

E AND R AMENDMENTS TO LB 876

Introduced by McKinney, 11, Chairman Enrollment and Review

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

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

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

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

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

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

26 (c) The member representing the first congressional district who is
27 appointed on or after April 1, 2012, shall serve until March 31, 2016,

1 and until his or her successor is appointed and qualified. Thereafter the
2 term of the member representing such district shall be four years and
3 until his or her successor is appointed and qualified;

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

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

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

23 (3) Not more than four members of the commission shall belong to the
24 same political party. No more than three of the members shall reside,
25 when appointed, in the same congressional district. No more than two of
26 the members shall reside in any one county. Any vacancy shall be filled
27 by appointment by the Governor for the unexpired term. The compensation
28 of the members of the commission shall be one thousand dollars per month,
29 which may be adjusted every two years in an amount not to exceed the
30 change in the Consumer Price Index for Urban Wage Earners and Clerical
31 Workers for the period between June 30 of the first year to June 30 of

1 the year of adjustment. The members shall be reimbursed for expenses
2 incurred in the performance of their duties as provided in sections
3 81-1174 to 81-1177. The members of the commission shall be bonded or
4 insured as required by section 11-201.

5 (4) No member shall have any personal financial interest in any
6 licensed racetrack enclosure or authorized gaming operator as defined in
7 the Nebraska Racetrack Gaming Act for the duration of the member's term.

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

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

27 (2) The commission shall appoint or employ deputies, investigators,
28 inspectors, agents, security personnel, and other persons as deemed
29 necessary to administer and effectively enforce the regulation of
30 horseracing, the Nebraska Racetrack Gaming Act, and sections 9-1201 to
31 9-1209. Any appointed or employed personnel shall perform the duties

1 assigned by the commission.

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

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

9 2-1203 The commission shall have power to prescribe and enforce
10 rules and regulations governing horseraces and race meetings licensed as
11 provided in sections 2-1201 to 2-1229 and games of chance as provided in
12 the Nebraska Racetrack Gaming Act. Such rules and regulations shall
13 contain criteria to be used by the commission for decisions on approving
14 and revoking track licenses and setting racing dates.

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

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

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

31 The commission shall remit administrative fines collected under this

1 section to the State Treasurer for distribution in accordance with
2 Article VII, section 5, of the Constitution of Nebraska.

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

5 2-1203.02 (1) Any person between sixteen and seventy-five years of
6 age applying for or holding a license to participate in or be employed at
7 a horserace meeting licensed by the commission shall be subject to
8 fingerprinting and a check of his or her criminal history record
9 information maintained by the Identification Division of the Federal
10 Bureau of Investigation for the purpose of determining whether the
11 commission has a basis to deny the license application or to suspend,
12 cancel, or revoke the person's license, except that the commission shall
13 not require a person to be fingerprinted if such person has been
14 previously fingerprinted in connection with a license application in this
15 state ~~or any other state~~ within the last five years prior to the
16 application for such license. Any person between sixteen and seventy-five
17 years of age involved in the administration or management of a racetrack,
18 including the governing body, shall be subject to fingerprinting and a
19 check of his or her criminal history record information maintained by the
20 Identification Division of the Federal Bureau of Investigation. The
21 applicant, licensee, or person involved in the administration or
22 management of a racetrack shall pay the actual cost of any fingerprinting
23 or check of his or her criminal history record information. The
24 requirements of this subsection shall not apply to employees of
25 concessions who do not work in restricted-access areas, admissions
26 employees whose duties involve only admissions ticket sales and
27 verification or parking receipts sales and verification, and medical or
28 emergency services personnel authorized to provide such services at the
29 racetrack.

30 (2) If the applicant is an individual who is applying for a license
31 to participate in or be employed at a horserace meeting, the application

1 shall include the applicant's social security number.

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

4 2-1205 (1) If the commission is satisfied that its rules and
5 regulations and all provisions of sections 2-1201 to 2-1218 have been and
6 will be complied with, it may issue a license for a period of not more
7 than five years ~~one year~~. The license shall set forth the name of the
8 licensee, the place where the races or race meetings are to be held, and
9 the time and number of days during which racing may be conducted by such
10 licensee. Any such license issued shall not be transferable or
11 assignable. The commission shall have the power to revoke any license
12 issued at any time for good cause upon reasonable notice and hearing. No
13 license shall be granted to any corporation or association except upon
14 the express condition that it shall not, by any lease, contract,
15 understanding, or arrangement of whatever kind or nature, grant, assign,
16 or turn over to any person, corporation, or association the operation or
17 management of any racing or race meeting licensed under such sections or
18 of the parimutuel system of wagering described in section 2-1207 or in
19 any manner permit any person, corporation, or association other than the
20 licensee to have any share, percentage, or proportion of the money
21 received for admissions to the racing or race meeting or from the
22 operation of the parimutuel system; and any violation of such conditions
23 shall authorize and require the commission immediately to revoke such
24 license.

25 (2)(a) 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 which is
27 in existence and operational as of the effective date of this act shall:

28 (i) Hold a minimum of five live racing meet days and fifty live
29 horseraces annually beginning January 1, 2026, through December 31, 2030;
30 and

31 (ii) Beginning January 1, 2031, hold a minimum of fifteen live

1 racing meet days and one hundred twenty live horseraces annually.

2 (b) Any racetrack for which a licensee is issued a license to
3 conduct a race or race meeting under sections 2-1201 to 2-1218 which is
4 not in existence and operational until after the effective date of this
5 act shall:

6 (i) Hold a minimum of one live racing meet day annually for the
7 first three years of operation;

8 (ii) Hold a minimum of five live racing meet days and fifty live
9 horseraces annually for the fourth year of operation through the seventh
10 year of operation; and

11 (iii) Beginning with the eighth year of operation, hold a minimum of
12 fifteen live racing meet days and one hundred twenty live horseraces
13 annually.

