

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 877

Introduced by Briese, 41.

Read first time January 07, 2022

Committee: General Affairs

1 A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205,
2 2-1218, and 2-1220, Reissue Revised Statutes of Nebraska, and
3 sections 2-1201, 2-1202, 2-1203, 2-1203.02, 2-1207, 2-1208, 2-1211,
4 2-1213, 2-1215, 2-1219, 2-1221, and 2-1222, Revised Statutes
5 Supplement, 2021; to change provisions relating to the State Racing
6 and Gaming Commission; to change licensing requirements; to change
7 fines and penalties; to rename a fund; to eliminate a provision
8 relating to conducting horseracing on Sunday; to harmonize
9 provisions; to repeal the original sections; and to outright repeal
10 section 2-1213.01, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 2-1201, Revised Statutes Supplement, 2021, is
2 amended to read:

3 2-1201 (1) There hereby is created a State Racing and Gaming
4 Commission. For purposes of sections 2-1201 to 2-1229, commission means
5 the State Racing and Gaming Commission.

6 (2) The commission shall consist of seven members who shall be
7 appointed by the Governor and subject to confirmation by a majority of
8 the members elected to the Legislature and may be for cause removed by
9 the Governor. A violation by a commissioner of section 2-1219 shall be
10 considered cause for removal. One member of the commission shall be
11 appointed from each congressional district, as such districts existed on
12 January 1, 2010, and four members of the commission shall be appointed at
13 large for terms as follows:

14 (a) The member representing the second congressional district who is
15 appointed on or after April 1, 2010, shall serve until March 31, 2014,
16 and until his or her successor is appointed and qualified. Thereafter the
17 term of the member representing such district shall be four years and
18 until his or her successor is appointed and qualified;

19 (b) The member representing the third congressional district who is
20 appointed on or after April 1, 2011, shall serve until March 31, 2015,
21 and until his or her successor is appointed and qualified. Thereafter the
22 term of the member representing such district shall be four years and
23 until his or her successor is appointed and qualified;

24 (c) The member representing the first congressional district who is
25 appointed on or after April 1, 2012, shall serve until March 31, 2016,
26 and until his or her successor is appointed and qualified. Thereafter the
27 term of the member representing such district shall be four years and
28 until his or her successor is appointed and qualified;

29 (d) Not later than sixty days after July 15, 2010, the Governor
30 shall appoint one at-large member who shall serve until March 31, 2013,
31 and until his or her successor is appointed and qualified. Thereafter the

1 term of such member shall be four years and until his or her successor is
2 appointed and qualified;

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

8 (f) Not later than sixty days after May 26, 2021, the Governor shall
9 appoint two additional at-large members who shall serve until March 31,
10 2025, and until their successors are appointed and qualified. One of such
11 members shall have experience in the Nebraska gaming industry, and one
12 shall have experience in the Nebraska horseracing industry ~~be a member of~~
13 ~~the organization representing the majority of licensed owners and~~
14 ~~trainers of horses at racetracks in Nebraska.~~ Thereafter the terms of
15 such at-large members shall be four years and until their successors are
16 appointed and qualified.

17 (3) Not more than four members of the commission shall belong to the
18 same political party. No more than three of the members shall reside,
19 when appointed, in the same congressional district. No more than two of
20 the members shall reside in any one county. Any vacancy shall be filled
21 by appointment by the Governor for the unexpired term. The compensation
22 of the members of the commission shall be one thousand dollars per month,
23 which may be adjusted every two years in an amount not to exceed the
24 change in the Consumer Price Index for Urban Wage Earners and Clerical
25 Workers for the period between June 30 of the first year to June 30 of
26 the year of adjustment. The members shall be reimbursed for expenses
27 incurred in the performance of their duties as provided in sections
28 81-1174 to 81-1177. The members of the commission shall be bonded or
29 insured as required by section 11-201.

