

**Nebraska Horsemen's Benevolent
& Protective Association, Inc.**



Lynne Schuller, Executive Director

Bob Evnen

Nebraska Secretary of State

VIA ELECTRONIC MAIL

Secretary of State Evnen-

Regarding all documents related to the filing of the initiative petition sponsored by Keep the Money in Nebraska, all references to Barry Lake as President of the Nebraska Horsemen's Benevolent and Protective Association should be removed, as he is no longer President of the organization. Any further references to the Nebraska HBPA should include Robert Moser Jr., who is now the President. All correspondence related to the petition materials should also be addressed to Mr. Moser at the Nebraska HBPA address.

Thank you,

Lynne Schuller, Executive Vice President

STATUTORY INITIATIVE _____

OBJECT STATEMENT

The object of this petition enacts a statute establishing an annual tax on gross gaming revenue generated by authorized gaming operators of games of chance within licensed racetrack enclosures and directs the collection, enforcement, and distribution of revenue from such gaming tax.

BALLOT QUESTION

Shall a statute be enacted which: (1) establishes an annual tax on gross gaming revenue generated by authorized gaming operators of games of chance within licensed racetrack enclosures of 20% of gross gaming revenue; (2) distributes 75% of such gaming tax revenues to the State for credit of 2.5% to the Compulsive Gamblers Assistance Fund, 2.5% to the General Fund, and 70.0% to the Property Tax Credit Cash Fund; (3) distributes 25% of such gaming tax revenues to the county where such licensed racetrack enclosure is located if the licensed racetrack enclosure is solely in an unincorporated area of a county or distributes 25% of such gaming tax revenues evenly between the county and the city or village where such licensed racetrack enclosure is located where the licensed racetrack enclosure is at least partially within the limits of a city or village in such county; and (4) designates the Nebraska Gaming Commission to collect, remit for distribution, and enforce penalties associated with such tax?

TEXT OF STATUTORY INITIATIVE

A BILL

FOR AN ACT relating to gaming; to provide a tax on gaming as prescribed; to provide for distribution of tax proceeds; and to define terms.

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

Section 1. To the full extent permitted by the Constitution of Nebraska, including amendments to the Constitution of Nebraska adopted contemporaneously with the enactment of this act, an annual gaming tax is hereby imposed on the operation of all games of chance by authorized gaming operators within licensed racetrack enclosures.

Sec. 2. For purposes of this act:

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

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

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

(4) Gaming commission means the Nebraska Gaming Commission established pursuant to the Nebraska Racetrack Gaming Act;

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

(6) Licensed racetrack enclosure means a premises at which licensed live horseracing is conducted in accordance with the Constitution of Nebraska and applicable Nebraska law; and

(7) Promotional gaming credit means a credit, token, or other item of value provided by an authorized gaming operator to a player for the purpose of enabling the player to play a game of chance.

Sec. 3. An annual gaming tax is imposed on gross gaming revenue generated by authorized gaming operators within licensed racetrack enclosures from the operation of all games

of chance equal to twenty percent of such gross gaming revenue. The gaming commission shall collect the tax and shall account for and remit such tax as set forth by law.

Sec. 4. Of the tax imposed by section 3 of this act, seventy-five percent shall be remitted to the State Treasurer for credit as follows: Two and one-half percent to the Compulsive Gamblers Assistance Fund, two and one-half percent to the General Fund, and seventy percent to the Property Tax Credit Cash Fund. The remaining twenty-five percent of the tax shall be remitted to the county treasurer of the county in which the licensed racetrack enclosure is located to be distributed as follows: (1) If the licensed racetrack enclosure is located completely within an unincorporated area of a county, the remaining twenty-five percent shall be distributed to the county in which such licensed racetrack enclosure is located; or (2) if the licensed racetrack enclosure is located at least partially within the limits of a city or village in such county, one-half of the remaining twenty-five percent shall be distributed to such county and one-half of the remaining twenty-five percent to the city or village in which such licensed racetrack enclosure is at least partially located.

Sec. 5. Every authorized gaming operator subject to taxation as set forth in this act shall pay such tax and make report thereof to the gaming commission under such rules and regulations as may be prescribed by the gaming commission.

Sec. 6. If the tax provided for in this act is not paid within such time as may be prescribed for payment thereof by rules and regulations prescribed by the gaming commission, the same shall become delinquent and a penalty of ten percent shall be added thereto, together with interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted, until paid.

Sec. 7. Any authorized gaming operator that willfully fails, neglects, or refuses to make any report required by this act, or by rules and regulations adopted and promulgated under this act, or that knowingly makes any false statement in any such report, is guilty of a Class IV misdemeanor.

Sec. 8. If any section or provision of this act is determined by a court of competent jurisdiction to be unconstitutional or otherwise void or invalid for any reason, such determination shall not affect the validity of the act as a whole or any part thereof, other than the part so determined to be unconstitutional or otherwise void or invalid.

INITIATIVE PETITION



For Secretary of State Use Only

The object of this petition is to: (See reverse side for actual text of measure)

Enact a statute establishing an annual tax on gross gaming revenue generated by authorized gaming operators of games of chance within licensed racetrack enclosures and directs the collection, enforcement, and distribution of revenue from such gaming tax.

To the Honorable Robert Evnen, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of _____, respectfully demand that the following proposed law shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 3rd day of November 2020, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of _____ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

WARNING TO PETITION SIGNERS-- VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

	DATE	SIGNATURE	PRINTED NAME	DATE OF BIRTH	ADDRESS (Street Number & Name)	CITY OR VILLAGE	ZIP CODE
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STATE OF NEBRASKA)
) ss _____, (name of circulator) being first duly sworn, deposes and says that he or she is the circulator
 COUNTY OF _____) signed the petition containing _____ signatures, that he or she is at least eighteen years of age, that each person whose name appears on the petition personally
 and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her
 name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer
 the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

Circulator

Address

City, State, Zip

Subscribed and sworn to before me, a notary public, this _____ day of _____, 20__ at _____, Nebraska.

(Seal)

Notary Public

Proposed Statutory Amendment Language:

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Sec. 8. If any section or provision of this act is determined by a court of competent jurisdiction to be unconstitutional or otherwise void or invalid for any reason, such determination shall not affect the validity of the act as a whole or any part thereof, other than the part so determined to be unconstitutional or otherwise void or invalid.