

AMENDMENTS TO LB561

Introduced by General Affairs.

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

3 Sec. 32. Section 1, Initiative Law 2020, No. 430, is amended to
4 read:

5 Section 1. Sections 1 to 6 of this act and sections 36 to 45 of this
6 act shall be known and may be cited as the Nebraska Racetrack Gaming Act.

7 Sec. 33. Section 3, Initiative Law 2020, No. 430, is amended to
8 read:

9 Sec. 3. For purposes of the Nebraska Racetrack Gaming Act:

10 (1) Authorized gaming operator means a person or entity licensed
11 pursuant to the act to operate games of chance within a licensed
12 racetrack enclosure;

13 (2) Authorized gaming operator license means a license to operate
14 games of chance as an authorized gaming operator at a licensed racetrack
15 enclosure;

16 (3) Authorized sporting event means a professional sporting event, a
17 collegiate sporting event, an international sporting event, a
18 professional motor race event, a professional sports draft, an individual
19 sports award, an electronic sport, or a simulated game. Authorized
20 sporting event does not include a parimutuel wager, a fantasy sports
21 contest, a minor league sporting event, any athletic event or competition
22 of an interscholastic sport, or any sporting event in which a person
23 under eighteen years of age is a participant;

24 (4) Collegiate sporting event means an athletic event or competition
25 of an intercollegiate sport played at the collegiate level for which
26 eligibility requirements for participation by a student athlete are
27 established by a national association for the promotion or regulation of

1 collegiate athletics;

2 (5) Commission means the State Racing and Gaming Commission;

3 (6) Designated sports wagering area means an area, as approved by
4 the commission, in which sports wagering is conducted;

5 (7) (3) Game of chance means any game which has the elements of
6 chance, prize, and consideration, including any wager on a slot machine,
7 table game, counter game, or card game, or sports wagering. Game of
8 chance does not include any game the operation of which is prohibited at
9 a casino by federal law;

10 (8) (4) Gaming device means an electronic, mechanical, or other
11 device which plays a game of chance when activated by a player using
12 currency, a token, or other item of value;

13 (9) International sporting event means an international team or
14 individual sporting event governed by an international sports federation
15 or sports governing body, including sporting events governed by the
16 International Olympic Committee and the International Federation of
17 Association Football;

18 (10) (5) Licensed racetrack enclosure means premises at which
19 licensed live horseracing is conducted in accordance with the
20 Constitution of Nebraska and applicable Nebraska law;

21 (11) (6) Limited gaming device means an electronic gaming device
22 which (a) offers games of chance, (b) does not dispense currency, tokens,
23 or other items of value, and (c) does not have a cash winnings hopper,
24 mechanical or simulated spinning reel, or side handle; and

25 (12) (7) Racing license means a license issued for a licensed
26 racetrack enclosure by the commission; and State Racing Commission.

27 (13) Sports wagering means the acceptance of wagers on an authorized
28 sporting event by any system of wagering as authorized by the commission.
29 Sports wagering does not include (a) placing a wager on the performance
30 or nonperformance of any individual athlete participating in a single
31 game or match of a collegiate sporting event in which a collegiate team

1 from this state is participating or (b) placing a wager on the
2 performance of athletes in an individual international sporting event in
3 which any participant in the international sporting event is under
4 eighteen years of age.

5 Sec. 39. (1) The commission may permit an authorized gaming
6 operator to conduct sports wagering. Any sports wager shall be placed in
7 person in the designated sports wagering area at the licensed racetrack
8 enclosure.

9 (2) A floor plan identifying the designated sports wagering area,
10 including the location of any wagering kiosks, shall be filed with the
11 commission for review and approval. Modification to a previously approved
12 plan must be submitted for approval at least ten days prior to
13 implementation. The area shall not be accessible to persons under twenty-
14 one years of age and shall have a sign posted to restrict access.
15 Exceptions to this subsection must be approved in writing by the
16 commission.

17 (3) The authorized gaming operator shall submit controls for
18 approval by the commission, that include the following for operating the
19 designated sports wagering area:

20 (a) Specific procedures and technology partners to fulfill the
21 requirements set forth by the commission;

22 (b) Location detection procedures to reasonably detect and
23 dynamically monitor the location of a player attempting to place any
24 wager. A player outside the permitted boundary shall be rejected, and the
25 player shall be notified. The confidence radius shall be entirely located
26 within the permitted boundary of the licensed racetrack enclosure;

27 (c) Other specific controls as designated by the commission;

28 (d) A process to easily and prominently impose limitations or
29 notification for wagering parameters, including, but not limited to,
30 deposits and wagers; and

31 (e) An easy and obvious method for a player to make a complaint and

1 to enable the player to notify the commission if such complaint has not
2 been or cannot be addressed by the sports wagering operator.

3 Sec. 46. Section 2, Initiative Law 2020, No. 431, is amended to
4 read:

5 Sec. 2. For purposes of this act and section 47 of this act:

6 (1) Authorized gaming operator means a person or entity licensed
7 pursuant to the Nebraska Racetrack Gaming Act to operate games of chance
8 within a licensed racetrack enclosure;

9 (2) Designated sports wagering area means an area, as designated by
10 the gaming commission, in which sports wagering is conducted;

11 (3) (2) Dollar amount collected means the total dollar amount
12 wagered by players of games of chance less the total dollar amount
13 returned to such players as prizes;

14 (4) (3) Game of chance means any game which has the elements of
15 chance, prize, and consideration, including any wager on a slot machine,
16 table game, counter game, or card game, or sports wagering. Game of
17 chance does not include any game the operation of which is prohibited at
18 a casino by federal law;

19 (5) (4) Gaming commission means the State Racing and Nebraska Gaming
20 Commission established pursuant to the Nebraska Racetrack Gaming Act;

21 (6) (5) Gross gaming revenue means the dollar amount collected by an
22 authorized gaming operator from operation of all games of chance within a
23 licensed racetrack enclosure as computed pursuant to applicable statutes,
24 rules, and regulations less the total of (a) all federal taxes, other
25 than income taxes, imposed on the operation of such games of chance and
26 (b) the amount provided to players by an authorized gaming operator as
27 promotional gaming credits, but only to the extent such promotional
28 gaming credits are redeemed by players to play one or more games of
29 chance being operated by the authorized gaming operator;

30 (7) (6) Licensed racetrack enclosure means a premises at which
31 licensed live horseracing is conducted in accordance with the

1 Constitution of Nebraska and applicable Nebraska law;~~and~~
2 (8) ~~(7)~~ Promotional gaming credit means a credit, token, or other
3 item of value provided by an authorized gaming operator to a player for
4 the purpose of enabling the player to play a game of chance; and ~~-~~
5 (9) Sports wagering has the same meaning as in section 3, Initiative
6 Law 2020, No. 430.
7 Sec. 52. Since an emergency exists, this act takes effect when
8 passed and approved according to law.