30 (4) No member shall have any personal financial interest in any
31 licensed racetrack enclosure or authorized gaming operator as defined in

1 the Nebraska Racetrack Gaming Act for the duration of the member's term.

2 Sec. 2. Section 2-1202, Revised Statutes Supplement, 2021, is
3 amended to read:

4 2-1202 (1) The commission shall elect one of its members to be
5 chairperson thereof, and it shall be authorized to employ an executive
6 director and such other assistants and employees as may be necessary to
7 carry out the purposes of sections 2-1201 to 2-1218, the Nebraska
8 Racetrack Gaming Act, and sections 9-1201 to 9-1209. Such executive
9 director shall have no other official duties. The executive director
10 shall keep a record of the proceedings of the commission, preserve the
11 books, records, and documents entrusted to the executive director, and
12 perform such other duties as the commission shall prescribe; and the
13 commission shall require the executive director to give bond in such sum
14 as it may fix, conditioned for the faithful performance of the duties of
15 the executive director. The commission shall be authorized to fix the
16 compensation of the executive director, and also the compensation of its
17 other employees, subject to the approval of the Governor. The commission
18 shall have an office at such place within the state as it may determine
19 and shall meet at least eight times per year ~~such times and places as it~~
20 ~~shall find necessary and convenient for the discharge of its duties.~~

21 (2) The commission shall appoint or employ deputies, investigators,
22 inspectors, agents, security personnel, and other persons as deemed
23 necessary to administer and effectively enforce the regulation of
24 horseracing, the Nebraska Racetrack Gaming Act, and sections 9-1201 to
25 9-1209. Any appointed or employed personnel shall perform the duties
26 assigned by the commission.

27 (3) All personnel appointed or employed by the commission shall be
28 bonded or insured as required by section 11-201. As specified by the
29 commission, certain personnel shall be vested with the authority and
30 power of a law enforcement officer to carry out the laws of this state
31 administered by the commission.

1 Sec. 3. Section 2-1203, Revised Statutes Supplement, 2021, is
2 amended to read:

3 2-1203 The commission shall have power to prescribe and enforce
4 rules and regulations governing horseraces and race meetings licensed as
5 provided in sections 2-1201 to 2-1229 and games of chance as provided in
6 the Nebraska Racetrack Gaming Act. Such rules and regulations shall
7 contain criteria to be used by the commission for decisions on approving
8 and revoking track licenses and setting racing dates.

9 The commission may revoke or suspend licenses issued to racing
10 industry participants and may, in lieu of or in addition to such
11 suspension or revocation, impose a fine in an amount not to exceed
12 twenty-five ~~five~~ thousand dollars upon a finding that a rule or
13 regulation has been violated by a licensed racing industry participant.
14 The exact amount of the fine shall be proportional to the seriousness of
15 the violation and the extent to which the licensee derived financial gain
16 as a result of the violation.

17 The commission may delegate to a board of stewards such of the
18 commission's powers and duties as may be necessary to carry out and
19 effectuate the purposes of sections 2-1201 to 2-1229.

20 Any decision or action of such board of stewards may be appealed to
21 the commission or may be reviewed by the commission on its own
22 initiative. The board of stewards may impose a fine not to exceed five
23 thousand ~~fifteen hundred~~ dollars upon a finding that a rule or regulation
24 has been violated.

25 The commission shall remit administrative fines collected under this
26 section to the State Treasurer for distribution in accordance with
27 Article VII, section 5, of the Constitution of Nebraska.

