

INDEX

CHAPTER	CHAPTER TITLE	PAGE
1	DEFINITIONS	1
2	GENERAL RULES	5
	001 Administrative (Racing Commission)	5
	002 Financial Responsibility	8
	003 Age Requirements	8
	004 Communications Equipment	8
	005 Criteria in Determining Race Date	
	Allocations to the Sponsoring Associations	10
3	ASSOCIATIONS	13
	001 Associations	13
	002 Admissions	15
	003 Audio and Visual Equipment	15
	004 Policing	16
	005 Safety	17
	006 Sanitation	18
	007 Alcohol and Drug Testing	18
4	COLORS AND EQUIPMENT	22
5	DECLARATIONS AND SCRATCHES	25
6	DISCIPLINARY ACTION AND HEARINGS BEFORE THE STEWARDS	27
	001 Hearing Procedures in General	27
	002 Additional Hearing Procedures where charge	
	is unrelated to running of race and penalty imposed is	
	suspension or revocation of license	29
	003 Additional Hearing Procedures where charge	
	is related to running of race and penalty imposed is	
	suspension or revocation of license	30
	004 Exclusions by Employees or Agents of an Association	30
	005 Report of Possible Felony and Stay of Stewards Hearing	31
7	PRACTICE AND PROCEDURE BEFORE THE NEBRASKA STATE RACING COMMISSION	34
	001 Disciplinary Hearings	34
	002 Sanctions Enforcement Hearings	41
8	ENGAGEMENTS AND TRANSFERS	45
9	ENTRIES AND SUBSCRIPTIONS	47
	001 Entries and Subscriptions	47
	002 Also Eligible	51
	003 Preferred List	52
	004 Penalties and Allowances	52
10	LICENSING AND LICENSEES	55

11	JOCKEYS AND APPRENTICE JOCKEYS	59
	001 Jockeys	59
	002 Apprentice Jockeys	61
	003 Jockey Agents	62
	004 Naming of Riders	63
	005 Jockey Mount Fees	64
12	OWNERS-TRAINERS	66
	001 Owners-Trainers	66
	002 Authorized Agents	66
	003 Joint Ownership	67
	004 Lessees	67
	005 Partnerships	68
	006 Stable Names	68
	007 Trainers	69
13	RACING OFFICIALS	73
	001 Racing Officials	73
	002 Clerk Of Scales	74
	003 Identifier	75
	004 Jockey Room Custodian	75
	005 Mutuel Manager	76
	006 Paddock Judge	76
	007 Patrol Judge	77
	008 Placing Judge	77
	009 Racing Secretary and Handicapper	78
	010 Starter and Assistant Starters	80
	011 Stewards	82
	012 Timer	84
	013 Official Veterinarian	84
14	EQUINE VETERINARY PRACTICES, HEALTH AND MEDICATION	88
	001 Practicing Veterinarians	88
	002 Reserved	90
	003 Furosemide (SALIX)	90
	004 Reserved	90
	005 Bleeder Certificate	90
	006 Anti-Ulcer Medications	91
	007 Environmental Contaminants and Substances of Human Use	91
	008 Test Barn	91
	009 Chemist	93
	010 Storage and Shipment of Split Samples	93
15	CLAIMING RACES	98
	001 Purpose	98
	002 General Provisions	98
	003 Claiming of Horses	99
	004 Claim Certificate	99
	005 Prohibitions	99
	006 Procedure For Claiming	100
	007 Transfer of Claimed Horses	100

16	TYPES OF RACES	103
	001 Sweepstakes	103
	002 Produce Races	104
	003 Walk Over	104
	004 Postponement and Cancellation of Races	105
	005 Dead Heats	105
17	RACE PROCEDURES	107
	001 Paddock to Post	107
	002 Post to Finish	108
	003 Post Position	109
18	ILLEGAL AND CORRUPT PRACTICES	111
	ARCI Drug Testing Standards & Practices Program	
	Uniform Classification Guidelines for Foreign Substances	114
	(as Revised August 3, 2003)	
18	Recommended Penalties	
	(as Revised August 3, 2003)	114
19	OBJECTIONS AND PROTESTS	123
20	WEIGHTS	127
	001 Weight Penalties and Allowances	127
	002 Weighing Out	128
	003 Weighing In	128
21	WINNINGS	131
	001 Estimated Winnings	131
	002 Winnings	132
22	WORK OUT	134
23	PARI-MUTUEL WAGERING	136
	001 General Provisions	136
	002 Reserved	144
	003 Simulcast Wagering	144
	004 Interstate Common Pool Wagering	145
	005 Calculation of Payoffs and Distribution of Pools	148
24	NEBRASKA BRED RULES	189
	001 Registration Forms	189
	002 Registration of Broodmares	189
	003 Registration of Stallions	190
	004 Reports Required	190
	005 Registration of Nebraska-Bred Foals	191
25	QUARTER HORSE RACING	195
	STATUTES - AS OF 1/24/07	197

Chapter 1 - DEFINITIONS

1.001 The following definitions and interpretations shall apply in the rules unless the text otherwise requires:

1.001.01 ADDED MONEY is the money an association adds to fees paid by the horsemen.

1.001.02 AGE OF HORSES is reckoned as beginning on the first day of January in the year in which the horse is foaled.

1.001.03 ASSOCIATION is any person or persons, associations or corporations licensed by the Commission to conduct horse racing within the State of Nebraska for any stake, purse or reward.

1.001.04 AUTHORIZED AGENT is a person appointed by a written instrument, signed and acknowledged before a notary public by the owner and filed with the Commission in accordance with the rules.

1.001.05 BREEDER of a horse is the owner of its dam at the time of foaling.

1.001.06 "BRED" - A horse is "bred" at the place of its birth.

1.001.07 CALENDAR DAY is twenty-four (24) hours ending at midnight.

1.001.08 COMMISSION means the Nebraska State Racing Commission.

1.001.09 COUPLED ENTRY - two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes (see also rule 1.001.11 ENTRY).

1.001.10 DECLARATION shall mean the act of withdrawing an entered horse from a race before the closing of overnight entries.

1.001.11 ENTRY is: (a) a horse eligible for and entered in a race: or (b) two or more horses, entered in the same race, which have common ties of ownership, lease or training (See also rule 1.001.09 COUPLED ENTRY).

1.001.12 EQUIPMENT as applied to a horse, shall mean whips, blinkers, tongue straps, muzzles, hoods, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots, plates, etc.

1.001.13 FIELD means:

1.001.13A When the individual horses competing in a race exceed the numbering capacity of the Tote, the highest numbered horse within the capacity of the Tote, and all horses of a higher number shall be grouped together in the wagering and called the field, and,

1.001.13B The entire group of horses within a race.

1.001.14 FORFEIT shall mean money due because of an error, fault, neglect of duty, breach of contract, or a penalty.

1.001.15 FRAUDULENT AND/OR CORRUPT PRACTICE means any attempt to enrich oneself or associates, or gain any advantage, through unfair, unlawful or dishonest behavior in connection with the racing of horses.

1.001.16 HORSE includes colt, filly, gelding, mare and ridgling. For racing purposes and programming, a horse shall be designated as follows:

MALE: Horse, Colt, Gelding or Ridgling. (A horse is an entire male five (5) years old or older.)

FEMALE: Filly or Mare. (A filly becomes a mare when five (5) years old.)

1.001.17 JOCKEY is a race rider, whether a licensed jockey or an apprentice, male or female.

1.001.18 LESSEE: A person and/or persons who have leased a horse for racing purposes.

1.001.19 LICENSEE may mean an Association licensed by the Commission to conduct a race meeting or those licensed to participate in any other capacity on the grounds of an Association during the race meeting.

1.001.20 MAIDEN is a horse that has never won an official or recognized race as defined in breed registry rules. A maiden which has been disqualified after finishing first is still to be considered a maiden.

A. The Jockey Club

A "Maiden" is a horse which, at the time of starting, has never won a race on the flat in any country.

A "Race" includes a stake, a purse, a sweepstakes, a private sweepstakes, a match or an overnight event, but does not include a steeplechase or hurdle race.

B. American Quarter Horse Association

MAIDEN is a horse which at time of starting has never won a race recognized by the AQHA. A maiden which has been disqualified after finishing first is still a maiden.

1.001.21 MEETING - Entire consecutive period for which license to race has been granted to any one Association by the Commission.

1.001.22 MONTH is a calendar month.

1.001.23 NOMINATOR means the person in whose name a horse is entered for a stakes or handicap race.

1.001.24 OFF-TIME is the instant the stall doors of the starting gate open in front of the horses at the start of a race.

1.001.25 OWNER includes sole owner, part owner or lessee (lessee cannot claim unless he or she is sole owner of another horse which

qualifies him or her to claim). An interest in the winnings of a horse does not constitute part ownership.

1.001.26 PLACE in racing shall mean first, second, third, or fourth, and in that order is called "Win", "Place", "Show", and "Fourth".

1.001.27 POST POSITION is the position in the starting gate assigned to a horse for a race.

1.001.28 POST TIME is the time set for the arrival at the starting point of the horses in a race and must be shown a reasonable time prior to the race on a clock device provided for that purpose, prominently displayed and clearly readable from the grandstand.

1.001.29 RECOGNIZED MEETING shall be any meeting wherever held under the sanction of a turf authority having reciprocal relations with the Nebraska State Racing Commission and other turf authorities (approved by said Commission) for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

1.001.30 RULES shall mean the Rules and Regulations herein prescribed and any amendments or additions thereto.

1.001.31 STEWARDS shall mean the Stewards of the meeting or their duly appointed deputies.

1.001.32 RACE DAY means any period of twenty-four (24) hours beginning at midnight and included in the period of a racing meeting - and in the matter of penalties the word "Day" means a "Race Day".

1.001.33 SCRATCH shall mean the act of withdrawing an entered horse from the race after the closing of overnight entries.

1.001.34 SCRATCH TIME shall mean the time set by the association for the closing of applications for permission to withdraw from races of that day.

1.001.35 STARTER - A horse is a "Starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses. STARTER is also the name used to designate the official whose duty it is to give the starting signal at the beginning of the race.

1.001.36 SUBSCRIPTION shall mean the act of nominating to a stakes race.

1.001.37 TOTE or TOTE BOARD shall mean the totalisator or totalisator odds board.

1.001.38 UNTRIED HORSE is one whose produce are maidens.

1.001.39 YEAR shall mean a calendar year.

DEFINITIONS OF RACES

1.001.40 RACE - A contest between horses for purse, stakes, premium, wager for money or entrance fees on any licensed course and in the presence of a judge or judges.

1.001.41 CLAIMING RACE is a race in which any horse entered therein may be claimed in conformity with the rules.

1.001.42 HANDICAP is a race in which the weights to be carried by the entered horses are adjusted by a Handicapper.

1.001.43 MATCH is a Private Sweepstakes between two (2) horses which are the property of two (2) different owners. If prior to the running of the race either of the horses entered in the match dies, or if either owner dies the match is void. It remains a match even if money or any other award is added to the stakes. (Not allowed in Nebraska unless by special permission of the Nebraska State Racing Commission.)

1.001.44 OPTIONAL CLAIMING RACE is a race restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race the race will be considered, for the purpose of these rules, a claiming race.