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

17 (3) A racetrack for which a licensee is issued a license to conduct
18 a race or race meeting under sections 2-1201 to 2-1218 in existence on
19 November 1, 2020, which is located in the counties of Adams, Dakota,
20 Douglas, Hall, Lancaster, and Platte, may move such racetrack location to
21 another county in Nebraska that does not have a racetrack one time only,
22 subject to approval by the commission as provided in subdivision (27) of
23 section 9-1106, subsequent to the initial issuance of the market analysis
24 and socioeconomic-impact studies conducted pursuant to section 9-1106.

25 Sec. 6. Section 2-1208, Revised Statutes Supplement, 2021, is
26 amended to read:

27 2-1208 (1)(a) For all race meetings, every corporation or
28 association licensed under the provisions of sections 2-1201 to 2-1218
29 relating to horseracing shall pay the tax imposed by section 2-1208.01
30 and shall also pay to the commission:

31 (i) Beginning on the effective date of this act through June 30,

1 2023, the sum of one-half of one percent of the gross sum wagered by the
2 parimutuel method at the licensed racetrack enclosure during the previous
3 calendar year;

4 (ii) Beginning July 1, 2023, through June 30, 2024, the sum of one
5 percent of the gross sum wagered by the parimutuel method at the licensed
6 racetrack enclosure during the previous calendar year; and

7 (iii) Beginning July 1, 2024, and each year thereafter, the sum of
8 two percent of the gross sum wagered by the parimutuel method at the
9 licensed racetrack enclosure during the previous calendar year.

10 ~~the sum of sixty-four one hundredths of one percent of the gross sum~~
11 ~~wagered by the parimutuel method at each licensed racetrack enclosure~~
12 ~~during the calendar year.~~

13 (b) For race meetings devoted principally to running live races, the
14 licensee shall pay to the commission the sum of one hundred fifty dollars
15 for each live racing day that the licensee serves as the host track for
16 intrastate simulcasting and fifty ~~twenty-five~~ dollars for any other live
17 racing day.

18 (2) No other license tax, permit tax, occupation tax, or excise tax
19 or racing fee, except as provided in this section and in sections 2-1203
20 and 2-1208.01, relating to horseracing shall be levied, assessed, or
21 collected from any such licensee by the state or by any county, township,
22 district, city, village, or other governmental subdivision or body having
23 power to levy, assess, or collect any such tax or fee.

24 Sec. 7. Section 2-1211, Revised Statutes Supplement, 2021, is
25 amended to read:

26 2-1211 Every corporation or association licensed under sections
27 2-1201 to 2-1218 shall so keep its books and records as to clearly show
28 the total number of admissions to races conducted by it on each racing
29 day, ~~including the number of admissions upon free passes or complimentary~~
30 ~~tickets,~~ and the amount received daily from admission fees and the total
31 amount of money wagered during the race meeting, including wagers at

1 locations to which its races were simulcast and at races which it
2 received via simulcast from other racetracks, and shall furnish to the
3 commission such reports and information as it may require with respect
4 thereto. ~~The~~ At the end of each race meeting, the licensee shall furnish
5 annually by March 30 to the commission and the Governor a complete audit
6 by a certified public accountant detailing all expenses and disbursements
7 of the previous calendar year. Such audit shall be in the form specified
8 by the commission ~~and shall be filed on or before February 1~~ following
9 such meet.

10 Sec. 8. Section 2-1213, Revised Statutes Supplement, 2021, is
11 amended to read:

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

1 ~~in the manner prescribed in section 2-1213.01. If approval by the~~
2 ~~commission for Sunday racing at the applicant track is granted, no racing~~
3 ~~shall occur on Sunday until after 1 p.m.~~

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

9 (b) ~~(c)~~ Since the purpose of sections 2-1201 to 2-1218 is to
10 encourage agriculture and horse breeding in Nebraska, every licensee
11 shall hold at least one race on each racing day limited to Nebraska-bred
12 horses, including thoroughbreds or quarterhorses ~~quarter horses~~. Three
13 percent of the first money of every purse won by a Nebraska-bred horse
14 shall be paid to the breeder of such horse. ~~Beginning September 1, 2005,~~
15 ~~through January 1, 2008, each licensee who holds a license for quarter~~
16 ~~horseracing shall, for each live racing day, give preference to Nebraska-~~
17 ~~bred quarter horses in at least one race in lieu of the requirements of~~
18 ~~this subdivision.~~

19 (2) For purposes of this section, Nebraska-bred horse shall mean a
20 horse registered with the Nebraska Thoroughbred or Quarter Horse Registry
21 and meeting the following requirements: (a) It shall have been foaled in
22 Nebraska; (b) its dam shall have been registered, prior to foaling, with
23 the Nebraska Thoroughbred or Quarter Horse Registry; and (c) its dam
24 shall have been continuously in Nebraska for ninety days immediately
25 prior to foaling, except that such ninety-day period may be reduced to
26 thirty days in the case of a mare in foal which is purchased at a
27 nationally recognized thoroughbred or quarterhorse ~~quarter horse~~ blood
28 stock sale, the name and pedigree of the mare being listed in the sale
29 catalog, and which is brought into this state and remains in this state
30 for thirty days immediately prior to foaling.

31 The requirement that a dam shall be continuously in Nebraska for

1 either ninety days or thirty days, as specified in subdivision (2)(c) of
2 this section, shall not apply to a dam which is taken outside of Nebraska
3 to be placed for sale at a nationally recognized thoroughbred or
4 quarterhorse ~~quarter horse~~ blood stock sale, the name and pedigree of the
5 mare being listed in the sale catalog, or for the treatment of an extreme
6 sickness or injury, if written notice of such proposed sale or treatment
7 is provided to the secretary of the commission within three days of the
8 date such horse is taken out of the state.