28 Sec. 4. Section 2-1203.02, Revised Statutes Supplement, 2021, is
29 amended to read:

30 2-1203.02 (1) Any person between sixteen and seventy-five years of
31 age applying for or holding a license to participate in or be employed at

1 a horserace meeting licensed by the commission shall be subject to
2 fingerprinting and a check of his or her criminal history record
3 information maintained by the Identification Division of the Federal
4 Bureau of Investigation for the purpose of determining whether the
5 commission has a basis to deny the license application or to suspend,
6 cancel, or revoke the person's license, except that the commission shall
7 not require a person to be fingerprinted if such person has been
8 previously fingerprinted in connection with a license application in this
9 state ~~or any other state~~ within the last five years prior to the
10 application for such license. Any person between sixteen and seventy-five
11 years of age involved in the administration or management of a racetrack,
12 including the governing body, shall be subject to fingerprinting and a
13 check of his or her criminal history record information maintained by the
14 Identification Division of the Federal Bureau of Investigation. The
15 applicant, licensee, or person involved in the administration or
16 management of a racetrack shall pay the actual cost of any fingerprinting
17 or check of his or her criminal history record information. The
18 requirements of this subsection shall not apply to employees of
19 concessions who do not work in restricted-access areas, admissions
20 employees whose duties involve only admissions ticket sales and
21 verification or parking receipts sales and verification, and medical or
22 emergency services personnel authorized to provide such services at the
23 racetrack.

24 (2) If the applicant is an individual who is applying for a license
25 to participate in or be employed at a horserace meeting, the application
26 shall include the applicant's social security number.

27 Sec. 5. Section 2-1205, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 2-1205 (1) If the commission is satisfied that its rules and
30 regulations and all provisions of sections 2-1201 to 2-1218 have been and
31 will be complied with, it may issue a license for a period of not more

1 than five years ~~one year~~. The license shall set forth the name of the
2 licensee, the place where the races or race meetings are to be held, and
3 the time and number of days during which racing may be conducted by such
4 licensee. Any such license issued shall not be transferable or
5 assignable. The commission shall have the power to revoke any license
6 issued at any time for good cause upon reasonable notice and hearing. No
7 license shall be granted to any corporation or association except upon
8 the express condition that it shall not, by any lease, contract,
9 understanding, or arrangement of whatever kind or nature, grant, assign,
10 or turn over to any person, corporation, or association the operation or
11 management of any racing or race meeting licensed under such sections or
12 of the parimutuel system of wagering described in section 2-1207 or in
13 any manner permit any person, corporation, or association other than the
14 licensee to have any share, percentage, or proportion of the money
15 received for admissions to the racing or race meeting or from the
16 operation of the parimutuel system; and any violation of such conditions
17 shall authorize and require the commission immediately to revoke such
18 license.

19 (2)(a) Beginning January 1, 2026, any racetrack for which a licensee
20 is issued a license to conduct a race or race meeting under sections
21 2-1201 to 2-1218 or a racetrack enclosure that has an authorized gaming
22 operator as defined in section 9-1103, in existence and operational as of
23 the effective date of this act, shall hold a minimum of five live racing
24 meet days annually.

25 (b) Any racetrack for which a licensee is issued a license to
26 conduct a race or race meeting under sections 2-1201 to 2-1218 or a
27 racetrack enclosure that has an authorized gaming operator as defined in
28 section 9-1103, that is in existence and operational after the effective
29 date of this act, shall hold at least one live race meet annually for the
30 first three years of operation. After the first three years of operation,
31 a racetrack issued a license under sections 2-1201 to 2-1218 shall hold a

1 minimum of five live racing meet days annually.

2 (c) A racetrack that fails to meet the minimum requirements under
3 this subsection is subject to discipline by the commission, including
4 revocation of the license issued under sections 2-1201 to 2-1218.