1.001.45 OVERNIGHT RACE is one for which entries close seventy-two (72) hours, or less, before the time set for the first race of the day on which such race is to be run.

1.001.46 PRODUCE RACE is one in which the produce of horses named or described at the time of entry are contestants.

1.001.47 PURSE RACE is a race for money or any other prize to which the owners of the horses engaged do not contribute.

1.001.48 STAKES RACES OR SWEEPSTAKES is a race to which nominators of the engaged entries contribute to a purse; to which money, or any other award may be added, but no overnight race, regardless of its conditions, shall be deemed a stakes race.

1.001.49 WALK OVER - When two (2) horses in entirely different interests do not run in a race.

1.001.50 WEIGHT FOR AGE - Standard weight assigned by these rules to horses according to their ages.

Chapter 2 - GENERAL RULES

2.001 ADMINISTRATIVE (Racing Commission)

2.001.01 The Rules of Racing herein prescribed and any amendments or additions thereto apply to all persons, associations, partnerships or corporations holding, conducting or participating in and/or patrons of a meeting within the State of Nebraska, licensed by its Racing Commission.

2.001.02 In reading the rules, unless the text otherwise requires, it shall be understood, without constant reference thereto, that they apply only in the State of Nebraska.

2.001.03 Pursuant to Chapter 7 the Commission may rescind or modify any penalty or decision or infraction of the rules imposed or made by the racing officials, including stewards.

2.001.04 The laws of the State of Nebraska and the rules duly promulgated by the Commission supersede the conditions of a race, or the regulations of a race meeting; such laws and rules also supercede any contracts, agreements, or arrangements that are in conflict with these laws or rules. (See Statutes 2-1201 and 2-1202)

2.001.05 To effect the performance of its statutory duty to assure the security, safety, and health conditions at racing meetings as well as to assure the integrity of horseracing and to protect against any conduct detrimental to the best interests of horseracing, members of the Commission and its designated representatives shall have the right of full and complete entry to any and all parts of the grounds, and mutuel plants of the association licensed to conduct horseracing in Nebraska; and each association in accepting a license does thereby consent thereto.

2.001.06 (1) To effect the performance of its statutory duty to assure the security, safety, and health conditions at racing meetings as well as to assure the integrity of horseracing and to protect against any conduct detrimental to the best interests of horseracing, the Commission or the stewards of any licensed meeting have the unconditional right to permit and direct any person or persons authorized by them or either of them to achieve full and complete entry in or upon:

(a) all areas and buildings on the grounds of an association that are the property of the association, including stables, rooms, stalls, tackrooms, feed rooms, storage rooms or other places; and each association in accepting a license does thereby consent thereto. Such right of the Commission or the stewards is an overriding obligation that shall apply and condition any act of an association to allocate its property to any person during the course of any licensed meeting at that association; and each association in accepting a license does thereby consent that any such allocation includes the right of entry here consented to, subject to rule 3.001.16.

(b) all areas and buildings on the grounds of racetracks, farms, or other places where horses are kept that are entered or eligible to race at a race meeting, including stables, rooms, stalls, tackrooms, feed rooms, storage rooms or other places; and each racetrack or person who owns or leases any such property in accepting a license does thereby consent thereto. Such right of the Commission or the stewards is an overriding obligation that shall apply and condition any act of such racetrack or property owner or lessor to allocate property to any person during the course of any licensed meeting when horses with which that person is associated are kept at the racetrack or place and are entered or eligible to run at such meeting; and each racetrack or property owner in accepting a license does thereby consent that any such allocation includes the right of entry here consented to. A property owner or lessor under this paragraph includes a horseracing industry participant (see rule 2.001.06A).

(2) To effect the performance of its statutory duty to assure the security, safety, and health conditions at racing meetings as well as to assure the integrity of horseracing and to protect against any conduct detrimental to the best interests of horseracing, the Commission or the stewards of any licensed meeting have the unconditional right to seize any object which they have reasonable suspicion to believe is contraband or evidence indicating a rule violation that is in plain view or to engage in any investigative or enforcement activity based upon observations made of persons, objects, or effects that are in plain view.

2.001.06A (RE: NEREVSTAT SEC. 2-1244) HORSERACING INDUSTRY PARTICIPANT shall mean an individual who currently holds a valid license from the State Racing Commission and who owns, trains, cares for, or rides horses stabled at a Nebraska-licensed racetrack for the purpose of horseracing at the live race meeting at such racetrack.

2.001.06B

(1) No licensee, employee or agent of an association, or member of the Racing Commission or its staff shall willfully violate any protection provided to licensees and horseracing industry participants. Each license is granted upon the condition that the licensee shall accept the jurisdiction of the Racing Commission or its authorized designee to conduct hearings and impose sanctions pursuant

to Rule 7.002 and each licensee in accepting a license does thereby consent thereto.

(2) No association, employee or agent of an association, or member of the Racing Commission or its staff shall willfully and unlawfully seize, destroy, or damage private property. Each license granted by the Racing Commission to an association or an employee or agent of an association is granted upon the condition that the licensee shall accept the jurisdiction of the Racing Commission or its authorized designee to conduct hearings and impose sanctions pursuant to Rule 7.002 and each licensee in accepting a license does thereby consent thereto.

(3) No association or employee or agent of an association may exclude a horseracing industry participant except pursuant to Rule 6.004, and each such licensee in accepting a license does thereby consent thereto.

2.001.07 Every person participating in and every patron of a licensed race meeting shall abide by said laws and rules, and accept the stewards' decision on any and all questions, subject to the right of appeal to the Racing Commission. See statute 2-1203.)

2.001.07A

(1) Each license granted by the Racing Commission, including licenses to associations and employees and agents of associations, owners, trainers, jockeys, apprentices, stable foremen, exercise riders, authorized agents, and veterinarians, is granted upon the condition that the licensee shall cooperate with the stewards and Racing Commission investigators or enforcement officers in rules investigations conducted by them; and each licensee in accepting a license does thereby consent thereto.

(2) Except that a licensee charged with a rule violation may not be compelled to provide information at his hearing, each license granted by the Racing Commission, including licenses to associations and employees and agents of associations, owners, trainers, jockeys, apprentices, stable foremen, exercise riders, authorized agents, and veterinarians, is granted upon the condition that the licensee shall cooperate with the Board of Stewards and the Racing Commission and testify in hearings conducted by either or both of them when in possession of relevant information; and each licensee in accepting a license does thereby consent thereto.

2.001.08 No person shall use improper, profane or indecent language to a racing official or any employee or representative of the Racing Commission.

2.001.09 No person shall in any manner, or at anytime, disturb the peace or be obnoxious on the grounds of an association.

2.001.10 Firearms shall not be kept in the tack rooms or barn area, or brought into the barn area at any time, except in the possession and

control of authorized and certified law enforcement personnel or association security personnel.

2.001.11 Any person ejected from the grounds of an association shall be denied admission to said grounds until permission for re-entering has been obtained from the association or from the Racing Commission.

2.001.12 No person, without proper notice to the stewards, shall be part owner or trainer of any horse in which a jockey has an interest.

2.001.13 The State Steward shall sound the bell closing the parimutuel machines no later than the opening of the starting gate.

2.001.14 Any owner, trainer or employee of any owner, trainer or anyone having an interest directly or indirectly in any horse or horses registered for racing at a Race Meeting shall not be employed or used in any official, management or security capacity unless special permission has been granted by the Board of Stewards or Commission. This shall not prohibit employment of persons otherwise licensed as mutuel clerks. (See Chapter 13-001.06.)

2.001.15 The holder of a claim whether it be a mortgage, bill of sale or lien of any kind against a horse, shall be required to file the same with the racing secretary previous to the time the horse runs. Failure to do so shall forfeit said persons rights in the winnings of the horse previous to the time the claim is properly filed.

2.001.16 All Racing Commission licensees shall carry their licenses on their persons at all times when on association grounds accessible only to licensees.

2.002 FINANCIAL RESPONSIBILITY

2.002.01 Any official, owner, trainer, or any person licensed by the Nebraska State Racing Commission who shall obtain food, shelter, drugs, transportation, veterinary services or supplies for his or her personal use or for others whether they be licensees or not, and fails to pay the person or persons from whom said services or supplies are obtained shall be guilty of conduct detrimental to the best interests of racing and may be suspended at the discretion of the stewards or the Commission. However, neither the association nor the Nebraska State Racing Commission shall be obligated to collect debts from horsemen or other personnel licensed by the Commission. (See Chapter 10-004)

2.003 AGE REQUIREMENTS

2.003.01 Persons under nineteen (19) years of age shall not purchase parimutuel tickets.

2.003.02 Any licensee who employs any person under the age of sixteen must at all times be in compliance with all statutory requirements concerning such employment.

2.004 COMMUNICATIONS EQUIPMENT

2.004.01 Associations may allow telephones for the benefit of the public for transacting ordinary business.

2.004.02 Racing patrons and licensees may utilize public telephones or private portable telephones or other means of communication only in accordance with the following restrictions.

From one hour prior to the first post until the results of the last race are official, unless otherwise specifically authorized by the commission or by the association in compliance with these rules, no person shall convey or receive:

- a) messages concerning the placing of any wager, or odds or probable pays on any wager, or
- b) messages regarding the results of any race until such results are official.

2.004.03 Races may be broadcast or televised live only with the prior approval of the Commission. A written request, including a list of races to be televised or broadcast, must be submitted to the commission.

Complete results and pay-offs can be announced, broadcast, and televised when the race has been declared official.

Any person or station violating any of these rules will be immediately reported to the Federal Communications Commission (F.C.C.) and any approval which may have been granted by the Commission shall immediately be cancelled.

2.004.04 At least one telephone on a private line, and additional telephones and service that the Commission deems necessary, shall be installed in the quarters assigned to and occupied by the Commission. All costs of such telephone service shall be borne by the Association and the service shall not be interrupted at any time during said period.

2.004.05 The association shall install and maintain in good working condition a communications system including the:

- stewards' stand;
- racing office;
- pari-mutuel manager and totalizator systems room;
- jockey room;
- paddock;
- test barn;
- starting gate;
- weigh-in scale;
- patrol judge or gate judge;
- official veterinarian;
- video camera sites;
- clocker's stand;
- ambulances;
- outriders;
- Commission office; and
- other locations designated by the Commission.

2.004.06 An association shall provide and maintain a public address system capable of transmitting announcements to the patrons and stable area.

2.005 CRITERIA IN DETERMINING RACE DATE ALLOCATIONS TO THE SPONSORING ASSOCIATIONS:

2.005.01 STATE OF NEBRASKA:

2.005.01A To maximize revenue to the State through parimutuel tax, sales tax and tourism.

2.005.01B To maximize revenue to the county fairs through statutory grants from the admission tax.

2.005.02 RACING FANS AND PATRONS:

2.005.02A To provide high quality racing for the fan.

2.005.02B To provide the best facilities to accommodate the fan.

2.005.02C To provide the opportunity for the fan to see nationally known horses compete.

2.005.03 NEBRASKA BREEDERS:

2.005.03A To consider the tracks' programs and cooperation with the Nebraska breeders.

