

NEBRASKA RACING & GAMING COMMISSION
MINUTES OF MEETING

DATE: January 13, 2023

TIME: 1:30 PM

LOCATION: Virtual Meeting via ZOOM

PRESENT COMMISSIONERS:

Dennis P Lee Chairman
Shane Greckel Vice Chairperson
Janell Beveridge Commissioner
Jeffrey Galyen Commissioner
Shelby Bakenhus Commissioner
Tony Fulton Commissioner
Trent Loos Commissioner

ABSENT:

Chm. Lee convened the meeting at 1:41 pm in compliance with the provision of Neb. Rev. Stat. 84-1411. Notice of the meeting was published in the Lincoln Journal Star on January 3, 2023, with a link to the Zoom meeting. In addition, copies of such notice were sent to those on the Racing and Gaming Commission agenda mailing list. Notification was given to the public of the open meetings law and notification to its location for public view.

ELECTION OF RACING COMMISSION OFFICERS FOR 2023

Galyen nominated Shane Greckel as the Vice Chairperson with Beveridge seconding. Greckel nominated Lee to serve as the Chairman with Beveridge seconding the motion. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

APPROVAL OF COMMISSION STAFF FOR 2023

Fulton moved and Greckel seconded to approve the commission staff for 2023 with the amendment that Ryan Hare is added as an Office Tech for Grand Island in the list of staff that was submitted and read into record. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

APPROVAL OF MEETING MINUTES AND FINANCIAL REPORTS

Chairman Lee motioned to approve the December 21, 2022, Meeting Minutes and December 2022 Financial Reports. Fulton seconded. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

APPROVAL OF SIMULCAST APPLICATIONS RECEIVED TO DATE FOR 2023

Greckel moved and Loos seconded to approve the simulcast applications received for 2023 with the caveat that Columbus Exposition of Racing amends their application to include Fonner Park's signal. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

FONNER PARK

Galyen moved and Loos seconded to approve Fonner Park's Takeout Rate, the Officials as read into record, the request of a mandatory payout of the Pick 5 for March 18, 2023, and the request for the option to alter all Friday post times to 3pm. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

NEW COLUMBUS FACILITY – TITLE 294 NEB. ADMIN CODE § 3.001.14/HISA

Mary Vaggalis and Tom Jackson gave an update on the construction at the new site. This led to a conversation about HISA with regards of the new track, with Joe Morris saying the track will be compliant regardless of if HISA is enforced or not. No action necessary.

HARRAH'S – COLUMBUS EXPOSITION AND RACING

Tom Jackson said samples were taken and tested from the stewards stand at Ag Park where repairs have started. The update on the remodeling of the temporary casino the pervious lighting is being replaced and the walls are currently being built offsite. The construction timeline is still 14 weeks in early April. The opinion from the Attorney General for Commission confirmation of Authority for Intra-Country Transfer of Gaming License Associated with an Intra-Country Transfer of a Racing License arrived with Ken Yoho noting that the Nebraska Racing and Gaming Commission has the power to decided if that's possible or not. No action necessary.

LEGACY DOWNS – AMENDMENT TO RECOGNIZED RACETRACK ENCLOSURE

Gerald Wollesen of the Nebraska HBPA stated that 155 acres surrounding Legacy Downs in Lincoln has been purchased and will be used as the barns and other amenities for horse racing. Mr. Wollesen also indicated that repair work had been started on the racetrack surface of Legacy Downs. Beveridge moved to approve the amendment of the recognized racetrack enclosure boundaries in Lincoln, Nebraska at Legacy Downs to include, within the definition of licensed reacetrack enclosure, the additional 155 acres, Greckel seconded. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

HARRAH'S NEBRASKA LLC – WAIVER OF RULES 3.012.01K AND 3.012.01L Title 296

Galyen moved and Greckel seconded to waiver rules 3.012.1K and 3.012.01L under Title 96 from 120 to 45 days. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

DISCUSSION: NRCG MARKET ANALYSIS DEADLINE

There was a discussion about the Market Study the commission needs to create and execute where various details were discussed such as the deadlines. No action necessary.

DIRECTIVES

Lee motioned and Beveridge seconded to accept directives 01-23 through 23-23 for 2023. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

DISCUSSION: COMMISSION APPROVAL OF ITEMS BY EMAIL

Galyen started the conversation by mentioning a concern he had with items being voted on through email because that's outside the public's scope. Lee agreed that the Public Meetings Act

doesn't support this type of activity and said items should only be voted upon in email only in emergencies. No action necessary.

MEETINGS WITH ASSOCIATIONS

Nebraska Thoroughbred Breeders' Association – Zach Mader mentioned the breeders are waiting for the funds since October, Deb Peers from the Nebraska HBPA said she will deliver him the check that day. The next breeders meeting will be 2-11-23.

Nebraska Horsemen's Benevolent and Protective Association – Lynne McNally advised that repairs on the racetrack surface at Legacy Downs had commenced and were ongoing. Ms. McNally acknowledged and agreed to coordinate repairs with Tom Sage and have the repairs placed on subsequent Commission agendas as needed.

Nebraska Quarter Horse Racing Association – None
Nebraska Quarter Horse Breeders Association – None

PUBLIC COMMENTS:

Galyen mentioned he was impressed with the request Mark Landis made for the mandatory payout for Fonner Park. Galyen expressed caution about lobbying on legislative bills because the person who is testifying might show personal bias.

Executive Director Tom Sage stated that Sports Wagering rules came back from the Attorney General's office and will be forwarded to the Governor the following Tuesday. The new office is looking good, and he thanks the Commission and staff for all the hard work they did in his absence.

ADJOURNMENT

Chm. Lee adjourned the meeting at 3:44pm.