

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 256
Final Reading

Introduced by Karpisek, 32.

Read first time January 11, 2011

Committee: General Affairs

A BILL

1 FOR AN ACT relating to horseracing; to amend sections 2-1205, 2-1226,
2 and 2-1228, Reissue Revised Statutes of Nebraska, and
3 section 2-1201, Revised Statutes Cumulative Supplement,
4 2010; to change the terms of certain members of the State
5 Racing Commission; to allow licensees to contract with
6 other licensees to conduct live race meetings as
7 prescribed; to repeal the original sections; and to
8 declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1201, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 2-1201 (1) There hereby is created a State Racing
4 Commission.

5 (2) Until July 15, 2010, the commission shall consist of
6 three members who shall be appointed by the Governor and subject to
7 confirmation by a majority of the members elected to the Legislature
8 and may be for cause removed by the Governor. One member shall be
9 appointed each year for a term of three years. The members shall
10 serve until their successors are appointed and qualified.

11 (3) On and after July 15, 2010, the commission shall
12 consist of five members who shall be appointed by the Governor and
13 subject to confirmation by a majority of the members elected to the
14 Legislature and may be for cause removed by the Governor. One member
15 of the commission shall be appointed from each congressional
16 district, as such districts existed on January 1, 2010, and two
17 members of the commission shall be appointed at large for terms as
18 follows:

19 (a) The member representing the second congressional
20 district who is appointed on or after April 1, 2010, shall serve
21 until March 31, 2014, and until his or her successor is appointed and
22 qualified. Thereafter the term of the member representing such
23 district shall be four years and until his or her successor is
24 appointed and qualified;

25 (b) The member representing the ~~third~~first congressional

1 district who is appointed on or after April 1, 2011, shall serve
2 until March 31, 2015, and until his or her successor is appointed and
3 qualified. Thereafter the term of the member representing such
4 district shall be four years and until his or her successor is
5 appointed and qualified;

6 (c) The member representing the ~~first~~third congressional
7 district who is appointed on or after April 1, 2012, shall serve
8 until March 31, 2016, and until his or her successor is appointed and
9 qualified. Thereafter the term of the member representing such
10 district shall be four years and until his or her successor is
11 appointed and qualified;

12 (d) Not later than sixty days after July 15, 2010, the
13 Governor shall appoint one at-large member who shall serve until
14 March 31, 2013, and until his or her successor is appointed and
15 qualified. Thereafter the term of such member shall be four years and
16 until his or her successor is appointed and qualified; and

17 (e) Not later than sixty days after July 15, 2010, the
18 Governor shall appoint one at-large member who shall serve until
19 March 31, 2014, and until his or her successor is appointed and
20 qualified. Thereafter the term of such member shall be four years and
21 until his or her successor is appointed and qualified.

22 (4) Not more than three members of the commission shall
23 belong to the same political party. No more than two of the members
24 shall reside, when appointed, in the same congressional district. No
25 more than two of the members shall reside in any one county. Any

1 vacancy shall be filled by appointment by the Governor for the
2 unexpired term. The members shall serve without compensation but
3 shall be reimbursed for their actual expenses incurred in the
4 performance of their duties as provided in sections 81-1174 to
5 81-1177. The members of the commission shall be bonded or insured as
6 required by section 11-201.

7 Sec. 2. Section 2-1205, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 2-1205 If the commission is satisfied that its rules and
10 regulations and all provisions of sections 2-1201 to 2-1218 have been
11 and will be complied with, it may issue a license for a period of not
12 more than one year. The license shall set forth the name of the
13 licensee, the place where the races or race meetings are to be held,
14 and the time and number of days during which racing may be conducted
15 by such licensee. Any such license issued shall not be transferable
16 or assignable. The commission shall have the power to revoke any
17 license issued at any time for good cause upon reasonable notice and
18 hearing. No license shall be granted to any corporation or
19 association except upon the express condition that it shall not, by
20 any lease, contract, understanding, or arrangement of whatever kind
21 or nature, grant, assign, or turn over to any person, corporation, or
22 association the operation or management of any racing or race meeting
23 licensed under such sections or of the parimutuel system of wagering
24 described in section 2-1207 or in any manner permit any person,
25 corporation, or association other than the licensee to have any