5 Sec. 6. Section 2-1207, Revised Statutes Supplement, 2021, is
6 amended to read:

7 2-1207 (1) Within the enclosure of any racetrack where a race or
8 race meeting licensed and conducted under sections 2-1201 to 2-1218 is
9 held or at a racetrack licensed to simulcast races or conduct interstate
10 simulcasting, the parimutuel method or system of wagering on the results
11 of the respective races may be used and conducted by the licensee. Under
12 such system, the licensee may receive wagers of money from any person
13 present at such race or racetrack receiving the simulcast race or
14 conducting interstate simulcasting on any horse in a race selected by
15 such person to run first in such race, and the person so wagering shall
16 acquire an interest in the total money so wagered on all horses in such
17 race as first winners in proportion to the amount of money wagered by him
18 or her. Such licensee shall issue to each person so wagering a
19 certificate on which shall be shown the number of the race, the amount
20 wagered, and the number or name of the horse selected by such person as
21 first winner. As each race is run, at the option of the licensee, the
22 licensee may deduct from the total sum wagered on all horses as first
23 winners not less than fifteen percent or more than eighteen percent from
24 such total sum, plus the odd cents of the redistribution over the next
25 lower multiple of ten. At the option of the licensee, the licensee may
26 deduct up to and including twenty-five percent from the total sum wagered
27 by exotic wagers as defined in section 2-1208.03. The commission may
28 authorize other levels of deduction on wagers conducted by means of
29 interstate simulcasting. The licensee shall notify the commission in
30 writing of the percentages the licensee intends to deduct during the live
31 race meet conducted by the licensee and shall notify the commission at

1 least one week in advance of any changes to such percentages the licensee
2 intends to make. The licensee shall also deduct from the total sum
3 wagered by exotic wagers, if any, the tax plus the odd cents of the
4 redistribution over the next multiple of ten as provided in subsection
5 (1) of section 2-1208.04. The balance remaining on hand shall be paid out
6 to the holders of certificates on the winning horse in the proportion
7 that the amount wagered by each certificate holder bears to the total
8 amount wagered on all horses in such race to run first. The licensee may
9 likewise receive such wagers on horses selected to run second, third, or
10 both, or in such combinations as the commission may authorize, the
11 method, procedure, and authority and right of the licensee, as well as
12 the deduction allowed to the licensee, to be as specified with respect to
13 wagers upon horses selected to run first.

14 (2) At all race meets held pursuant to this section, the licensee
15 shall deduct from the total sum wagered one-third of the amount over
16 fifteen percent deducted pursuant to subsection (1) of this section on
17 wagers on horses selected to run first, second, or third and one percent
18 of all exotic wagers to be used to promote agriculture and horse breeding
19 in Nebraska and for the support and preservation of horseracing pursuant
20 to section 2-1207.01.

21 (3) No person under twenty-one years of age shall be permitted to
22 make any parimutuel wager, and there shall be no wagering on horseracing
23 except under the parimutuel method outlined in this section. Any person,
24 association, or corporation who knowingly aids or abets a person under
25 twenty-one years of age in making a parimutuel wager shall be guilty of a
26 Class IV felony ~~I misdemeanor~~.

27 Sec. 7. Section 2-1208, Revised Statutes Supplement, 2021, is
28 amended to read:

29 2-1208 For all race meetings, every corporation or association
30 licensed under the provisions of sections 2-1201 to 2-1218 relating to
31 horseracing shall pay the tax imposed by section 2-1208.01 and shall also

1 pay to the commission the sum of two ~~sixty-four one hundredths of one~~
2 percent of the gross sum wagered by the parimutuel method at each
3 licensed racetrack enclosure during the calendar year. For race meetings
4 devoted principally to running live races, the licensee shall pay to the
5 commission the sum of one hundred fifty dollars for each live racing day
6 that the licensee serves as the host track for intrastate simulcasting
7 and fifty ~~twenty-five~~ dollars for any other live racing day.

8 No other license tax, permit tax, occupation tax, or excise tax or
9 racing fee, except as provided in this section and in sections 2-1203 and
10 2-1208.01, relating to horseracing shall be levied, assessed, or
11 collected from any such licensee by the state or by any county, township,
12 district, city, village, or other governmental subdivision or body having
13 power to levy, assess, or collect any such tax or fee.