2.005.04 RACING ASSOCIATIONS:

2.005.04A To provide stability in racing dates and the racing circuit from year to year.

2.005.04B To seek changes in situations where tracks are being subsidized by the horsemen.

2.005.04C Weigh the benefit of more dates for the larger tracks and thus more revenue generated versus the detriment to the smaller tracks of less dates.

2.005.04D Consider which dates the tracks had in the past and their performance with those dates.

2.005.04E To consider all geographic sections of the State although population density is of necessity a major factor for a successful race meet.

2.005.04F To realize that larger tracks must remain strong or the smaller tracks will be jeopardized.

2.005.04G To recognize that overlapping dates within the same breed are undesirable and except in rare instances should not be approved unless both associations are in agreement.

2.005.04H To grant dates in blocks of weeks.

2.005.04I To require no track to race on Sunday, but allow any track to do so if it desires.

2.005.04J To consider the facilities provided for horsemen including the size, type, and quality of the racing surface and the entire backstretch area.

2.005.04K To scrutinize the security arrangements at each track.

2.005.05 HORSE OWNERS:

2.005.05A To maximize the purse structure.

2.005.05B To seek dates and provide a racing circuit that does not force Nebraska horse owners to race elsewhere.

2.005.06 WORK FORCE:

2.005.06A To consider the number and quality of jobs for Nebraskans created by a race meeting: trainers, jockeys, racing officials, backstretch employees, parimutuel employees, concession employees, feed and tack sales personnel, etc.

Title 294
Chapter 2

This page left blank intentionally

Chapter 3 - ASSOCIATIONS

3.001 ASSOCIATIONS

3.001.01 Each Association seeking dates for a race meeting must submit an application to the Commission not later than the date set for such by the Commission but not less than sixty (60) days prior to the date of the proposed meeting. (See Chapter 13-001.01.)

3.001.02 Each license to hold a meeting is granted upon the condition that the licensee shall accept, observe and enforce the rules. Furthermore, it shall be the duty of each and every officer, director, and every official and employee of said licensee to observe and enforce the rules.

3.001.03 Each Association holding a meeting shall submit to the Nebraska State Racing Commission for approval, not less than thirty (30) days prior to the date approved by the Commission for the racing to begin on said track, a complete list of racing officials, heads of departments, valets and all others that may be requested by the Commission. The Commission reserves the right to demand a change of personnel of officials and employees designated therein for what it deems good and sufficient reason. The successor to an official or employee so replaced to be subject to the approval of the Commission. (See Chapter 13-001.01.)

3.001.04 The maximum number of live races per day shall be approved by the Commission.

3.001.05 The maximum number of starters on a five-eighth (5/8) mile track shall be ten (10). The maximum number of starters on a one-half (1/2) mile track shall be eight (8). The Racing Commission may establish a lesser maximum number of starters for tracks or races at specified distances.

3.001.06 Post time of the first race at each meeting must be approved by the Commission.

3.001.07 Each Association shall provide within its grounds an office and suitable parking space for the use, and to be at the disposal of the Nebraska State Racing Commission and its representatives. The office shall offer sufficient space for private consultation, shall be equipped with a telephone and it must also have sufficient space for the harboring of Commission records and supplies under lock and the key

shall be available only to the Secretary of the Commission or the Stewards representing the said Commission.

3.001.08 Each Association shall have a bookkeeper, approved by the Commission, whose duty it is to keep and preserve books which will reflect the deposits or other credits and withdrawals or other charges that may be made by an owner or other licensee. Said bookkeeper shall have an office at the track and said office shall be open on each racing day during the hours specified by the Commission. Said bookkeeper must also furnish such reports and information as may be required by the Commission or its representatives.

3.001.09 All distance poles/markers shall be painted as follows:

3.001.09A 1/4 - red and white

3.001.09B 1/8 - green and white

3.001.09C 1/16 - black and white

3.001.10 Stands for judges, timers and stewards shall be maintained and protected from the elements, in positions commanding an uninterrupted view of the entire racing strip, which shall be subject to approval by the Commission.

3.001.11 Each barn shall be numbered and each and every stall therein shall be numbered and a record of each designation filed with the racing secretary.

3.001.12 Each Association licensed by the Nebraska State Racing Commission to conduct a race meeting shall offer to the public the Daily Racing Form or another publication of equal merit which reveals the past performance records of the horses racing at their meeting.

3.001.13 Racing Associations shall make prompt written acknowledgement of stakes nominations and subscriptions.

3.001.14 Any racing Association contemplating a change pertaining to the racing strip or the erection of new buildings, stands or other structures or the remodeling of any of these which are to be used as part of the facilities for conducting a race meeting, must first submit plans to and receive the approval of the Commission.

3.001.15 No Association shall be permitted to enter into any agreement, or have the effect of prohibiting any horse having been granted a stall at said Association's meeting from being entered in any race for which said horse is eligible, unless said Association has obtained the prior approval of the Nebraska State Racing Commission.

3.001.16 Any Association agreement allocating areas and buildings on the grounds of tracks, including stables, rooms, stalls, tackrooms, feed rooms, storage rooms or other places, shall specify as part of that agreement that the allocation is subject to right of entry with reasonable cause by the Racing Commission. Privately owned trailers used for housing, occupying space assigned by the association for temporary housing, shall be free from unreasonable search and seizure. (See Statute 2-1245).

3.002 ADMISSIONS

3.002.01 All Associations must give a ticket good for one admission to each person having paid an admission charge on a day when races are discontinued due to weather or malfunction of equipment which might prevent said patron from participating in a major portion of any racing program conducted by the Association. The holder of such ticket shall be admitted without further charge on any race day of said meeting.

3.003 AUDIO AND VISUAL EQUIPMENT

3.003.01 An association shall provide and maintain in good working order a communication system between the:

stewards' stand;
racing office;
tote room;
jockeys' room;
paddock;
test barn;
starting gate;
weigh in scale;
video camera locations;
clocker's stand;
racing veterinarian;
track announcer;
location of the ambulances (equine and human);
and other locations and persons designated by the Commission.

3.003.02 An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

3.003.03 An association shall provide two electronic photofinish devices with mirror image to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photofinish devices must be approved by the Commission before its first use in a race. The association shall promptly post a photograph of each photofinish for win, place or show in an area accessible to the public. The association shall ensure that the photofinish devices are calibrated before the first day of each race meeting and at other times as required by the Commission. On request by the Commission, the association shall provide, without cost, a print of a photofinish to the Commission. Photofinish negatives or digital images of each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the Commission.

3.003.04 An association shall provide a videotaping system approved by the Commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the stewards' stand. The location and construction of video towers must be approved by the Commission.

3.003.05 One camera, designated by the Commission, shall videotape the pre-race loading of all horses into the starting gate and shall continue to videotape them until the field is dispatched by the starter.

3.003.06 One camera, designated by the Commission, shall videotape the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted and the equipment has been removed from the horse.

3.003.07 The stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race.

3.003.08 Races run on an oval track must be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras.

3.003.09 An association shall, upon request, provide to the Commission, without cost, a copy of a videotape of a race.

3.003.10 Videotapes recorded prior to, during and following each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the Commission.

3.003.11 An association shall provide a viewing room in which, on approval by the stewards, an owner, trainer, jockey or other interested individual may view a videotape recording of a race.

3.003.12 Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the stewards in making their decision.

3.003.13 The operator of the camera taking photographs of horses approaching the finish line and in the winner's circle shall be licensed and approved by the commission. Such pictures are to be taken from a location and at a point on the track subject to approval of the Board of Stewards.

Persons taking photographs or video prior to, during, or following the running of a race shall not be permitted on the track or near the inside rail, or in a restricted area, without the permission of the Board of Stewards, and then only for such pictures as are specifically approved by the Board of Stewards.

3.004 POLICING

3.004.01 Each Association shall furnish persons able to handle security and assist in rules investigation or enforcement as may be needed or requested by the Commission. Each association shall assure by contract or otherwise that a responsibility of persons handling security, whether these persons are employees or agents of an association, is to cooperate in the investigation or enforcement of the rules as authorized by the Racing Commission, stewards, or the chief investigator or investigators of the Racing Commission, and each association in accepting a license does thereby consent thereto.

3.004.02 Each Association shall police its grounds to preclude the admission of any person in and around the stables excepting those having bona-fide business or duly licensed by the Commission, such as jockeys, stable attendants, owners or employees of said association.

3.004.03 The association head of security shall make a written report to the stewards and commission chief investigator that includes persons picked up for drunkenness, touting, disorderly conduct fraudulent use of licenses, or other misdemeanors or rule violations. If the incident involves an arrest the report shall include names and addresses of each individual involved and a detailed description of the circumstances of the incident. Reports shall be submitted within 24 hours, or at the beginning of the subsequent racing or entry day.

3.004.04 Information or evidence uncovered or developed by licensees, employees or agents of an association about conduct by a licensee that constitutes a violation of a Racing Commission rule shall be promptly reported to the stewards and the chief investigator or other investigator or enforcement officer employed by the Racing Commission. It is the responsibility of the chief investigator for the Racing Commission to coordinate rules investigative activity.

3.005 SAFETY

3.005.01 Smoking in a stable or under the shed rows of the stable area is forbidden. Violators will be subject to disciplinary action.

3.005.02 Racing Associations shall at all times maintain their race tracks in good condition and with a special consideration for the comfort and safety of the public, of the horses stabled, exercising or entered to race thereat, and of all those whose business requires their attendance thereat; and to the end shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

3.005.03 Racing Associations shall furnish and a suitable horse ambulance each day that their tracks may be open for racing or exercising horses, equipped, ready for immediate duty, and to be placed at an entrance to the racing strip which is at no time obstructed by people, vehicles or equipment so that no time may be lost in answering calls.

3.005.04 A licensed outrider must be on duty and suitably mounted, each day during the hours when the track is open for exercising horses.

3.005.05 There shall be two (2) licensed outriders suitably mounted, on duty during racing hours and they shall be approved by and work at the direction of the Stewards.

3.005.06 Pony people, exercise riders, and outriders must wear an approved safety helmet with the chin strap properly fastened when working while there is a race horse on the track or about to enter the track.

3.005.07 When the track is open for live racing, the minimum emergency medical service available shall be an Advanced Life support (ALS)

ambulance, staffed by at least one EMT-P (paramedic) and one EMT-A or EMT-I. When the track is open for training, the minimum emergency medical service available shall be a Basic Life Support (BLS) ambulance with at least one certified EMT-A (see State of Nebraska Department of Health and Human Services Regulation and Licensure Title 172 Chapters 11 and 12).

3.005.08 No one under the age of sixteen (16) shall be permitted to reside in any tack rooms, storage rooms, feed rooms, rest rooms, stable or barn area, except trailer parks, on the grounds of an Association, without the permission of the stewards.

3.005.09 Stewards may establish directives or decide matters involving safety of racing participants that do not conflict with existing rules. Any directive adopted by the stewards shall continue to be effective until the earlier of a) 30 days following the day adopted or b) following the next scheduled meeting of the commission only if approved by the commission at such meeting.

3.006 SANITATION

3.006.01 Each racing Association shall make such sanitary arrangements as baths, toilets, etc., for the use of jockeys, mutuel employees, horsemen, and other employees, as may be required by the Commission.