9 The commission may designate official registrars for the purpose of
10 registration and to certify the eligibility of Nebraska-bred horses. An
11 official registrar shall perform such duties in accordance with policies
12 and procedures adopted and promulgated by the commission in the current
13 rules and regulations of the commission. The commission may authorize the
14 official registrar to collect specific fees as would reasonably
15 compensate the registrar for expenses incurred in connection with
16 registration of Nebraska-bred horses. The amount of such fee or fees
17 shall be established by the commission and shall not be changed without
18 commission approval. Fees shall not exceed one hundred dollars per horse.

19 Any decision or action taken by the official registrar shall be
20 subject to review by the commission or may be taken up by the commission
21 on its own initiative.

22 Sec. 9. Section 2-1215, Revised Statutes Supplement, 2021, is
23 amended to read:

24 2-1215 Any person, corporation, or association holding or conducting
25 any horserace or horserace meeting in connection with which the
26 parimutuel system of wagering is used or to be used, without a license
27 duly issued by the commission; or any person, corporation, or association
28 holding or conducting horseraces or horserace meetings in connection with
29 which any wagering is permitted otherwise than in the manner specified in
30 sections 2-1201 to 2-1218; or any person, corporation, or association
31 violating any of the provisions of sections 2-1201 to 2-1218 or any of

1 the rules and regulations prescribed by the commission, shall be guilty
2 of a Class IV felony ~~I misdemeanor~~.

3 Sec. 10. Section 2-1218, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 2-1218 Any person who shall violate any provisions of section 2-1217
6 shall be guilty of a Class IV felony ~~I misdemeanor~~.

7 Sec. 11. Section 2-1219, Revised Statutes Supplement, 2021, is
8 amended to read:

9 2-1219 (1) When any matter comes before the commission that may
10 cause financial benefit or detriment to a member of the commission, a
11 member of his or her immediate family, or a business with which the
12 member is associated, which is distinguishable from the effects of such
13 matter on the public generally or a broad segment of the public, such
14 member shall take the following actions as soon as he or she is aware of
15 such potential conflict or should reasonably be aware of such potential
16 conflict, whichever is sooner:

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

19 (b) Deliver a copy of the statement to the executive director of the
20 commission; and

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

24 (2) No horse in which any member or employee of the commission has
25 any interest shall be raced at any meet under the jurisdiction of the
26 commission.

27 (3) No member or employee of the commission shall have a pecuniary
28 interest or engage in any private employment in a profession or business
29 which is regulated by or interferes or conflicts with the performance or
30 proper discharge of the duties of the commission.

31 (4) No member or employee of the commission shall wager or cause a

1 wager to be placed on the outcome of any race at a race meeting which is
2 under the jurisdiction and supervision of the commission.

3 (5) No member or employee of the commission shall have a pecuniary
4 interest or engage in any private employment in a business which does
5 business with any racing association licensed by the commission or in any
6 business issued a concession operator license by the commission.

7 (6) Any commission employee violating this section shall forfeit his
8 or her employment. Any violation of this section by a member of the
9 commission shall be considered cause for removal by the Governor in
10 accordance with subsection (2) of section 2-1201.

11 (7) The commission shall include in its rules and regulations
12 prohibitions against actual or potential specific conflicts of interest
13 on the part of racing officials and other individuals licensed by the
14 commission.

15 Sec. 12. Section 2-1220, Reissue Revised Statutes of Nebraska, is
16 amended to read:

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

28 Sec. 13. Section 2-1222, Revised Statutes Supplement, 2021, is
29 amended to read:

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

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

17 Sec. 14. Section 9-1101, Revised Statutes Supplement, 2021, is
18 amended to read:

19 9-1101 Sections 9-1101 to 9-1116 and sections 17 and 18 of this act
20 shall be known and may be cited as the Nebraska Racetrack Gaming Act.

21 Sec. 15. Section 9-1104, Revised Statutes Supplement, 2021, is
22 amended to read:

23 9-1104 (1) The operation of games of chance at a licensed racetrack
24 enclosure may be conducted by an authorized gaming operator who holds an
25 authorized gaming operator license.

26 (2) No more than one authorized gaming operator license shall be
27 granted for each licensed racetrack enclosure within the state. It ÷
28 ~~provided that, it~~ shall not be a requirement that the person or entity
29 applying for or to be granted such authorized gaming operator license
30 hold a racing license or be the same person or entity who operates the
31 licensed racetrack enclosure at which such authorized gaming operator

1 license shall be granted.

2 (3) Gaming devices, limited gaming devices, and all other games of
3 chance may be operated by authorized gaming operators at a licensed
4 racetrack enclosure.

5 (4) No person younger than twenty-one years of age shall play or
6 participate in any way in any game of chance or use any gaming device or
7 limited gaming device at a licensed racetrack enclosure.

8 (5) No authorized gaming operator shall permit an individual younger
9 than twenty-one years of age to play or participate in any game of chance
10 or use any gaming device or limited gaming device conducted or operated
11 pursuant to the Nebraska Racetrack Gaming Act.

12 (6) If the licensed racetrack enclosure at which such authorized
13 gaming operator conducts games of chance does not hold the minimum number
14 of live racing meets required under section 2-1205, the authorized gaming
15 operator shall be required to cease operating games of chance at such
16 licensed racetrack enclosure until such time as the commission determines
17 the deficiency has been corrected.

