars for each machine used for
23 parimutuel wagering on historic horseraces. The commission shall
24 remit the fees to the State Treasurer for credit to the Historic
25 Horseracing Distribution Fund.

26 Sec. 3. (1) In lieu of any other tax imposed under
27 sections 2-1201 to 2-1242 on a licensed racetrack enclosure and in

1 lieu of any other tax otherwise applicable to parimutuel wagering,
2 (a) there is hereby imposed a tax on the gross sum wagered by the
3 parimutuel method at each licensed racetrack enclosure on historic
4 horseraces at a rate of one percent of the first one hundred
5 million dollars collected from wagering on historic horseraces
6 at the licensed racetrack enclosure, one and one-half percent of
7 the second one hundred million dollars collected from wagering
8 on historic horseraces at the licensed racetrack enclosure, and
9 two percent on all additional money collected from wagering on
10 historic horseraces and (b) (i) if the racetrack enclosure is not
11 located within the corporate limits of a city, the licensee of the
12 racetrack enclosure shall remit one-tenth of one percent of the
13 gross sum wagered under this section to the county treasurer of
14 the county in which the racetrack enclosure is located for credit
15 to the county general fund, and (ii) if the racetrack enclosure
16 is located within the corporate limits of a city, the licensee of
17 the racetrack enclosure shall remit five-hundredths of one percent
18 of the gross sum wagered to such county treasurer for credit to
19 the county general fund and five-hundredths of one percent of the
20 gross sum wagered to the city treasurer of the city in which the
21 racetrack enclosure is located for credit to the city general fund.

22 (2) A return as required by the Tax Commissioner shall
23 be filed for a racetrack enclosure for each month during which
24 wagers on historic horseraces are accepted at the enclosure. The
25 return shall be filed with and the tax due pursuant to subdivision
26 (1) (a) of this section shall be paid to the Department of Revenue
27 on the tenth day of the month following receipt of the tax. The Tax

1 Commissioner shall remit all revenue collected or received from the
2 tax imposed under subdivision (1) (a) of this section to the State
3 Treasurer for credit to the Historic Horseracing Distribution Fund.

4 Sec. 4. (1) The Historic Horseracing Distribution Fund
5 is hereby created in the Department of Revenue. All costs for
6 administration of the fund shall be paid from such fund.

7 (2) All receipts in the Historic Horseracing Distribution
8 Fund in excess of the amounts sufficient to cover the costs of
9 administration shall be distributed as follows:

10 (a) One-half of all such receipts shall be credited to
11 the Racing Commission's Cash Fund to be used by the State Racing
12 Commission for equitable treatment of equine species; and

13 (b) One-half of all such receipts shall be credited to
14 the Compulsive Gamblers Assistance Fund.

15 (3) Any money in the Historic Horseracing Distribution
16 Fund available for investment shall be invested by the state
17 investment officer pursuant to the Nebraska Capital Expansion Act
18 and the Nebraska State Funds Investment Act.

19 Sec. 5. Section 2-1215, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 2-1215 (1) Except as otherwise provided in subsection (2)
22 of this section, it shall be a Class I misdemeanor for:

23 (a) Any person, corporation, or association holding or
24 conducting to hold or conduct any horserace or horserace meeting,
25 in connection with which the said parimutuel system of wagering is
26 used or to be used, without a license duly issued by the State
27 Racing Commission; or any

1 **(b) Any person, corporation, or association holding or**
2 **conducting to hold or conduct horseraces or horserace meetings, in**
3 **connection with which any wagering is permitted, in a otherwise**
4 **than in the manner hereinbefore specified not authorized by law; or**
5 **any**

6 **(c) Any person, corporation, or association violating to**
7 **violate any of the provisions of sections 2-1201 to 2-1218 or any**
8 **of the rules and regulations prescribed by the commission. shall**
9 **be guilty of a Class I misdemeanor.**

10 **(2) It shall be a Class III misdemeanor to use a device**
11 **for parimutuel wagering on historic horseraces as defined in**
12 **section 2 of this act outside the premises of a licensed racetrack**
13 **enclosure.**

14 Sec. 6. Section 2-1222, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 2-1222 **(1) There is hereby created the Racing**
17 **Commission's Cash Fund from which shall be appropriated such**
18 **amounts as are available therefrom and as shall be considered**
19 **incident to the administration of the State Racing Commission's**
20 **office and for purposes of equitable treatment of equine species as**
21 **provided in subsection (3) of this section.**

22 **(2) The fund shall contain all license fees and gross**
23 **receipt taxes collected by the commission as provided under**
24 **sections 2-1203, 2-1203.01, 2-1208, and 2-1242 but shall not**
25 **include taxes collected pursuant to section 2-1208.01, and such**
26 **fees and taxes collected shall be remitted to the State Treasurer**
27 **for credit to the Racing Commission's Cash Fund.**

1 (3) The amount transferred to the fund under section 4 of
2 this act shall be used by the State Racing Commission for equitable
3 treatment of equine species.

4 (4) Any money in the fund available for investment
5 shall be invested by the state investment officer pursuant to
6 the Nebraska Capital Expansion Act and the Nebraska State Funds
7 Investment Act.

8 Sec. 7. Original sections 2-1203.01, 2-1215, and 2-1222,
9 Reissue Revised Statutes of Nebraska, are repealed.

10 2. On page 1, line 1, strike "and" and insert a comma;
11 in line 2 after the comma insert "and 2-1222,"; and in line 5
12 after the last semicolon insert "to change penalty provisions; to
13 change provisions relating to the source and use of the Racing
14 Commission's Cash Fund;".