3.006.02 All used bedding and manure shall be removed from the stalls daily and shall be deposited at a place designated by the Association.

3.006.03 Each trainer shall keep all hay, grain and other feed in a sanitary manner and covered.

3.006.04 No dogs will be permitted on the grounds of an Association except in accordance with a written policy adopted by the association and approved by the Commission. In no case shall dogs be permitted in the barns or immediate vicinity or allowed to run loose.

3.007 ALCOHOL AND DRUGS

3.007.01 No licensee, employee of any association, or member of the Racing Commission or its staff, while in restricted areas on the grounds of an association shall have present within his/her system any amount of alcohol which would constitute legal impairment or intoxication by a breathalyzer reading of .05 percent or more alcohol content.

3.007.01A Acting with reasonable suspicion, the stewards or a designated Racing Commission representative may direct any licensee, employee of an association, or member of the Racing Commission or its staff while on the grounds of an association to submit to a test to determine the blood alcohol content of the person.

3.007.02 Drug prohibition/body fluid test or other non-invasive tests. No licensee, employee of an association, or member of the Racing Commission or its staff, while on the grounds of an association shall have present within his/her system any controlled substance as listed in schedule I-V of the U.S. Code, Title 21 (Food and Drugs Section

812), or any prescription drug unless such prescription drug was obtained directly or pursuant to a valid prescription or order from a duly licensed physician who is acting in the course of his/her professional practice.

3.007.02A Acting with reasonable suspicion, the stewards or a designated Racing Commission representative may direct any licensee, employee of an association, or member of the Racing Commission or its staff while on the grounds of an association to submit to a body fluid test or other noninvasive test to determine the presence of controlled substances.

3.007.03 PROCEDURES FOLLOWING POSITIVE CHEMICAL ANALYSIS:

3.007.03A For a first violation of rule 3.007.01 a person shall be fined not less than \$300. For a first violation of 3.007.02 the person's license shall be suspended for not less than 30 days and the person shall not be allowed to participate in racing until such time as his/her condition has been professionally evaluated as directed by the Commission and/or stewards. The Commission and/or stewards may also impose any other penalty it deems appropriate.

3.007.03B After a professional evaluation, if the person's condition proves non-addictive and not detrimental to the best interests of racing, he/she may be allowed to participate in racing provided he/she produces a negative test result and agrees to further testing at the discretion of the stewards or designated Racing Commission representative to insure his/her continued unimpairment. The Commission and/or stewards may further direct his/her continued participation in any rehabilitation program as a condition to restoring his/her license to good standing. The Commission and/or stewards may also impose any other penalty it deems appropriate.

3.007.03C After a professional evaluation, if the person's condition proves addictive or detrimental to the best interests of racing, said individual shall not be allowed to participate in racing until such time as he/she can produce a negative test result and show documented proof that he/she has successfully completed a certified alcohol/drug rehabilitation program approved in advance by the Commission and/or stewards. Said individual must agree to further testing at the discretion of the stewards or the Commission to insure his/her unimpairment

3.007.03D For a second violation of rule 3.007.01 within five (5) years, a person shall be fined not less than \$500 and required to be professionally evaluated as outlined in rules 3.007.03A,B,C. For a second violation of rule 3.007.02 within five (5) years the person's license shall be suspended for not less than one (1) year and required to enroll, at his/her expense, into a certified alcohol/drug rehabilitation program approved in advance by the Commission. The person will be restored to good standing only at the discretion of the Commission and only on condition that

he/she agree to further testing at the discretion of the stewards or designated Racing Commission representative to insure his/her continued unimpairment. The Commission may also impose any other penalty it deems appropriate.

3.007.04 Refusal by any individual to provide these samples when directed shall be in violation of these rules and shall subject such individual to any penalty deemed appropriate by the stewards or the Commission. Prior violations for refusal by an individual to provide samples when directed shall be considered the same as a positive test for purposes of determining a second violation of 3.007.01 or 3.007.02. All testing shall be at the expense of the Association or as directed otherwise by the Commission.

Title 294
Chapter 3

This page intentionally left blank

Chapter 4 - COLORS AND EQUIPMENT

4.001 All racing colors shall be registered with the racing secretary's office.

4.001.01 Registered racing colors must be used. A temporary change from registered racing colors may be approved by the stewards. (See Rule 4.002)

4.001.02 Any disputes as to the right to use racing colors shall be decided by the stewards.

4.001.03 The Racing Commission will not permit the use of colors which in its opinion are not neat and clean and proper.

4.002 The Racing Commission may declare certain colors or parts of same to be standard for specific post positions and in such situations shall require the Association to supply same. A reasonable rental may be collected by the Association from the owners if approved by the Commission. (See Chapter 13-004.05.)

4.003 Permission for any change of equipment from that which a horse carried in his last previous race, during the current meeting, may be obtained only from the stewards.

4.004 Permission to add blinkers to a horse's equipment or to discontinue the use of them must be approved by the starter before being granted by the stewards. Permission to use or discontinue bar plate shoes must be approved by the stewards.

4.005 A trainer shall not change equipment used on a horse in its last race including front bandages, tongue tie, nasal strip or other equipment specified by the Board of Stewards without approval of the paddock judge.

4.006 HORSE SHOES

4.006.01 A horse starting in a race must be shod with shoes or "racing plates" that are generally recognized and used for racing purposes.

4.006.02 A horse may not run without shoes or with a type of shoes not generally used for racing unless by special permission of the stewards.

4.006.03 A horse may not run in what are known as "turn down" shoes. A "Turn down" shoe shall be known as a shoe that is turned down more than one half inch at the ends.

4.006.04 The stewards may, upon request by the owner or trainer, authorize a horse to run with "experimental" shoes.

4.007 Whips and/or blinkers may be used on two year olds and other first starters if schooled before the starter with such equipment and approved by the starter and the stewards, before time of entry.

4.008 The use of plastic bridles and/or reins is prohibited unless they are steel reinforced.

4.009 No bridle shall exceed two (2) pounds in weight, and no whip shall exceed one (1) pound in weight nor be longer than 32 inches unless approved by the stewards.

4.010 Jockeys riding in Quarter Horse races will not be permitted to use whips during the first twenty (20) yards of the race.

4.011 No jockey shall use spurs.

This page intentionally left blank

Chapter 5 - DECLARATIONS AND SCRATCHES

5.001 No horse shall be considered scratched or declared out of an engagement until the owner or authorized agent or some person deputized by the owner shall have given due notice in writing to the racing secretary before the time stipulated by the regulations of the Association.

5.002 For stakes races, if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

5.003 The declaration or scratch of a horse out of an engagement is irrevocable.

5.004 Scratches from stakes races will close forty-five (45) minutes before post time.

5.005 If the miscarriage of any declaration or scratch by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant. Otherwise, the declaration shall not be accepted as of the time alleged.

5.006 No horse in an overnight race shall be scratched without the approval of the stewards. However, any horse appearing on the "also eligible" list may be scratched and shall not be forced to participate in a race provided all proper scratching procedures as set forth herein and adopted by the Association are followed.

5.007 A report from the veterinarian may be requested by the stewards and shall be used only as an aid in determining the final decision of a request to scratch. (See Chapter 9-003.04.)

5.008 All horses appearing on the overnight sheet are considered to be available for the race until such time as official scratches are announced.

This page intentionally left blank

Chapter 6 - DISCIPLINARY ACTION AND HEARINGS BEFORE THE STEWARDS

6.001 HEARING PROCEDURES IN GENERAL

(1) The hearing procedures set forth in chapter 6 apply to hearings heard by the stewards on a charge of a violation of a rule, except that any claim charging a violation arising out of investigative or enforcement activity committed by a steward, a Racing Commission investigative or enforcement officer, or an employee or agent of an association engaged in investigative or security work may be heard only in a sanctions enforcement hearing pursuant to Chapter 7.002.

(2) The hearing procedures set forth in Rule 6.001 apply to all stewards hearings.

(3) A charge of rule violation may be made by a steward, a Racing Commission investigative or enforcement officer, a person designated by the Racing Commission, or any other person who has information regarding a rule violation. A charge of rule violation shall be made to a steward or to a Racing Commission investigative or enforcement officer who shall report such charge to a steward.

(4) The person presenting the case against a charged person shall be known as the case presenter and may be a Racing Commission investigative or enforcement officer or a person designated by the Racing Commission. A case presenter may testify at a stewards hearing.

6.001.01 PRE-HEARING REQUIREMENTS

(1) When the stewards receive a report of a rule violation, they shall orally notify the charged person of the substance of the charge and the time and place of the hearing, if scheduled, and shall either provide written notice at that time or designate a time and place when the charged person may pick up written notice of the charge and hearing. Failure of a charged person to appear to pick up written notice shall not constitute an excuse for failure to appear at the hearing. In the event the stewards are unable to find the charged person to provide oral notification, the stewards shall mail written notice by registered or certified mail to the local and/or permanent address on the charged person's license application.

(2) Written notice of a charge shall give the time and place of the hearing, shall contain a statement of the nature of the charges, and

shall cite by number the statutes or rules alleged to have been violated.

(3) The stewards may immediately subject a person charged with a rule violation to intermediate penalty not involving exclusion from association grounds or license suspension. The stewards may immediately exclude a person from the grounds of an association or suspend his license when they have reasonable suspicion that the person poses a physical danger to himself, other persons, or animals or otherwise poses a substantial danger to the security, safety, and health conditions at racing meetings or to the integrity of horseracing. The decision to suspend a license under this paragraph may be made by the starter and affirmed by the stewards. The decision to suspend shall be promptly reported in writing to the Racing Commission and the Racing Secretary by the official who originally imposed the suspension. The decision to exclude may be made in the first instance by the stewards or they may affirm a decision made by the starter, a Racing Commission investigative or enforcement officer, or other person designated by the Racing Commission.

(4) When an intermediate penalty is imposed, a hearing must be held within 72 hours unless the charged person requests a continuance; an intermediate penalty is not stayed by a continuance. Except for such request for continuance or for cases covered under Rule 6.005, in all other cases a hearing must be held within 72 hours unless either the charged person or the case presenter requests a continuance. The stewards shall grant a continuance unless they find that there is no good cause for the request or that serious and undue prejudice will result from the delay.

(5) The presence of all the stewards or their appointed deputies is required at stewards hearings.

6.001.02 PROCEDURES AT THE HEARING

(1) Unless the charged person as well as a majority of the stewards agree otherwise, a stewards hearing will be held in public. A public hearing means that no person may be excluded by the stewards unless he is a prospective witness, he creates a disturbance at the hearing, or there is reason to believe he will create a disturbance at the hearing. The fact that a hearing is public does not obligate the stewards to announce in advance that a hearing is being held or the time, place, and subject matter of the hearing.

(2) Each person called to testify at a hearing may retain a lawyer or invite an advisor-observer of his choosing to be present at the hearing. An advisor-observer may testify at the hearing.