18 Sec. 16. Section 9-1106, Revised Statutes Supplement, 2021, is
19 amended to read:

20 9-1106 The commission shall:

21 (1) License and regulate authorized gaming operators for the
22 operation of all games of chance authorized pursuant to the Nebraska
23 Racetrack Gaming Act, including adopting, promulgating, and enforcing
24 rules and regulations governing such authorized gaming operators
25 consistent with the act;

26 (2) Regulate the operation of games of chance in order to prevent
27 and eliminate corrupt practices and fraudulent behavior, and thereby
28 promote integrity, security, and honest administration in, and accurate
29 accounting of, the operation of games of chance which are subject to the
30 act;

31 (3) Establish criteria to license applicants for authorized gaming

1 operator licenses and all other types of gaming licenses for other
2 positions and functions incident to the operation of games of chance,
3 including adopting, promulgating, and enforcing rules, regulations, and
4 eligibility standards for such authorized gaming operator licenses,
5 gaming licenses, and positions and functions incident to the operation of
6 games of chance;

7 (4) Charge fees for applications for licenses and for the issuance
8 of authorized gaming operator licenses and all other types of gaming
9 licenses to successful applicants which shall be payable to the
10 commission;

11 (5) Charge fees to authorized gaming operators in an amount
12 necessary to offset the cost of oversight and regulatory services to be
13 provided which shall be payable to the commission;

14 (6) Impose a one-time authorized gaming operator license fee of five
15 ~~one~~ million dollars on each authorized gaming operator for each licensed
16 racetrack enclosure payable to the commission. The license fee may be
17 paid over a period of five years with one million dollars due at the time
18 the license is issued;

19 (7) Grant, deny, revoke, and suspend authorized gaming operator
20 licenses and all other types of gaming licenses based upon reasonable
21 criteria and procedures established by the commission to facilitate the
22 integrity, productivity, and lawful conduct of gaming within the state;

23 (8) Grant or deny for cause applications for authorized gaming
24 operator licenses of not less than twenty years in duration, subject to
25 an annual review by the commission and receipt by the commission of a
26 fifty-thousand-dollar annual review fee, with no more than one such
27 authorized gaming operator license granted for any licensed racetrack
28 enclosure within the state;

29 (9) Conduct background investigations of applicants for authorized
30 gaming operator licenses and all other types of gaming licenses;

31 (10) Adopt and promulgate rules and regulations for the standards of

1 manufacture of gaming equipment;

2 (11) Inspect the operation of any authorized gaming operator
3 conducting games of chance for the purpose of certifying the revenue
4 thereof and receiving complaints from the public;

5 (12) Issue subpoenas for the attendance of witnesses or the
6 production of any records, books, memoranda, documents, or other papers
7 or things at or prior to any hearing as is necessary to enable the
8 commission to effectively discharge its duties;

9 (13) Administer oaths or affirmations as necessary to carry out the
10 act;

11 (14) Have the authority to impose, subject to judicial review,
12 appropriate administrative fines and penalties not to exceed twenty-five
13 thousand dollars for each violation of the act or any rules and
14 regulations adopted and promulgated pursuant to the act in an amount not
15 to exceed: ÷

16 (a) For any licensed racetrack enclosure with an authorized gaming
17 operator operating games of chance for one year or less, fifty thousand
18 dollars per violation; or

19 (b) For any licensed racetrack enclosure with an authorized gaming
20 operator operating games of chance for more than one year, three times
21 the highest daily amount of gross receipts derived from wagering on games
22 of chance during the twelve months preceding the violation at such
23 licensed racetrack enclosure gaming facility per violation;

24 (15) Collect and remit administrative fines and penalties collected
25 under this section to the State Treasurer for distribution in accordance
26 with Article VII, section 5, of the Constitution of Nebraska;

27 (16) Adopt and promulgate rules and regulations for any gaming taxes
28 assessed to authorized gaming operators;

29 (17) Collect and account for any gaming taxes assessed to authorized
30 gaming operators and remit such taxes to the State Treasurer or county
31 treasurer as required by Nebraska law;

1 (18) Promote treatment of gaming-related behavioral disorders;

2 (19) Establish procedures for the governance of the commission;

3 (20) Acquire necessary offices, facilities, counsel, and staff;

4 (21) Establish procedures for an applicant for a staff position to
5 disclose conflicts of interest as part of the application for employment;

6 (22) Establish a process to allow a person to be voluntarily
7 excluded from wagering in any game of chance under the act in accordance
8 with section 17 of this act;

9 (23) Remit all license and application fees collected under the
10 Nebraska Racetrack Gaming Act to the State Treasurer for credit to the
11 Racing and Gaming Commission's Racetrack Gaming Fund; ~~and~~

12 (24) Conduct or cause to be conducted a statewide horseracing market
13 analysis to study the racing market as it currently exists across the
14 state and within the locations in Nebraska of the racetracks in Adams,
15 Dakota, Douglas, Hall, Lancaster, and Platte counties as of the date of
16 the market analysis. Such market analysis shall be completed as soon as
17 practicable but not later than January 1, 2025, and every five years
18 thereafter and shall be submitted electronically to the General Affairs
19 Committee of the Legislature and to the Governor. Such market analysis
20 shall examine the market potential and make recommendations involving:

21 (a) The number of live racing days per track, number of races run,
22 and number of horses that should be entered per race;

23 (b) The number of Nebraska-bred horses available in the market for
24 running races, including foals dropped in the state for the past three
25 years at the time of the market analysis;

26 (c) The circuit scheduled in the state and if any overlapping dates
27 would be beneficial to the circuit and market as a whole;

28 (d) The total number of horses available for the total annual
29 schedule, with separate analysis for thoroughbred races and quarterhorse
30 races;

31 (e) The purse money available per race and per track;

1 (f) The strength of the potential and ongoing simulcast market;

2 (g) The staffing patterns and problems that exist at each track,
3 including unfilled positions;

4 (h) The positive and negative effects, including financial, on each
5 existing racetrack at the time of the market analysis in the event the
6 commission approves a new racetrack application;