14 Sec. 8. Section 2-1211, Revised Statutes Supplement, 2021, is
15 amended to read:

16 2-1211 Every corporation or association licensed under sections
17 2-1201 to 2-1218 shall so keep its books and records as to clearly show
18 the total number of admissions to races conducted by it on each racing
19 day, ~~including the number of admissions upon free passes or complimentary~~
20 ~~tickets,~~ and the amount received daily from admission fees and the total
21 amount of money wagered during the race meeting, including wagers at
22 locations to which its races were simulcast and at races which it
23 received via simulcast from other racetracks, and shall furnish to the
24 commission such reports and information as it may require with respect
25 thereto. ~~The At the end of each race meeting,~~ the licensee shall furnish
26 annually by March 30 to the commission and the Governor a complete audit
27 by a certified public accountant detailing all expenses and disbursements
28 of the previous year. Such audit shall be in the form specified by the
29 commission ~~and shall be filed on or before February 1 following such~~
30 ~~meet.~~

31 Sec. 9. Section 2-1213, Revised Statutes Supplement, 2021, is

1 amended to read:

2 2-1213 ~~(1)(a) No racing under sections 2-1201 to 2-1218 shall be~~
3 ~~permitted on Sunday except when approved by a majority of the members of~~
4 ~~the commission upon application for approval by any racetrack. Such~~
5 ~~approval shall be given after the commission has considered: (i) whether~~
6 ~~Sunday racing at the applicant track will tend to promote and encourage~~
7 ~~agriculture and horse breeding in Nebraska; (ii) whether the applicant~~
8 ~~track operates under a license granted by the commission; (iii) whether~~
9 ~~the applicant track is in compliance with all applicable health, safety,~~
10 ~~fire, and police rules and regulations or ordinances; (iv) whether the~~
11 ~~denial of Sunday racing at the applicant track would impair such track's~~
12 ~~economic ability to continue to function under its license; and (v)~~
13 ~~whether the record of the public hearing held on the issue of Sunday~~
14 ~~racing at the applicant track shows reasonable public support. Notice of~~
15 ~~such public hearing shall be given at least ten days prior thereto by~~
16 ~~publication in a newspaper having general circulation in the county in~~
17 ~~which the applicant track is operating, and the commission shall conduct~~
18 ~~a public hearing in such county. The commission may adopt, promulgate,~~
19 ~~and enforce rules and regulations governing the application and approval~~
20 ~~for Sunday racing in addition to its powers in section 2-1203. If the~~
21 ~~commission permits racing on Sunday, the voters may prohibit such racing~~
22 ~~in the manner prescribed in section 2-1213.01. If approval by the~~
23 ~~commission for Sunday racing at the applicant track is granted, no racing~~
24 ~~shall occur on Sunday until after 1 p.m.~~

25 (1)(a) ~~(b)~~ No license shall be granted for racing on more than one
26 racetrack in any one county, except that the commission may, in its
27 discretion, grant a license to any county agricultural society to conduct
28 racing during its county fair notwithstanding a license may have been
29 issued for racing on another track in such county.

30 (b) ~~(c)~~ Since the purpose of sections 2-1201 to 2-1218 is to
31 encourage agriculture and horse breeding in Nebraska, every licensee

1 shall hold at least one race on each racing day limited to Nebraska-bred
2 horses, including thoroughbreds or quarter horses. Three percent of the
3 first money of every purse won by a Nebraska-bred horse shall be paid to
4 the breeder of such horse. ~~Beginning September 1, 2005, through January~~
5 ~~1, 2008, each licensee who holds a license for quarter horseracing shall,~~
6 ~~for each live racing day, give preference to Nebraska-bred quarter horses~~
7 ~~in at least one race in lieu of the requirements of this subdivision.~~

8 (2) For purposes of this section, Nebraska-bred horse shall mean a
9 horse registered with the Nebraska Thoroughbred or Quarter Horse Registry
10 and meeting the following requirements: (a) It shall have been foaled in
11 Nebraska; (b) its dam shall have been registered, prior to foaling, with
12 the Nebraska Thoroughbred or Quarter Horse Registry; and (c) its dam
13 shall have been continuously in Nebraska for ninety days immediately
14 prior to foaling, except that such ninety-day period may be reduced to
15 thirty days in the case of a mare in foal which is purchased at a
16 nationally recognized thoroughbred or quarter horse blood stock sale, the
17 name and pedigree of the mare being listed in the sale catalog, and which
18 is brought into this state and remains in this state for thirty days
19 immediately prior to foaling.