(3) A charged person has the following rights at a hearing before the stewards:

(a) he may retain a lawyer to represent him at the hearing or invite a person of his choosing to assist or advise him at the hearing;

(b) he may have any prospective witness except the case presenter excluded from the hearing until after the witness has testified;

(c) subject to paragraph (4), he may call witnesses to testify on his behalf and may present evidence at the hearing, except that the stewards are not required to permit cross examination of witnesses or to issue subpoenas for the attendance of witnesses.

(4) The stewards shall hear all testimony and evidence bearing on the charge that is not unduly repetitious. They shall give effect to all non-repetitious evidence or testimony except where they decide that it would not be commonly accepted by reasonably prudent persons in the conduct of their affairs.

(5) Upon a decision that a charge was proved the stewards may continue, decrease, or increase any intermediate penalty that was imposed.

6.001.03 FAILURE TO APPEAR

Where notice of the hearing was provided, a failure of the person charged to appear at a hearing shall be treated as a waiver of his right to appear, and the stewards may proceed to hear the charge against the person and to impose an appropriate penalty.

6.001.04 POST-HEARING REQUIREMENTS

After a hearing the stewards shall transmit a signed written statement to the Racing Commission, to the case presenter, and to the charged person. The statement shall contain the decision and findings of the stewards, and the penalty imposed.

6.002 ADDITIONAL HEARING PROCEDURES WHERE CHARGE IS UNRELATED TO RUNNING OF RACE AND PENALTY IMPOSED IS SUSPENSION OR REVOCATION OF LICENSE

(1) Unless paragraph (2) applies, the following additional procedures are required under this rule in cases in which license suspension or revocation is imposed for a rule violation unrelated to the running of a race:

(a) the hearing before the stewards shall be recorded or transcribed;

(b) all witnesses shall be placed under oath or required to affirm that their testimony is truthful;

(c) a steward with direct knowledge of the events leading to the charge from his own personal observation shall provide any such information as a witness and shall not participate as one of the hearing officers;

(d) a charged person may not be compelled to give evidence or provide information but his silence may be used to draw inferences adverse to him regarding whether he committed the rule violation with which he is charged;

(e) a charged person may cross examine any witness who testifies against him, except that his right of cross examination does not prevent hearsay testimony and evidence that is otherwise admissible under Rule 6.001.02 (4).

(2) A charged person may waive any one or more of the hearing rights provided except the requirement in paragraph (a) that the hearing be recorded or transcribed. In the event of malfunction of recording equipment, an appeal by a charged person of an adverse decision will be de novo.

(3) After a hearing, the stewards shall transmit a signed written statement to the Racing Commission, to the case presenter, and to the charged person. The statement shall contain the decision and findings of the stewards and the penalty imposed, a record of the vote with regard to decision and penalty except that such record need not identify the vote of any particular steward, and any explanation of the decision the stewards choose to include.

(4) At the election of the stewards any and all of the procedures set forth in paragraphs (1) and (3) may be followed at any stewards hearing.

6.003 ADDITIONAL HEARING PROCEDURES WHERE CHARGE IS RELATED TO RUNNING OF RACE AND PENALTY IMPOSED IS SUSPENSION OR REVOCATION OF LICENSE

In a hearing directly related to the running of a race where a license suspension or revocation is imposed, the hearing rights set forth in Rule 6.002 are applicable, except that a steward with direct knowledge of the events leading to the charge from his own personal observation of the running of the race may participate as one of the hearing officers.

6.004 EXCLUSIONS BY EMPLOYEES OR AGENTS OF AN ASSOCIATION

(1) An employee or agent of an association may exclude a person from the grounds of an association for reasons of business judgment unrelated to the rules of racing. Unless paragraph (2) applies, an association decision to exclude a horseracing industry or licensee participant shall be preceded by a hearing before the state steward or independent hearing officer. The steward or hearing officer shall review the association decision to assure that it was made for business judgment reasons that did not involve bias against the person or discrimination on the basis of the person's race, religion, or ethnic group.

(2) In advance of hearing, an employee or agent of an association may immediately exclude a person from the grounds of an association when there is reasonable suspicion that the person poses a physical danger to himself, other persons, or to animals or otherwise poses a substantial danger to the security, safety, and health conditions at racing meetings or to the integrity of horseracing.

(3) If an association or licensee elects to have an exclusion hearing proceed in front of an independent hearing officer, the hearing officer shall be selected by the Commission but the association or licensee so choosing shall bear all costs and fees of the hearing officer.

6.004.01 PRE-HEARING PROCEDURES AT STEWARDS EXCLUSION HEARING

(1) An association decision to exclude a horseracing industry or licensee participant must be made in writing and signed by a person designated by the association to bring the decision to the stewards for review. The association shall also provide a copy of this report to the horseracing industry or licensee participant subject to exclusion.

(2) Unless a hearing officer is to conduct the hearing, the state steward shall, upon receipt of a written report from an association, set a time and place for the hearing and provide two copies to the representative of the association; it is the responsibility of the association to provide notice to the person subject to exclusion and to verify for the state steward that notice was provided. If a hearing officer is designated to conduct the hearing, it shall be the responsibility of such hearing officer to set a time and place for the hearing and to provide copies to the representative of the association.

(3) If the horseracing industry or licensee participant has been excluded from association grounds pursuant to Rule 6.004 (2), a hearing must be held within 72 hours unless the excluded person requests a continuance; the decision to exclude is not stayed by a continuance. In all other cases, a hearing must be held within 72 hours unless either the excluded person or association representative requests a continuance. The state steward or hearing officer shall grant a continuance unless they find that there is no good cause for the request or that serious and undue prejudice will result from the delay.

(4) The person presenting the case against a horseracing industry or licensee participant shall be an employee or agent of an association. Such person may testify at an exclusion hearing.

6.004.02 HEARING PROCEDURES

(1) Unless the association and person subject to exclusion agree otherwise, an exclusion hearing will be held in public. A public hearing means that no person may be excluded by the stewards unless he is a prospective witness, he creates a disturbance at the hearing, or there is reason to believe he will create a disturbance at the hearing. The fact that a hearing is public does not obligate the state steward or hearing officer to announce in advance that a hearing is being held or the time, place, and subject matter of the hearing.

(2) Each person called to testify at a hearing may retain a lawyer or invite an advisor-observer of his choosing to be present at the hearing. An advisor-observer may testify at the hearing.

(3) A person subject to exclusion has the following rights at an exclusion hearing:

(a) he may retain a lawyer to represent him at the hearing or invite a person of his choosing to assist or advise him at the hearing;

(b) he may have any prospective witness except the employee or agent of the association who is presenting the case excluded from the hearing until after the witness has testified;

(c) subject to paragraph (b), he may call witnesses to testify on his behalf and may present evidence at the hearing, except that the stewards are not required to permit cross examination of witnesses or to issue subpoenas for the attendance of witnesses.

(4) The state steward or hearing officer shall hear all testimony and evidence bearing on the charge that is not unduly repetitious. The state steward or hearing officer shall give effect to all non-repetitious evidence or testimony except where they decide that it would not be commonly accepted by reasonably prudent persons in the conduct of their affairs.

6.005 REPORT OF POSSIBLE FELONY AND STAY OF STEWARDS HEARING

The stewards, a Racing Commission investigator or enforcement officer, or other employee of the Racing Commission who, during the course of official duties for the Racing Commission, develop or uncover probable cause to believe that a licensee committed a felony, shall report such information to the State Patrol or County Attorney for appropriate action. If the conduct so reported also constitutes a possible rule violation then, unless an emergency situation or other good cause exists, the stewards may stay any hearing pending the outcome of the criminal referral. Where appropriate, the stewards may suspend the license of the person or exclude him from the grounds of an association accessible only to licensees until the criminal investigation is resolved.

Title 294
Chapter 6

This page intentionally left blank

**CHAPTER 7 PRACTICE AND PROCEDURE BEFORE THE NEBRASKA STATE RACING
COMMISSION**

7.001 DISCIPLINARY HEARINGS

7.001.01 A person or persons may request review by the Racing Commission when penalized or disciplined under the law or under these rules.

7.001.01A A final appeal in the case of any person penalized or disciplined by the stewards of an association racing under a license issued by the Commission, may be taken to the Commission.

7.001.01B Such appeal must be filed in writing at the office of the Commission within five (5) days of the date of said penalty or imposition of said discipline.

7.001.01C The request shall be signed by the person making it and must set forth reasons why said hearing should be granted.

7.001.01D Any applicant for a hearing will be heard in person or by counsel or the case may be submitted in writing.

7.001.01E All complaints and requests to the Commission must be in writing and all papers filed with the Commission shall become the property of the Commission.

7.001.01F An appeal from a decision of a racing official to the Commission shall not affect such decision until the appeal has been acted upon by the Commission unless otherwise ordered by a court of competent jurisdiction (See Chapter 12-001.02 and Revised Statutes of Nebraska Chapter 2, Article 12).

7.001.02 The following types of hearings are to be governed by this chapter:

7.001.02A Any hearing initiated by the Racing Commission upon its own motion pursuant to any matter within its jurisdiction.

7.001.02B Any hearing initiated by any person upon written request received by the Racing Commission pertaining to revocation of any license required by Statute or by the Rules of Racing.

7.001.02C Written request for the promulgation, amendment or repeal of any Rule of Racing, or a request for a declaratory ruling that any of the Rules of Racing do or do not apply to any person, property or state of facts.

7.001.03 Before any hearing, reasonable notice shall be given to all interested parties. Such notice shall be in writing and shall state the time, place and nature of such hearing and the issues and subject matter to be covered and discussed.

7.001.03A In all contested cases, such written notice shall be given in person or sent to such parties by certified or registered mail to the local and/or permanent address appearing on said party's license application and shall contain a statement of the nature of the charges against such person and shall cite by number the Statutes or Rules allegedly violated.

7.001.03B In Rule 7.001.08 appeals from contested cases heard by the stewards pursuant to Rules 6.001 and 6.002 notice shall be achieved in the same fashion prescribed for contested cases except that mailed written notice need neither be certified nor registered.

7.001.04 If such notice is required to be given to any entity other than an individual, such notice shall be sent to the principal place of business or to the registered agent of such entity.

7.001.05 A contested case shall mean any proceedings before the Racing Commission in which the legal rights, duties or privileges of a specific party are required by law or constitutional right to be determined only after hearing.

7.001.06 In the case of a hearing for the promulgation, amendment, or repeal of any rule, or for other than a contested case, such notice shall be sufficient without being mailed as provided herein if such notice be given at least thirty (30) days prior to such hearing by publication in a newspaper having general circulation in the state, PROVIDED THAT, such notice by publication and hearing may be waived by the Governor in writing.

7.001.07 There are no prescribed procedural forms for use in practice before the Racing Commission, but all matters shall be submitted in writing unless otherwise provided in Chapter 7.001 through 7.002.05 and where appropriate, may be supported by affidavit, documents, data or similar evidence.

7.001.08 (1) Unless paragraph (4) applies, any appeal taken from a stewards hearing in which Rule 6.002 procedures were provided shall not be treated as a contested case requiring de novo hearing by the Racing Commission so long as:

(a) the penalty imposed was neither license suspension nor revocation;

(b) the state steward was one of the stewards who presided at the hearing; and

(c) the decision of the stewards was unanimous both as to deciding that the charged person committed a rule violation and on the penalty to be imposed.