1 share, percentage, or proportion of the money received for admissions
2 to the racing or race meeting or from the operation of the parimutuel
3 system; and any violation of such conditions shall authorize and
4 require the commission immediately to revoke such license.
5 Notwithstanding the provisions of this section to the contrary, a
6 racetrack licensee may contract with another licensee under sections
7 2-1201 to 2-1218 to conduct all but one day of live race meetings on
8 its behalf, and until January 1, 2027, a racetrack licensee located
9 in a county which contains a city of the primary class may contract
10 with another licensee under sections 2-1201 to 2-1218 to conduct all
11 live race meetings on its behalf.

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

14 2-1226 Any racetrack issued a license under sections
15 2-1201 to 2-1223 which operates at least one live race meet during
16 each calendar year except as provided in section 2-1228 or contracts
17 for one or more live race meets as authorized under section 2-1205
18 may apply to the commission for a simulcast facility license. An
19 application for such license shall be in such form as may be
20 prescribed by the commission and shall contain such information,
21 material, or evidence as the commission may require. Any racetrack
22 issued a simulcast facility license may display the simulcast of a
23 horserace on which parimutuel wagering shall be allowed.

24 Sec. 4. Section 2-1228, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 2-1228 (1) Any racetrack issued a license under sections
2 2-1201 to 2-1223 ~~(1)~~ (a) conducting primarily quarterhorse races in
3 the year immediately preceding the year for which application is
4 made, regardless of the total number of days of live racing conducted
5 in such year, ~~or (2)~~ (b) conducting primarily thoroughbred horseraces
6 in the year immediately preceding the year for which application is
7 made which conducted live racing on at least seventy percent of the
8 days for which it was authorized to conduct live racing in 1988
9 unless the commission determines that such racetrack licensee was
10 unable to conduct live racing on the required number of days due to
11 factors beyond its control, including, but not limited to, fire,
12 earthquake, tornado, or other natural disaster, or (c) contracting
13 for one or more live race meets as authorized under section 2-1205,
14 may apply to the commission for an interstate simulcast facility
15 license. An application for such license shall be in a form
16 prescribed by the commission and shall contain such information,
17 material, or evidence as the commission may require. Any racetrack
18 licensee issued an interstate simulcast facility license may conduct
19 the interstate simulcast of any horserace permitted under its
20 license, and parimutuel wagering shall be allowed on such horserace.
21 The commission shall not authorize interstate simulcasting for any
22 racetrack licensee pursuant to sections 2-1201 to 2-1223 unless all
23 of the thoroughbred racetracks together applied for and received
24 authority to conduct at least one hundred eighty live racing days in
25 the calendar year in which the application is made.

1 (2) If any racetrack licensee, other than a racetrack
2 licensee contracting for one or more live race meets as authorized
3 under section 2-1205, conducts live racing for less than seventy
4 percent of the days assigned such racetrack licensee in 1988, (a)
5 such racetrack licensee shall be precluded from conducting interstate
6 simulcasts and (b) the number of live racing days conducted by such
7 racetrack licensee shall be subtracted from an amount equal to
8 seventy percent of all the days assigned such racetrack licensee in
9 1988 and the amount remaining shall be deducted from the one-hundred-
10 eighty-day total required by this section. If any racetrack licensee
11 ceases to conduct live racing, other than a racetrack licensee
12 contracting for one or more live race meets as authorized under
13 section 2-1205, seventy percent of the days assigned such racetrack
14 licensee in 1988 shall be deducted from the one-hundred-eighty-day
15 total required by this section.

16 Sec. 5. Original sections 2-1205, 2-1226, and 2-1228,
17 Reissue Revised Statutes of Nebraska, and section 2-1201, Revised
18 Statutes Cumulative Supplement, 2010, are repealed.

19 Sec. 6. Since an emergency exists, this act takes effect
20 when passed and approved according to law.