20 The requirement that a dam shall be continuously in Nebraska for
21 either ninety days or thirty days, as specified in subdivision (2)(c) of
22 this section, shall not apply to a dam which is taken outside of Nebraska
23 to be placed for sale at a nationally recognized thoroughbred or quarter
24 horse blood stock sale, the name and pedigree of the mare being listed in
25 the sale catalog, or for the treatment of an extreme sickness or injury,
26 if written notice of such proposed sale or treatment is provided to the
27 secretary of the commission within three days of the date such horse is
28 taken out of the state.

29 The commission may designate official registrars for the purpose of
30 registration and to certify the eligibility of Nebraska-bred horses. An
31 official registrar shall perform such duties in accordance with policies

1 and procedures adopted and promulgated by the commission in the current
2 rules and regulations of the commission. The commission may authorize the
3 official registrar to collect specific fees as would reasonably
4 compensate the registrar for expenses incurred in connection with
5 registration of Nebraska-bred horses. The amount of such fee or fees
6 shall be established by the commission and shall not be changed without
7 commission approval. Fees shall not exceed one hundred dollars per horse.

8 Any decision or action taken by the official registrar shall be
9 subject to review by the commission or may be taken up by the commission
10 on its own initiative.

11 Sec. 10. Section 2-1215, Revised Statutes Supplement, 2021, is
12 amended to read:

13 2-1215 Any person, corporation, or association holding or conducting
14 any horserace or horserace meeting in connection with which the
15 parimutuel system of wagering is used or to be used, without a license
16 duly issued by the commission; or any person, corporation, or association
17 holding or conducting horseraces or horserace meetings in connection with
18 which any wagering is permitted otherwise than in the manner specified in
19 sections 2-1201 to 2-1218; or any person, corporation, or association
20 violating any of the provisions of sections 2-1201 to 2-1218 or any of
21 the rules and regulations prescribed by the commission, shall be guilty
22 of a Class IV felony ~~I misdemeanor~~.

23 Sec. 11. Section 2-1218, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 2-1218 Any person who shall violate any provisions of section 2-1217
26 shall be guilty of a Class IV felony ~~I misdemeanor~~.

27 Sec. 12. Section 2-1219, Revised Statutes Supplement, 2021, is
28 amended to read:

29 2-1219 (1) When any matter comes before the commission that may
30 cause financial benefit or detriment to a member of the commission, a
31 member of his or her immediate family, or a business with which the

1 member is associated, which is distinguishable from the effects of such
2 matter on the public generally or a broad segment of the public, such
3 member shall take the following actions as soon as he or she is aware of
4 such potential conflict or should reasonably be aware of such potential
5 conflict, whichever is sooner:

6 (a) Prepare a written statement describing the matter requiring
7 action or decision and the nature of the potential conflict;

8 (b) Deliver a copy of the statement to the executive director of the
9 commission; and

10 (c) Recuse himself or herself from taking any action or making any
11 decision relating to such matter in the discharge of his or her official
12 duties as a member of the commission.

13 (2) No horse in which any commissioner or employee of the commission
14 has any interest shall be raced at any meet under the jurisdiction of the
15 commission.

16 (3) No commissioner or employee of the commission shall have a
17 pecuniary interest or engage in any private employment in a profession or
18 business which is regulated by or interferes or conflicts with the
19 performance or proper discharge of the duties of the commission.