(2) On appeal of a stewards decision covered by this rule, the Racing Commission shall confine its review to the record and exhibits from the stewards hearing, the written stewards statement, and any briefs that were submitted. The Commission shall permit the filing of briefs and shall allow a reasonable time before hearing an appeal to permit such filing.

(a) Opportunity shall be provided to the charged person and the case presenter in person or through counsel to review the recording or transcript of the stewards hearing, but it shall not be necessary to produce a written transcript of the recording or a copy of transcribed stenographic notes unless requested by the charged party, in which case the request shall be made within five (5) days of the decision of the stewards and shall be accompanied by a tender of the costs of preparation. A requested transcript shall be provided within a reasonable time before the appeal is heard by the Racing Commission.

(b) Opportunity to present oral argument shall be afforded to the case presenter either in person or through counsel appointed by the Racing Commission and the charged person either in person or through retained counsel or other personal representative, except that the Racing Commission shall not appoint counsel for the case presenter in any case in which the charged person is unrepresented by counsel.

(c) The Racing Commission shall reverse or modify a decision of or penalty imposed by the stewards only if it decides that such decision was unsupported by substantial evidence in the record or was clearly erroneous or arbitrary and capricious. The Racing Commission shall prepare and sign a written statement of its findings, including a record of the vote.

(3) If an appeal is filed from a decision of the Racing Commission rendered under this rule, the Racing Commission shall prepare an official record that shall include the record of the stewards hearing and any exhibits that were introduced as well as the written statement of the stewards and the written decision of the Racing Commission, but it shall not be necessary to produce a written transcript of any recording of the stewards hearing or additional copies of the transcribed stenographic notes unless requested by the charged party, in which case such request shall be requested not more than five (5) days after the final decision of the Racing Commission and shall be accompanied by a tender of the costs of preparation.

(4) Notwithstanding paragraphs (1), (2), and (3), a Commission review hearing may be held de novo when:

(a) the Racing Commission on an independent review of the record decides that the record is inadequate to permit reasoned review;

(b) a charged person makes a substantiated claim of bias against one or more of the stewards presiding at the hearing;

(c) a charged person makes a credible claim that a witness did not testify because his presence was available only through Commission subpoena and makes a substantiated case regarding the necessity of the witness;

(d) a charged person makes a credible claim that a witness who testified against him at the stewards hearing was one whose testimony should have been excluded under a claim of privilege recognized under the Nebraska Rules of Evidence as vesting a right to demand such exclusion in a party to a hearing.

(e) new evidence is available that was not reasonably available at the time the stewards hearing was held.

7.001.09 Any person, except persons other than the charged person and case presenter described in Rule 7.001.08, appearing at any hearing held pursuant to these rules has the right to appear personally and to be represented by counsel or may, in the alternative, appear by and through such counsel or other personal representative.

7.001.10 Except for appeals of stewards decisions covered by Rule 7.001.08, at any hearing held pursuant to these rules, opportunity shall be afforded all parties to present evidence and argument with respect to the issues and subject matter of the hearing. The Racing Commission shall prepare an official record which shall include testimony and exhibits in a contested case, but it shall not be necessary to transcribe shorthand notes unless requested for the purpose of appeal, in which event such transcript shall be requested not more than five (5) days after the final decision of the Racing Commission and such request shall be accompanied by a tender of the costs of preparation. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order or default.

7.001.10A (1) At hearings held pursuant to Rule 7.001.10 the Racing Commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial and duly repetitious evidence, PROVIDED, that any party to a formal hearing, from which a decision may be appealed to the courts of this state, may request that the Racing Commission be bound by the rules of evidence applicable in District Court by delivering to the Racing Commission at least three (3) days prior to the holding of such hearing a written request therefore, such request to include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party shall procure for the hearing. All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered.

(2) A person charged with a rule violation may not be compelled to provide information at a de novo hearing conducted by the Racing Commission but silence by such licensee may be used to

draw inferences adverse to the charged person regarding whether he committed the rule violation with which he is charged.

7.001.10B At hearings held pursuant to Rule 7.001.10 the Racing Commission may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and the testimony and cause the depositions of witnesses residing either within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the District Court. Any depositions so taken may be used as in civil cases in the District Court. Any party in a contested case shall have the right to obtain from the Commission a subpoena for any witnesses which may be desired at such hearing.

7.001.10C At hearings held pursuant to Rule 7.001.10 the evidence, including records, documents and the like in the possession of the Racing Commission of which it desires to avail itself, shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

7.001.10D At hearings held pursuant to Rule 7.001.10 every party may cross examine any witness who testifies against him, except that his right of cross examination does not prevent hearsay testimony and evidence that is otherwise admissible under Rule 7.001.10A. Every party shall have the right to cross-examine witnesses who testify and shall have the right to submit rebuttal evidence.

7.001.10E At hearings held pursuant to Rule 7.001.10 the Racing Commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within its specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed. There shall be afforded an opportunity to contest the facts so noticed. The Racing Commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

7.001.10F At hearings held pursuant to Rule 7.001.10 the Racing Commission may require the submission of briefs to aid it in the determination of any issue at a hearing. Any party desiring to submit such a brief may do so by indicating to the Commission before or during such a hearing and obtaining leave to file such a brief. The time in which such briefs shall be filed shall be fixed at the time of the Commission's request for such briefs, or upon the granting of a party's request to so file.

7.001.10G At hearings held pursuant to Rule 7.001.10 the Racing Commission shall render its final decision stating its findings of fact and conclusions of law pursuant to Chapter 7.001.15 not later than ten (10) days after the hearing in any contested case.

7.001.11 Every decision and order adverse to a party to the proceeding rendered by the Racing Commission in a contested case shall be in writing or stated in the records and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding shall be notified of the decision and order in person or by registered or certified mail, return receipt requested. A copy of the decision and order and accompanying findings and conclusions of law shall be delivered or mailed upon request to each party or the attorney of record. The date of notification shall be the date such party is notified in person or the date mailed notice so received, as evidence by the return receipt, whichever is applicable. PROVIDED THAT such mailed notice shall be effective from the date of mailing if sent to the last known address of such party in the possession of the Racing Commission if such mailed notice be returned undelivered for any reason.

In Rule 7.001.08 appeals from contested cases heard by the stewards pursuant to Rules 6.001 and 6.002 notice of the decision and order and the effect of such notice shall be handled in the same fashion prescribed for contested cases under this rule.

7.001.12 Any party desiring a continuance shall, either upon receipt of a notice of hearing or as soon thereafter as possible, notify the Racing Commission in writing of such desire and shall set forth the reasons why such a continuance should be granted. Granting of a continuance lies within the sound discretion of the Racing Commission and shall be granted only for good cause shown, PROVIDED THAT the Racing Commission may at any time order continuances on its own motion.

7.001.13 The Racing Commission may designate any person or persons to make such investigations as they deem necessary to assist with the determination of any matter within its jurisdiction. In a contested case, all parties shall receive written notice that such investigation has been ordered by the Commission. Such notice shall state the name or names of the person or persons designated to conduct such investigation, and a general statement of the nature and purpose of such investigation. Any findings or exhibits resulting from such an investigation may be included and become a part of the evidence on record of any hearing pursuant to Chapter 7.001.10 and 7.001.17. The results shall be made available to any party upon written request.

7.001.13A The Racing Commission shall render its final decision in an appeal under Rule 7.001.08 not later than ten (10) days after hearing oral argument in the appeal, not later than fifteen (15) days after submission of briefs in the event there is no oral argument, and not later than twenty (20) days after receiving written request for an appeal in the event no briefs are to be filed.

7.001.14 Any party aggrieved by the final decision of the Commission may request a rehearing within six (6) days after such party shall have been notified of the decision of the Commission pursuant to Chapter 7.001.11. Granting of the motion for rehearing lies within the sound discretion of the Commission, and the Commission shall notify such requesting party within six (6) days of the decision on such motion,

PROVIDED THAT the granting of a motion for rehearing shall not stay the enforcement of the decision of the Racing Commission.

7.001.15 Any party aggrieved by the decision of the Racing Commission after the hearing, rehearing or denial of a rehearing may appeal to a District Court of the State pursuant to Chapter 84, Article IX, R.R.S., Nebraska 1943, PROVIDED THAT such appeal shall not stay the enforcement of the Racing Commission.

7.001.16 In any hearing pursuant to these rules, the Racing Commission may in its discretion appoint a hearing examiner, either one member of the Commission or other qualified individual, to conduct such hearing. Such examiner shall make recommendations in writing to the Commission and such recommendations shall become a part of the record of the case pursuant to Chapter 7.001.10C and Chapter 7.001.24.

For purposes of stewards hearings heard on appeal pursuant to Rule 7.001.08, the stewards are designated herein as hearing examiners in the original stewards hearing.

7.001.17 Any party aggrieved by an action of the stewards pursuant to Chapter 6 of these rules may prosecute an appeal to the Racing Commission pursuant to Chapter 7.001.02B which appeal must be filed within five (5) days of the date that the penalty was imposed pursuant to Chapter 7. Stewards hearing conducted to consider a decision by an association to exclude a horseracing industry or licensee participant for business judgment reasons pursuant to Rule 6.004 do not constitute hearings in which a party is aggrieved by an action of the stewards; decisions in such hearing are not appealable to the Racing Commission.

7.001.18 Such an appeal from an action of the stewards must be signed by the party prosecuting such appeal and shall set forth such party's reasons for believing said party is entitled to relief.

7.001.19 Unless a charged person requests more time to file a brief in an appeal held pursuant to Rule 7.001.08, the Racing Commission shall set an appeal from a stewards hearing for hearing before the commission not more than thirty (30) days from the time the request for appeal was received. Notice of such hearing shall be given in accordance with Chapter 7.001.03.

7.001.20 An appeal to the Racing Commission from a penalty imposed by the stewards shall not stay the enforcement or effect of the decision of the stewards, unless otherwise ordered by a court of competent jurisdiction or the Commission.

7.001.21 Except for appeals held pursuant to Rule 7.001.08 the hearing of all contested cases before the Racing Commission shall be de novo.

7.001.22 Any interested party may petition the Racing Commission at any time to request promulgation, amendment or repeal of any rule of the Commission, including those procedural rules set forth in this chapter. Such petition shall set forth a proposed draft of the rules or amendment the petitioner seeks to promulgate or state the exact section of the rules the petitioner desires repealed. In addition, the petitioner shall set forth reasons for requesting the desired action.

The Commission shall set such petition for hearing and shall give notice pursuant to Chapter 7.001.03 and Chapter 7.001.06.

7.001.23 Except for appeals held pursuant to Rule 7.001.08 in any hearing before the Commission, any interested person or persons may appear personally or by representative to submit their views orally or in writing. Such written presentations may be forwarded to the Commission prior to the date of hearing.

7.001.24 Any and all writings, testimony, data, exhibits, records, documents or the like presented to or filed with the Commission shall become the property of the Commission and shall be made a part of its record if the Commission chooses to avail itself of the same. If such material is so availed, or forms any basis of the final decision of the Commission it shall be made a part of the record of the case pursuant to Chapter 7.001.10C.

