

## LEGISLATIVE BILL 334

Approved by the Governor April 10, 1991

Introduced by General Affairs Committee:

Smith, 33, Chairperson; Cudaback, 36;  
Hartnett, 45; R. Johnson, 34; Labedz, 5;  
Rasmussen, 20; Rogers, 41; Will, 8

AN ACT relating to horseracing; to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943; to redefine Nebraska-bred horse; and to repeal the original section.

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

Section 1. That section 2-1213, Reissue Revised Statutes of Nebraska, 1943, 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 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 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 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 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 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 ~~must~~ shall have been foaled in Nebraska; (b) its dam ~~must~~ shall have been registered, prior to foaling, with the Nebraska Thoroughbred or Quarter Horse Registry; and (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 (d) its dam must shall~~ have been continuously owned by a bona fide citizen of Nebraska and have been continuously in Nebraska for six months immediately prior to foaling, except that such six-month period may be reduced to (i) 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 herein 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 ~~must~~ shall be continuously in Nebraska for either six months, ninety days, or thirty days, as specified in subdivision ~~(2)(d)~~ (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 ~~State Racing Commission~~ 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 ~~State Racing Commission~~ 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. 2. That original section 2-1213, Reissue Revised Statutes of Nebraska, 1943, is repealed.