7 (i) The potential to attract new owners and horses from other
8 states;

9 (j) The market potential for expansion at each licensed racetrack
10 enclosure to the live race meet days and the number of live horseraces
11 required by section 2-1205, and the room for expansion, if any, for
12 additional licensed racetrack enclosures into the market in Nebraska and
13 the locations most suitable for such expansion; and

14 (k) Any other data and analysis required by the commission;

15 (25) Conduct or cause to be conducted a statewide casino gaming
16 market analysis study across the state and within each location of a
17 racetrack in Adams, Dakota, Douglas, Hall, Lancaster, and Platte
18 counties. Such market analysis study shall be completed as soon as
19 practicable but not later than January 1, 2025, and every five years
20 thereafter and shall be submitted electronically to the General Affairs
21 Committee of the Legislature and to the Governor. The market analysis
22 study shall include:

23 (a) A comprehensive assessment of the potential casino gaming market
24 conditions;

25 (b) An evaluation of the effects on the Nebraska market from
26 competitive casino gaming locations outside of the state;

27 (c) Information identifying underperforming or underserved markets
28 within Nebraska;

29 (d) A comprehensive study of potential casino gaming revenue in
30 Nebraska; and

31 (e) Any other data and analysis required by the commission;

1 (26) Conduct or cause to be conducted a statewide socioeconomic-
2 impact study of horseracing and casino gaming across the state and at
3 each licensed racetrack enclosure and gaming facility in Adams, Dakota,
4 Douglas, Hall, Lancaster, and Platte counties. Such socioeconomic-impact
5 study shall be completed as soon as practicable but not later than
6 January 1, 2025, and shall be submitted electronically to the General
7 Affairs Committee of the Legislature and to the Governor. The study shall
8 include:

9 (a) Information on financial and societal impacts of horseracing and
10 casino gaming, including crime and local businesses;

11 (b) An analysis of problem gambling within the state; and

12 (c) A comparison of the economy of counties which contain a licensed
13 racetrack enclosure operating games of chance and counties which do not
14 contain such a licensed racetrack enclosure as of the date of the study,
15 which comparison shall include:

16 (i) The population of such counties;

17 (ii) Jobs created by each licensed racetrack enclosure operating
18 games of chance in such counties;

19 (iii) Unemployment rates in such counties;

20 (iv) Information on family and household income in such counties;

21 (v) Retail sales in such counties;

22 (vi) Property values in such counties;

23 (vii) An analysis of the impact on community services, including
24 police protection expenditures, fire protection expenditures, road,
25 bridge, and sidewalk expenditures, and capital project expenditures in
26 such counties;

27 (viii) Impact on community health in such counties;

28 (ix) Divorce rates in such counties;

29 (x) Information on available education and education levels in such
30 counties;

31 (xi) Life expectancy in such counties;

1 (xii) Homelessness in such counties; and
2 (xiii) Any other data and analysis required by the commission; and
3 (27) Approve or deny an application for any licensed racetrack
4 enclosure which is not in existence or operational as of the effective
5 date of this act, or any licensed racetrack enclosure in existence and
6 operational as of November 1, 2020, that applies to move such licensed
7 racetrack enclosure pursuant to section 2-1205, on the basis of the
8 placement and location of such licensed racetrack enclosure and based on
9 the market as it exists as of the most recent issuance of the statewide
10 horseracing market analysis, statewide casino gaming market analysis, and
11 statewide socioeconomic-impact studies conducted by the commission
12 pursuant to this section. The commission shall deny a licensed racetrack
13 enclosure or gaming operator license application if it finds that
14 approval of such application in such placement and location would be
15 detrimental to the racing or gaming market that exists across the state
16 based on the most recent statewide horseracing market analysis, statewide
17 casino gaming market analysis, and statewide socioeconomic-impact
18 studies; and

19 (28) ~~(24)~~ Do all things necessary and proper to carry out its powers
20 and duties under the Nebraska Racetrack Gaming Act, including the
21 adoption and promulgation of rules and regulations and such other actions
22 as permitted by the Administrative Procedure Act.

23 Sec. 17. (1) The commission shall establish a list of persons self-
24 excluded from licensed racetrack enclosures in Nebraska. A person may
25 request such person's name to be placed on the list of self-excluded
26 persons by filing an application with the commission, on forms prescribed
27 by the commission, requesting to be self-excluded and agreeing to take
28 personal responsibility for not visiting licensed racetrack enclosures in
29 Nebraska. The application shall specify that, by applying to be a person
30 self-excluded from licensed racetrack enclosures, the applicant agrees
31 that during any period of voluntary exclusion the person is not eligible

1 to collect any winnings or recover any losses resulting from any gaming
2 activity at a licensed racetrack enclosure or be present at a licensed
3 racetrack enclosure.

4 (2) The commission shall adopt and promulgate rules and regulations
5 for the list of self-excluded persons, including:

6 (a) Procedures for placement on the list;

7 (b) The terms for self-removal from the list;

8 (c) Procedures for providing the list to licensed racetrack
9 enclosures; and

10 (d) Other such procedures the commission determines are necessary
11 for the effective and efficient administration of the list.

12 (3) The commission may revoke, limit, condition, suspend, or fine an
13 authorized gaming operator or any officer, employee, or agent of the
14 operator if such licensee knowingly or recklessly fails to exclude or
15 eject from its premises any person on the list of self-excluded persons.

16 (4) An authorized gaming operator or the officers, agents, and
17 employees of the operator shall not market directly to any person on any
18 list of self-excluded persons. An authorized gaming operator shall deny
19 access to complimentary check-cashing privileges, club programs, and
20 other similar benefits to any person on the list of self-excluded
21 persons.

