

LEGISLATIVE BILL 136

Approved by the Governor March 16, 1981

Introduced by H. Peterson, 35

AN ACT to amend sections 2-1213 and 2-1213.01, Revised Statutes Supplement, 1980, relating to the State Racing Commission; to eliminate an election provision relating to Sunday horse racing; to provide considerations in authorizing Sunday horse racing; to provide powers; and to repeal the original sections.

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

Section 1. That section 2-1213, Revised Statutes Supplement, 1980, be amended to read as follows:

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 race track. 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 State Racing 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 prescribe and enforce rules and regulations governing the application and approval for Sunday racing in addition to its powers in section 2-1203. If the State Racing 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 1:00 p.m.

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.

(2) For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred Registry and meeting the following requirements: {1} (a) It must have been foaled in Nebraska; {2} (b) its dam must have been registered, prior to foaling, with the Nebraska Thoroughbred Registry; {3} (c) 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} (d) 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) (i) 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) (ii) 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. That section 2-1213.01, Revised Statutes Supplement, 1980, be amended to read as follows:

2-1213.01. The voters of any ~~city--or incorporated-village~~ county shall have the right to vote on the question of prohibiting or allowing the conducting of racing on Sunday within such ~~city-or--village~~ county. 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 county at the last preceding general state, ~~city, or-village~~ election, are presented to the ~~city--or--village~~ county 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 CONDUCTED IN THE CITY-~~(VILLAGE)~~ COUNTY
OF

YES
NO

~~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 sections 2-1213 and 2-1213.01, Revised Statutes Supplement, 1980, are repealed.