7.001.25 Any interested person may petition the Racing Commission and request a declaratory ruling with respect to the applicability to any person, property or state of facts or any rule or statute enforceable by the Commission. Said petition shall be in writing and signed by the petitioner and shall set forth the person, property or state of facts or any rule or statute enforceable by the Commission. Said petition shall be in writing and signed by the petitioner and shall set forth the person, property or state of facts upon which the petitioner desires a ruling. The Commission shall set a time and a place for such hearing and shall give notice pursuant to Chapter 7.001.03.

7.002 SANCTIONS ENFORCEMENT HEARINGS

7.002.01 JURISDICTION

(1) The Commission or a person designated by the Commission under Rule 7.001.16 shall hear claims alleging willful, unlawful, and uncompensated seizures of the private property of another or of willful, unlawful, and uncompensated damage or destruction to the private property of another. See Neb. Rev. Stat. Section 2-1245.

(2) A claim of violation may be made by any licensee, by a steward, or by a member of the Racing Commission or its staff.

(3) A claim of violation may be made against any licensee, steward, or a member of the Racing Commission or its staff.

(4) A claim otherwise cognizable by the Racing Commission may be heard only if the violation was committed on the grounds of an association during the course of a meeting or at a racetrack or place where horses are kept that are eligible or entered to run at such meeting.

7.002.02 PROCEDURES BEFORE COMMISSION

(1) A claim of violation must be made in writing, signed by the person alleging the violation, and filed with the Racing Commission within five (5) days, excluding Sundays and state and national holidays, after the alleged violation. The claim must state the time and place of the alleged violation, the name and licensee status of the person who

committed the alleged violation, the names of any witnesses to the circumstances constituting the alleged violation, and the particular rule alleged to have been breached. The filed statement must also include sufficient discussion of the alleged violation for the Commission to understand the nature of the claim that the rule willfully was breached.

(2) Except for any specific provision to the contrary in this chapter, the Commission shall treat any claims brought under this chapter as though the claim were a contested case heard de novo by the Commission under Chapter 7.

(3) In hearings under this chapter a person claiming to be injured by an alleged violation is not a party. Such person is also not an aggrieved person for purposes of Chapter 7, and the Commission shall not provide a remedy to such person.

7.002.03 DEFENSE TO CLAIM

In any hearing under this rule it shall be a defense to a claim that the person charged acted in good faith and in the exercise of due care in applying a Racing Commission rule. No fine, suspension, dismissal or any other such penalty may be imposed absent a decision that the person acted with gross negligence or in deliberate disregard of a clearly established rule, statutory, or constitutional right of which a reasonable person would have been aware.

7.002.04 SCOPE OF REVIEW

(1) With regard to the performance of any discretionary act under the rules, the Commission shall not substitute its judgment for that of the official directly involved.

(2) In a claim based on a search, entry, or frisk, the fact that no contraband or evidence of rule violation was uncovered is not a sufficient showing that a rule was violated. Any claim that alleges only the failure to find contraband or evidence shall be dismissed without hearing.

(3) If the Commission concludes that as a matter of law an interpretation of a rule was in error or that there was clear error in the application of a rule, the Commission may issue a ruling providing the interpretation of the rule that is to be followed or proscribing certain conduct undertaken pursuant to that rule.

(4) In any hearing under this rule the Racing Commission shall also consider whether a claim was made in willful bad faith or was so frivolous as to demonstrate a claimant's grossly negligent disregard for proper procedure. If the Commission so finds, it may impose against the claimant a fine, license suspension or revocation, or any other penalty it decides is appropriate.

7.002.05 PENALTIES

(1) The Commission under this chapter has the authority to impose any penalty or disciplinary sanction it deems appropriate, including a fine, dismissal or suspension from employment of a Commission employee, and license suspension or revocation.

This page intentionally left blank

Chapter 8 - ENGAGEMENTS AND TRANSFER

8.001 If a horse is sold by private treaty or at public auction, the written acknowledgement of both parties is necessary to prove the fact that he was sold with his engagements. When a horse is claimed out of a claiming race, the horse's engagements are included. The sale, under any circumstances, to a person ruled off or to a disqualified person, shall not give such person the privilege of racing the horse.

8.002 No horse entered in a race may be sold or transferred until after the race in which it is entered has been run, without permission of the stewards. Neither shall a horse so entered be transferred to another trainer until after the race in which it is entered has been run, without permission of the stewards.

8.003 When a horse is sold or transferred, the transfer authorization shall be filled out in duplicate by the stewards and filed with the racing secretary and the Commission. The form to be furnished by the Commission.

8.004 Subscriptions and all entries or rights of entry are valid when a horse is sold with his engagements duly transferred; in duly registered partnerships when subscriptions, entries and rights of entries survive in the remaining partners; and when entries under the decedent's subjection have been made previous to the decedent's death by the transfer of the right of entry.

8.005 Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in case of duly registered partnerships, or except subject to the sanction of the stewards, when the personal representative of an estate shall in writing, request that the benefits of such, accrue to the estate of the decedent subscribed for the privilege of transfer and shall agree to assume any and all obligations incident to the original entries.

8.006 In case of any transfer of a horse with its engagements, such horse will not be eligible to start in any stakes, unless at the usual time of the running of the stakes, or prior thereto, the transfer of the horse and its engagements shall be exhibited when demanded to the racing secretary.

8.007 No person shall make or receive the transfer of a horse or engagement for the purpose of avoiding disqualification. (See statute 2-1220.)

8.008 When a vendor fails to strike a horse out of an engagement, not sold or transferred with the horse, the purchaser is not entitled to start the horse, or to the stakes if the horse wins.

8.009 Should a horse be sold with his engagements, or any part of them, the seller cannot strike the horse out of any such engagements.

This page left blank intentionally

Chapter 9 - ENTRIES AND SUBSCRIPTIONS

9.001 ENTRIES AND SUBSCRIPTIONS

9.001.01 When a person is ruled off a course or suspended, every horse owned in whole or in part by said person or under said person's care and control shall be ineligible to be entered or start in any race until said horse has been reinstated, either by the rescinding of his owner's penalty or by his transfer through bona-fide sale to an ownership acceptable to, and approved by the stewards or the Nebraska State Racing Commission.

9.001.01A When a person is ruled off a course or suspended, said person shall not be qualified, whether acting as agent or otherwise, to subscribe for or to enter or run any horse in any race either in said person's own name or in that of any other person until the rescinding of such penalty. (See Statute 2-1220.)

9.001.02 Horses will keep preference when shipping back and forth from off the grounds, unless starts at a track outside the State of Nebraska.

9.001.03 No person shall willfully enter, or cause to be entered, or start a horse which said person knows or believes to be ineligible or disqualified.

9.001.04 A horse shall not be qualified to start in any race unless he has been and continues properly entered therein.

9.001.05 For all races, the racing secretary is authorized to receive entries, declarations and scratches.

9.001.06 Entries, declarations and scratches shall be made in writing and signed by the owner of the horse, the trainer, or the owner's authorized agent or a licensed person authorized by the owner or trainer. Each association shall provide blank forms on which entries, declarations and scratches are to be made.

9.001.07 A signed entry blank shall be prima facie evidence that the contents of the entry blank express the desires and intent of the person making entry.

9.001.08 An entry must be in writing, by telephone, facsimile, or other approved communication device to the racing secretary. The entry must be confirmed in writing should the stewards or the racing secretary so request. The racing secretary or stewards must refuse an entry if not satisfied that it reflects the intent of the owner.

9.001.09 No person not having an interest in a horse, equal at least to the interest or property of any other one person is entitled to enter the horse in a race as the owner. (See Statute 2-1220.)

9.001.10 Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and separately liable for all fees and forfeits.

9.001.11 In entering a horse, it must be clearly identified. (See Statute 2-1220.)

9.001.12 The racing officials shall have the power to call on any person in whose name a horse is entered to produce proof that the horse entered is not the property either wholly or in part of any person who is disqualified, or to produce proof of the extent of said person's interest or property in the horse, and in default of such proof being given to their satisfaction, may declare the horse out of the race. (See Statute 2-1220.)

9.001.13 No horse shall be allowed to enter or start in any race unless duly registered and named with the Registry Office of the Jockey Club (New York) and the certificate of registration properly endorsed to the current owner is on file with the racing secretary. (Exceptions may be made if a horse had been shipped to a track for a special race and said horse has been currently racing at another recognized meeting, but only after positive identification had been made.) (See Statute 2-1220.) Quarter Horses must be registered and named with the Registration Office of the American Quarter Horse Association, and the last recorded owner on the registration papers is considered the legal owner. Transfer forms will not be considered when determining ownership, except as specified for claiming under Chapter 13.009.10.

9.001.14 If a horse's name is changed, his new name shall be registered with the Jockey Club (New York) and no entry shall be accepted until such time as the new certificate of registration has been issued by the Jockey Club (New York).

9.001.15 No horse will be allowed at a track, and no horse shall be entered or permitted to start, unless a current, valid health certificate showing that said horse has been examined and found to be free from symptoms of any infections or communicable disease, is on file with the racing secretary.

The health certificate is valid when it is made by an accredited veterinarian licensed by the state authority which governs licensing veterinarians in the state where the examination and certificates were made. It is current if it is dated not more than thirty (30) days prior to the date the horse described in the certificate arrives at a Nebraska race track for the first time in a calendar year. The health certificate shall remain valid if a horse is shipped from one Nebraska track to another Nebraska track during the calendar year. Any track

may impose a more rigorous requirement with respect to the time a health certificate shall remain valid. A new health certificate shall be required each time a horse is shipped from outside of the state and each time a horse remains off a Nebraska track for a period exceeding 30 days. The certificate shall include the temperature of the horse at the time he was examined. The association conducting the racing meeting is responsible for compliance with this rule.

9.001.16 No maiden over five (5) years of age nor any horse over twelve (12) years of age will be allowed to start in Nebraska unless special permission to deviate from this rule is requested by an association and approved by the Commission.

9.001.16A A maiden five years of age or older, to be eligible to enter or start, must have a record of one or more prior starts at a recognized meet. Any exception to this requirement must be requested by the association and approved by the Commission.

9.001.17 No horse shall be permitted to enter or to start in any race unless he is in the care of, and the saddling is supervised by, a trainer currently licensed in Nebraska.

9.001.18 No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary. (See Statute 2-1220.)

9.001.19 The entry of a horse must be in the name of his true owner. (See Statute 2-1220.)

9.001.20 A horse must be eligible at the time of starting. (See Chapter 15-003.)

9.001.21 No horse involved in a partnership shall be permitted to enter or start until the rules of the registration of partnerships have been complied with.

9.001.22 A horse shall not be qualified to be entered, or to start in any race, if owned in whole or in part, or if under the management, directly or indirectly of a disqualified person (See Statute 2-1220.)

9.001.23 If an entry from any disqualified person or a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed forty-five (45) minutes before post-time for the race. Otherwise, any such money shall be paid to the winner.