22 (5) The list of self-excluded persons shall not be open to public
23 inspection. Nothing in this section shall prohibit an authorized gaming
24 operator from disclosing the identity of any person on the list of self-
25 excluded persons to any affiliated gaming facility operator or other
26 jurisdiction for the limited purpose of assisting in the proper
27 administration of responsible gaming programs in Nebraska or as
28 authorized by law in another jurisdiction.

29 (6) A person placed on the list of self-excluded persons is
30 prohibited from entering a licensed racetrack enclosure in Nebraska and
31 is ineligible to place a legal wager in Nebraska at such licensed

1 racetrack enclosure. A person on the list of self-excluded persons shall
2 not collect any winnings or recover losses resulting from prohibited
3 gaming activity, and such winnings shall be forfeited to the commission
4 to be used for problem gambling treatment, prevention, and education
5 programs.

6 Sec. 18. (1) Any applicant for an authorized gaming operator
7 license shall include in the application to the commission the following:

8 (a) A market assessment that includes the feasibility and
9 sustainability of the proposed licensed racetrack enclosure for operating
10 games of chance in such proposed location as part of the market in
11 Nebraska at the time of the application, including a study of the impact
12 of such facility on both horseracing and the operation of games of chance
13 in the state;

14 (b) An analysis of the anticipated impact on infrastructure,
15 including water, electricity, natural gas, roads, and public safety,
16 including police and fire departments;

17 (c) Zoning and initial planning approval from the city nearest the
18 site of the proposed licensed racetrack enclosure;

19 (d) A full disclosure of the applicant's record as a racetrack and
20 games of chance operator, including multi-jurisdictional experience;

21 (e) Evidence of how the proposed licensed racetrack enclosure will
22 improve and give back in a meaningful and sustained way to the community
23 in which the applicant is proposing to build such facility; and

24 (f) Any other information required by the commission.

25 (2) The commission may reject an application that does not meet the
26 requirements of this section.

27 Sec. 19. Section 9-1107, Revised Statutes Supplement, 2021, is
28 amended to read:

29 9-1107 The Racing and Gaming Commission's Racetrack Gaming Fund is
30 created. The fund shall consist of all license, ~~and~~ application, and
31 other fees collected under the Nebraska Racetrack Gaming Act. The fund

1 shall be used for administration of the Nebraska Racetrack Gaming Act.
2 Any money in the Racing and Gaming Commission's Racetrack Gaming Fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 Sec. 20. Section 9-1110, Revised Statutes Supplement, 2021, is
7 amended to read:

8 9-1110 (1) The commission may permit an authorized gaming operator
9 to conduct sports wagering. Any sports wager shall be placed in person or
10 at a wagering kiosk in the designated sports wagering area at the
11 licensed racetrack enclosure. A parimutuel wager in accordance with
12 sections 2-1201 to 2-1218 may be placed in the designated sports wagering
13 area at the licensed racetrack enclosure.

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

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

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

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

28 (c) 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 (d) 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 (4) The commission shall develop policies and procedures to ensure a
4 prohibited participant is unable to place a sports wager or parimutuel
5 wager.

6 Sec. 21. Section 9-1114, Revised Statutes Supplement, 2021, is
7 amended to read:

8 9-1114 A person who, in an application, book, or record required to
9 be maintained or in a report required to be submitted by the Nebraska
10 Racetrack Gaming Act or a rule or regulation adopted and promulgated by
11 the commission, knowingly makes a statement or entry that is false or
12 misleading or fails to maintain or make an entry the person knows is
13 required to be maintained or made is guilty of a Class IV felony ~~+~~
14 ~~misdemeanor~~.

15 Sec. 22. Section 9-1205, Revised Statutes Supplement, 2021, is
16 amended to read:

17 9-1205 Every authorized gaming operator subject to taxation as set
18 forth in sections 9-1201 to 9-1209 shall pay such tax by the fifteenth of
19 each month to the gaming commission and make report thereof to the gaming
20 commission under such rules and regulations as may be prescribed by the
21 gaming commission.

22 Sec. 23. Section 9-1206, Revised Statutes Supplement, 2021, is
23 amended to read:

24 9-1206 If the tax provided for in sections 9-1201 to 9-1209 is not
25 paid within such time as provided in section 9-1205 or as may be
26 prescribed for payment thereof by rules and regulations prescribed by the
27 gaming commission, the same shall become delinquent and a penalty of ten
28 percent shall be added thereto, together with interest at the rate
29 specified in section 45-104.02, as such rate may from time to time be
30 adjusted, until paid.

31 Sec. 24. Section 9-1207, Revised Statutes Supplement, 2021, is

1 amended to read:

2 9-1207 Any authorized gaming operator that willfully fails,
3 neglects, or refuses to make any report required by sections 9-1201 to
4 9-1209, or by rules and regulations adopted and promulgated under
5 sections 9-1201 to 9-1209, or that knowingly makes any false statement in
6 any such report, is guilty of a Class IV felony ~~I misdemeanor~~.