20 (4) No commissioner or employee of the commission shall wager or
21 cause a wager to be placed on the outcome of any race at a race meeting
22 which is under the jurisdiction and supervision of the commission.

23 (5) No commissioner or employee of the commission shall have a
24 pecuniary interest or engage in any private employment in a business
25 which does business with any racing association licensed by the
26 commission or in any business issued a concession operator license by the
27 commission.

28 (6) Any commission employee violating this section shall forfeit his
29 or her employment. Any violation of this section by a commissioner shall
30 be considered cause for removal by the Governor in accordance with
31 subsection (2) of section 2-1201.

1 (7) The commission shall include in its rules and regulations
2 prohibitions against actual or potential specific conflicts of interest
3 on the part of racing officials and other individuals licensed by the
4 commission.

5 Sec. 13. Section 2-1220, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 2-1220 It shall be unlawful for any person knowingly and willfully
8 to falsify, conceal, or cover up by any trick, scheme, or device a
9 material fact, or make any false, fictitious, or fraudulent statements or
10 representations, or make or use any false writing or document knowing the
11 same to contain any false, fictitious, or fraudulent statement or entry
12 regarding the prior racing record, pedigree, identity or ownership of a
13 registered animal in any matter related to the breeding, buying, selling,
14 or racing of such animal. Whoever violates any provision of this section
15 shall be guilty of a Class III felony ~~fined not more than ten thousand~~
16 ~~dollars or imprisoned for not more than five years, or be both so fined~~
17 ~~and imprisoned.~~

18 Sec. 14. Section 2-1221, Revised Statutes Supplement, 2021, is
19 amended to read:

20 2-1221 Except as provided in section 2-1207, whoever directly or
21 indirectly accepts anything of value to be wagered or to be transmitted
22 or delivered for wager in any parimutuel system of wagering on horseraces
23 or delivers anything of value which has been received outside of the
24 enclosure of a racetrack holding a race meet licensed under sections
25 2-1201 to 2-1247 to be placed as wagers in the parimutuel pool within
26 such enclosure shall be guilty of a Class IV felony ~~I misdemeanor~~.

27 Sec. 15. Section 2-1222, Revised Statutes Supplement, 2021, is
28 amended to read:

29 2-1222 There is hereby created the Racing and Gaming Commission's
30 Racing Cash Fund from which shall be appropriated such amounts as are
31 available therefrom and as shall be considered incident to the

1 administration of horseracing by the State Racing and Gaming Commission's
2 office. The fund shall contain all license fees and gross receipt taxes
3 collected by the commission as provided under sections 2-1203, 2-1203.01,
4 and 2-1208 relating to horseracing but shall not include taxes collected
5 pursuant to section 2-1208.01, and such fees and taxes collected shall be
6 remitted to the State Treasurer for credit to the Racing and Gaming
7 Commission's Racing Cash Fund. Money in the fund may be transferred to
8 the General Fund at the direction of the Legislature. ~~The State Treasurer~~
9 ~~shall transfer one hundred fifty thousand dollars from the fund to the~~
10 ~~General Fund on or before June 15, 2018, on such dates and in such~~
11 ~~amounts as directed by the budget administrator of the budget division of~~
12 ~~the Department of Administrative Services.~~ Any money in the Racing and
13 Gaming Commission's Racing Cash Fund available for investment shall be
14 invested by the state investment officer pursuant to the Nebraska Capital
15 Expansion Act and the Nebraska State Funds Investment Act.

16 Sec. 16. Original sections 2-1205, 2-1218, and 2-1220, Reissue
17 Revised Statutes of Nebraska, and sections 2-1201, 2-1202, 2-1203,
18 2-1203.02, 2-1207, 2-1208, 2-1211, 2-1213, 2-1215, 2-1219, 2-1221, and
19 2-1222, Revised Statutes Supplement, 2021, are repealed.

20 Sec. 17. The following section is outright repealed: Section
21 2-1213.01, Reissue Revised Statutes of Nebraska.