7 Sec. 25. Section 84-712.05, Revised Statutes Supplement, 2021, is
8 amended to read:

9 84-712.05 The following records, unless publicly disclosed in an
10 open court, open administrative proceeding, or open meeting or disclosed
11 by a public entity pursuant to its duties, may be withheld from the
12 public by the lawful custodian of the records:

13 (1) Personal information in records regarding a student, prospective
14 student, or former student of any educational institution or exempt
15 school that has effectuated an election not to meet state approval or
16 accreditation requirements pursuant to section 79-1601 when such records
17 are maintained by and in the possession of a public entity, other than
18 routine directory information specified and made public consistent with
19 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
20 regulations adopted thereunder;

21 (2) Medical records, other than records of births and deaths and
22 except as provided in subdivision (5) of this section, in any form
23 concerning any person; records of elections filed under section 44-2821;
24 and patient safety work product under the Patient Safety Improvement Act;

25 (3) Trade secrets, academic and scientific research work which is in
26 progress and unpublished, and other proprietary or commercial information
27 which if released would give advantage to business competitors and serve
28 no public purpose;

29 (4) Records which represent the work product of an attorney and the
30 public body involved which are related to preparation for litigation,
31 labor negotiations, or claims made by or against the public body or which

1 are confidential communications as defined in section 27-503;

2 (5) Records developed or received by law enforcement agencies and
3 other public bodies charged with duties of investigation or examination
4 of persons, institutions, or businesses, when the records constitute a
5 part of the examination, investigation, intelligence information, citizen
6 complaints or inquiries, informant identification, or strategic or
7 tactical information used in law enforcement training, except that this
8 subdivision shall not apply to records so developed or received:

9 (a) Relating to the presence of and amount or concentration of
10 alcohol or drugs in any body fluid of any person; or

11 (b) Relating to the cause of or circumstances surrounding the death
12 of an employee arising from or related to his or her employment if, after
13 an investigation is concluded, a family member of the deceased employee
14 makes a request for access to or copies of such records. This subdivision
15 does not require access to or copies of informant identification, the
16 names or identifying information of citizens making complaints or
17 inquiries, other information which would compromise an ongoing criminal
18 investigation, or information which may be withheld from the public under
19 another provision of law. For purposes of this subdivision, family member
20 means a spouse, child, parent, sibling, grandchild, or grandparent by
21 blood, marriage, or adoption;

22 (6) Appraisals or appraisal information and negotiation records
23 concerning the purchase or sale, by a public body, of any interest in
24 real or personal property, prior to completion of the purchase or sale;

25 (7) Personal information in records regarding personnel of public
26 bodies other than salaries and routine directory information;

27 (8) Information solely pertaining to protection of the security of
28 public property and persons on or within public property, such as
29 specific, unique vulnerability assessments or specific, unique response
30 plans, either of which is intended to prevent or mitigate criminal acts
31 the public disclosure of which would create a substantial likelihood of

1 endangering public safety or property; computer or communications network
2 schema, passwords, and user identification names; guard schedules; lock
3 combinations; or public utility infrastructure specifications or design
4 drawings the public disclosure of which would create a substantial
5 likelihood of endangering public safety or property, unless otherwise
6 provided by state or federal law;

7 (9) Information that relates details of physical and cyber assets of
8 critical energy infrastructure or critical electric infrastructure,
9 including (a) specific engineering, vulnerability, or detailed design
10 information about proposed or existing critical energy infrastructure or
11 critical electric infrastructure that (i) relates details about the
12 production, generation, transportation, transmission, or distribution of
13 energy, (ii) could be useful to a person in planning an attack on such
14 critical infrastructure, and (iii) does not simply give the general
15 location of the critical infrastructure and (b) the identity of personnel
16 whose primary job function makes such personnel responsible for (i)
17 providing or granting individuals access to physical or cyber assets or
18 (ii) operating and maintaining physical or cyber assets, if a reasonable
19 person, knowledgeable of the electric utility or energy industry, would
20 conclude that the public disclosure of such identity could create a
21 substantial likelihood of risk to such physical or cyber assets.
22 Subdivision (9)(b) of this section shall not apply to the identity of a
23 chief executive officer, general manager, vice president, or board member
24 of a public entity that manages critical energy infrastructure or
25 critical electric infrastructure. The lawful custodian of the records
26 must provide a detailed job description for any personnel whose identity
27 is withheld pursuant to subdivision (9)(b) of this section. For purposes
28 of subdivision (9) of this section, critical energy infrastructure and
29 critical electric infrastructure mean existing and proposed systems and
30 assets, including a system or asset of the bulk-power system, whether
31 physical or virtual, the incapacity or destruction of which would

1 negatively affect security, economic security, public health or safety,
2 or any combination of such matters;

3 (10) The security standards, procedures, policies, plans,
4 specifications, diagrams, access lists, and other security-related
5 records of the Lottery Division of the Department of Revenue and those
6 persons or entities with which the division has entered into contractual
7 relationships. Nothing in this subdivision shall allow the division to
8 withhold from the public any information relating to amounts paid persons
9 or entities with which the division has entered into contractual
10 relationships, amounts of prizes paid, the name of the prize winner, and
11 the city, village, or county where the prize winner resides;

12 (11) With respect to public utilities and except as provided in
13 sections 43-512.06 and 70-101, personally identified private citizen
14 account payment and customer use information, credit information on
15 others supplied in confidence, and customer lists;

16 (12) Records or portions of records kept by a publicly funded
17 library which, when examined with or without other records, reveal the
18 identity of any library patron using the library's materials or services;

19 (13) Correspondence, memoranda, and records of telephone calls
20 related to the performance of duties by a member of the Legislature in
21 whatever form. The lawful custodian of the correspondence, memoranda, and
22 records of telephone calls, upon approval of the Executive Board of the
23 Legislative Council, shall release the correspondence, memoranda, and
24 records of telephone calls which are not designated as sensitive or
25 confidential in nature to any person performing an audit of the
26 Legislature. A member's correspondence, memoranda, and records of
27 confidential telephone calls related to the performance of his or her
28 legislative duties shall only be released to any other person with the
29 explicit approval of the member;

30 (14) Records or portions of records kept by public bodies which
31 would reveal the location, character, or ownership of any known

1 archaeological, historical, or paleontological site in Nebraska when
2 necessary to protect the site from a reasonably held fear of theft,
3 vandalism, or trespass. This section shall not apply to the release of
4 information for the purpose of scholarly research, examination by other
5 public bodies for the protection of the resource or by recognized tribes,
6 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
7 the federal Native American Graves Protection and Repatriation Act;

8 (15) Records or portions of records kept by public bodies which
9 maintain collections of archaeological, historical, or paleontological
10 significance which reveal the names and addresses of donors of such
11 articles of archaeological, historical, or paleontological significance
12 unless the donor approves disclosure, except as the records or portions
13 thereof may be needed to carry out the purposes of the Unmarked Human
14 Burial Sites and Skeletal Remains Protection Act or the federal Native
15 American Graves Protection and Repatriation Act;

16 (16) Library, archive, and museum materials acquired from
17 nongovernmental entities and preserved solely for reference, research, or
18 exhibition purposes, for the duration specified in subdivision (16)(b) of
19 this section, if:

20 (a) Such materials are received by the public custodian as a gift,
21 purchase, bequest, or transfer; and

22 (b) The donor, seller, testator, or transferor conditions such gift,
23 purchase, bequest, or transfer on the materials being kept confidential
24 for a specified period of time;

25 (17) Job application materials submitted by applicants, other than
26 finalists or a priority candidate for a position described in section
27 85-106.06 selected using the enhanced public scrutiny process in section
28 85-106.06, who have applied for employment by any public body as defined
29 in section 84-1409. For purposes of this subdivision, (a) job application
30 materials means employment applications, resumes, reference letters, and
31 school transcripts and (b) finalist means any applicant who is not an

1 applicant for a position described in section 85-106.06 and (i) who
2 reaches the final pool of applicants, numbering four or more, from which
3 the successful applicant is to be selected, (ii) who is an original
4 applicant when the final pool of applicants numbers less than four, or
5 (iii) who is an original applicant and there are four or fewer original
6 applicants;

7 (18)(a) Records obtained by the Public Employees Retirement Board
8 pursuant to section 84-1512 and (b) records maintained by the board of
9 education of a Class V school district and obtained by the board of
10 trustees or the Public Employees Retirement Board for the administration
11 of a retirement system provided for under the Class V School Employees
12 Retirement Act pursuant to section 79-989;

13 (19) Social security numbers; credit card, charge card, or debit
14 card numbers and expiration dates; and financial account numbers supplied
15 to state and local governments by citizens;

16 (20) Information exchanged between a jurisdictional utility and city
17 pursuant to section 66-1867;

18 (21) Draft records obtained by the Nebraska Retirement Systems
19 Committee of the Legislature and the Governor from Nebraska Public
20 Employees Retirement Systems pursuant to subsection (4) of section
21 84-1503;

22 (22) All prescription drug information submitted pursuant to section
23 71-2454, all data contained in the prescription drug monitoring system,
24 and any report obtained from data contained in the prescription drug
25 monitoring system;~~and~~

26 (23) Information obtained by any government entity, whether federal,
27 state, county, or local, regarding firearm registration, possession,
28 sale, or use that is obtained for purposes of an application permitted or
29 required by law or contained in a permit or license issued by such
30 entity. Such information shall be available upon request to any federal,
31 state, county, or local law enforcement agency; and -

1 (24) The security standards, procedures, policies, plans,
2 specifications, diagrams, and access lists and other security-related
3 records of the State Racing and Gaming Commission, those persons or
4 entities with which the commission has entered into contractual
5 relationships, and the names of any individuals placed on the list of
6 self-excluded persons with the commission as provided in section 17 of
7 this act. Nothing in this subdivision shall allow the commission to
8 withhold from the public any information relating to the amount paid any
9 person or entity with which the commission has entered into a contractual
10 relationship, the amount of any prize paid, the name of the prize winner,
11 and the city, village, or county where the prize winner resides.

12 Sec. 26. Original sections 2-1205, 2-1218, and 2-1220, Reissue
13 Revised Statutes of Nebraska, and sections 2-1201, 2-1202, 2-1203,
14 2-1203.02, 2-1208, 2-1211, 2-1213, 2-1215, 2-1219, 2-1222, 9-1101,
15 9-1104, 9-1106, 9-1107, 9-1110, 9-1114, 9-1205, 9-1206, 9-1207, and
16 84-712.05, Revised Statutes Supplement, 2021, are repealed.

17 Sec. 27. The following section is outright repealed: Section
18 2-1213.01, Reissue Revised Statutes of Nebraska.

19 Sec. 28. Since an emergency exists, this act takes effect when
20 passed and approved according to law.

21 2. On page 1, strike beginning with "gaming" in line 1 through line
22 11 and insert "gambling; to amend sections 2-1205, 2-1218, and 2-1220,
23 Reissue Revised Statutes of Nebraska, and sections 2-1201, 2-1202,
24 2-1203, 2-1203.02, 2-1208, 2-1211, 2-1213, 2-1215, 2-1219, 2-1222,
25 9-1101, 9-1104, 9-1106, 9-1107, 9-1110, 9-1114, 9-1205, 9-1206, 9-1207,
26 and 84-712.05, Revised Statutes Supplement, 2021; to change provisions
27 relating to membership, powers, and duties of the State Racing and Gaming
28 Commission and racing and gaming licensees, fines, penalties, and taxes;
29 to eliminate a provision relating to conducting horseracing on Sunday; to
30 rename funds; to change provisions of the Nebraska Racetrack Gaming Act
31 relating to operation of games of chance, fees, powers and duties of the

1 commission, applications for licensure, fines and penalties, and taxes;
2 to provide for an annual review fee, market analyses, a socioeconomic-
3 impact study, relocation of licensed racetrack enclosures, voluntary
4 self-exclusion from wagering, and parimutuel wagers; to change provisions
5 relating to documents which may be withheld from the public; to harmonize
6 provisions; to repeal the original sections; to outright repeal section
7 2-1213.01, Reissue Revised Statutes of Nebraska; and to declare an
8 emergency."