9.001.24 No disqualified horse shall be allowed to start in any race.

9.001.25 No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, the stewards may waive this rule.

9.001.26 No owner or trainer or other licensee shall enter or start a horse that:

- (1) is not in sound racing condition.
- (2) has a trachea-tube in place as a result of a tracheostomy,
- (3) has been given internally or externally, any narcotic, stimulant, depressant, analgesic, local anesthetic, or drug of any kind or description within twenty-four (24) hours prior to the running of a horse in a race except the permitted use of furosemide in accordance with rule 9.001.30.
- (4) is blind or has substantially impaired vision in both eyes. A horse that is blind or has substantially impaired vision in one eye must be reported to the racing secretary and the official veterinarian at the meet.

9.001.27 No owner or trainer shall register any horse for racing that has been surgically denerved or permanently blocked above the ankle.

9.001.28 No owner or trainer shall enter or start a horse on which a posterior digital (heel nerve) neurectomy has been performed unless all of the following requirements have been met:

- (1) the condition is reported to the racing secretary at the time of registration, or if the procedure is performed after the horse is registered for racing it is so reported to the racing secretary immediately thereafter, and
- (2) the Certificate of Foal Registration has been stamped to clearly and permanently indicate such procedure, and
- (3) the horse has been examined by the official veterinarian and approved to race at the meet, and
- (4) the horse is identified on a list of "HEEL NERVED HORSES" that is maintained by the racing secretary and prominently posted on a bulletin board that is readily accessible to other licensees and the public.

9.001.29 A horse is permitted to race with phenylbutazone in its system. Phenylbutazone shall not be administered in any form, or be available for any horse through feed or other substances, within the twenty four hours prior to the running of a horse in a race. The level of phenylbutazone shall not exceed 5.0 ug/ml in blood or plasma samples taken following a race (re: rule 18.010).

9.001.30 Furosemide (Salix) shall be permitted pursuant to rule 14.003 and subsections thereafter for administration to horses for treatment and prevention of exercise induced pulmonary hemorrhage (EIPH) or bleeders. The use of furosemide must be declared on the entry card at the time of entry.

9.001.31 - Repealed

9.001.32 - Repealed

9.001.33 - Repealed

9.001.34 No horse on the veterinarian's list shall be qualified to be entered, or to start.

9.001.35 If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of sale.

9.001.36 No horse shall be allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the racing secretary or stewards.

9.001.37 No more than two horses of the same ownership or interest shall be entered in a purse race, and both may start, except:

(1) When making an entry, the trainer must express a preference. In no case may two horses start as an entry even though uncoupled for wagering purposes if it deprives a single entry from starting, however, uncoupled entries shall not be preferred over coupled entries, stakes and added money races excepted. (See Chapter 9.001.39).

(2) Horses remaining eligible in stakes but eliminated because of these rules will cause a refund of all fees paid for that horse. (See Chapter 16.001.08.)

9.001.38 Double entries of the same ownership may not be uncoupled for wagering purposes. However, with permission of the stewards, double entries of separate ownerships and trained by the same trainer, may be uncoupled for wagering purposes.

9.001.39 If a race is declared off, the racing secretary may split or divide any overnight race which may have closed and cause a new drawing for post positions.

9.001.40 Entries shall be closed at an advertised time and no entry accepted thereafter. The racing secretary, however, may postpone closing of overnight races.

9.001.41 If the number of entries to any purse race is in excess of the number of horses that may, because of track limitations, be permitted to start, the "starters" for the race and their post positions shall be determined by lot in the presence of those making the entries. The same methods shall be employed in determining the starters and post positions in split races.

9.002 ALSO ELIGIBLE

9.002.01 A list of names (number to be determined by the racing secretary) may be drawn from the overflow entries and listed as "also eligible" to start if and when horses originally carded are "scratched". If more than one horse is scratched, post positions of horses drawing in from the also eligible list shall be determined by lot

9.002.02 Any horse which has drawn a position in a race and enters again on the next day that entries are taken shall be termed an "in-today" horse. If the race in which the horse is entered overfills the horse shall be given no consideration whatsoever, stakes excepted. A horse on the "also eligible" list shall not be considered as an

"in-today" horse until he has actually been given a position in the race.

9.003 PREFERRED LIST

9.003.01 The racing secretary shall maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list and have preference. The manner in which the preferred list shall be maintained and all rules relating thereto must be submitted to the Commission at least 10 days prior to publication in a conditions book and not less than 30 days prior to the commencement of the race meeting.

9.003.02 Entries which have closed, shall be compiled without delay by the Racing Secretary and conspicuously posted.

9.003.03 No alteration shall be made in any entry after closing of entries, but an error may be corrected.

9.003.04 No horse which has been excused from starting on account of sickness or physical disability shall be allowed to start for a minimum of five (5) calendar days, exclusive of the day of scratch. Entry of said horse for its next start must be accompanied by a certificate of fitness from the track veterinarian and be approved by the Stewards.

9.004 PENALTIES AND ALLOWANCES

9.004.01 Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse shall have only the allowance to which it was entitled at the time of entry.

9.004.02 Penalties are obligatory. Allowances are optional as to all or any part thereof, and in overnight events must be claimed at the time of entry.

9.004.03 Allowances to the produce of untried horses shall be claimed before the expiration of the time for naming, and shall not be lost by winning after that time.

9.004.04 No horse shall receive allowance of weight nor be relieved from extra weight for having been beaten in one or more races, but this rule shall not prohibit maiden allowance or allowances to horses that have not won a race within a specified period or a race of specified value.

9.004.05 Failure to claim a weight allowance by oversight or omission is not cause of disqualification. Claims of weight allowance to which a horse is not entitled shall not disqualify unless such incorrect weight is carried in the race. However, a fine may be imposed upon the person claiming allowance to which a horse is not entitled.

9.004.06 Daily Racing Form and Equibase charts and past performances, and all official or recognized reports, records, and statistics concerning races at recognized meets shall be considered in determination of eligibility and penalties and allowances of weight.

The owner and trainer shall be responsible for eligibility and correct weight assignment. The owner and trainer shall be responsible for disclosure at or prior to time of entry, any past performances affecting the eligibility, or penalties or allowances of weight, if such past performances are not disclosed on an official win record that is a part of, or is attached to, the foal registration certificate.

9.004.07 No horse shall incur a weight penalty for placement from which he is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement shall make a horse ineligible to a race which has already been run.

9.004.08 When a race is in dispute, both the horse that finished first and any horse claiming the race shall be liable to all penalties attached to the winner of that race until the matter is decided.

9.004.09 Races written to be run under "Scale of Weights or Weight for Age" shall be run under the weights as provided for in the Scale of Weights Chart appearing in this book. (See Chapter 20.001.01.)

9.004.10 It shall be within the power of the racing secretary to write races either above or below scale as he may see fit.

Title 294
Chapter 9

This page left blank intentionally

Chapter 10 - LICENSING AND LICENSEES

10.001 All persons engaged in or employed by those engaged in racing or operation of a race meet or those operating concessions for or under the authority of any association within the racetrack enclosures, persons employed in mutuels, security, and official positions of responsibility, telewagering facility or stable area of the said association, must be licensed by the Nebraska State Racing Commission excluding other persons whose names appear on the permanent annual payroll of the association, and who are employed within the track enclosure.

10.002 Applicants for license may be called upon to submit satisfactory evidence of financial responsibility and after the license has been issued must maintain a record of financial responsibility during the period for which license is issued.

10.003 The names of license exempt employees shall be compiled by the association and submitted to the Secretary of the Commission.

10.004 The Commission may refuse to issue or renew a license, or may suspend or revoke a license issued pursuant to the rule, if it shall find that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction, or is or has been associating or consorting with bookmakers, touts, or persons of similar pursuits, or has personally engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding, or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the Commission, or adopted by the Commission, or has been guilty of or engaging in similar, related or like practices. (See Chapter 18.015 through 18.022.)

10.004.01 To effect the performance of its statutory duty to assure the security, safety, and health conditions at racing meetings as well as to assure the integrity of horseracing and to protect against any conduct detrimental to the best interests of horseracing, the Commission may condition the granting of (i) a first-time license, (ii) a license requested by a person who has not held a license for a period of 12 months prior to the new license application, and (iii) a license renewal requested by a horseracing industry participant who was found guilty of any rule violation involving exclusion, suspension, revocation, or other serious penalty as defined by the Commission, and (iv) a license renewal requested by a person who was found guilty of a

criminal offense or who, at the time of license application, is charged with a criminal offense upon:

(a) consent to the unconditional right of the stewards of any licensed meeting or the Commission to permit and direct any person or persons authorized by them or either of them, to examine, search, or inspect the personal effects and property of any horseracing industry participant kept on or within the grounds of an association at which a licensed race meeting is held or at other racetracks or places where horses are kept which are eligible to race at said meeting, and to seize any object that may be contraband or evidence indicating a rule violation;

(b) consent to the unconditional right of the stewards of any licensed meeting or the Commission to permit and direct any person or persons authorized by them or either of them, to conduct a search of the person to find contraband or evidence of a rule violaton; and

(c) consent to drug and alcohol testing by urinalysis if the person of whom consent is required is a person who has a history of drug or alcohol possession or use as demonstrated by prior rule violation or misdemeanor or felony conviction.

10.005 All applications for license shall be filed with the Executive Secretary of the Nebraska State Racing Commission who shall have the authority to issue the license, hold the application for further investigation, or refer it to the Commission for final action.

10.005.01 A temporary license may be issued pending the outcome of any licensing investigations or Commission decisions.

10.005.02 A probationary license may be issued which may impose reasonable requirements and conditions on the licensee as a condition of receiving or retaining a license. Terms of probation may be determined by the Executive Secretary.

10.005.03 The Commission may refuse to issue a license to a person whose spouse holds a license and which in the opinion of the Commission would create a possible conflict of interest.

10.006 The Commission may impose probationary sentences on licensees. Any licensee who by an overt act of commission or omission violates any of the Rules and Regulations of the Commission during the period said licensee is subject to any probationary sentence, shall thereupon have said license revoked and shall be referred to the Commission for further action.

10.007 LICENSE FEES

10.007.01 The following fees shall be charged by the Nebraska State Racing Commission for licenses issued:

- (a) Admission Employee..... \$ 15.00
- (b) Apprentice Jockey..... 50.00
- (c) Assistant Starter..... 20.00
- (d) Assistant Trainer..... 40.00
- (e) Authorized Agent..... 15.00

Title 294
Chapter 10

(f)	Concession Employee.....	15.00
(g)	Concession Operator.....	
	minimum.....	25.00
	gross sales over \$50,000	
	and less than \$200,000.....	50.00
	gross sales over \$200,000..	100.00
(h)	Custodian (Jockey Room).....	30.00
(i)	Duplicate License.....	10.00
(j)	Exercise Rider.....	30.00
(k)	Family Pass.....	10.00
(l)	Groom (Hot Walker).....	15.00
(m)	Horsemen's Bookkeeper.....	30.00
(n)	Jockey.....	50.00
(o)	Jockey Agent.....	25.00
(p)	Mutuel Employee.....	20.00
(q)	Official.....	30.00
(r)	Owner.....	30.00
(s)	Owner-Trainer.....	50.00
(t)	Partnership.....	15.00
(u)	Photo-Finish Operator.....	
	less than 25 race days.....	25.00
	26-50 race days.....	50.00
	more than 50 race days.....	100.00
(v)	Plater (horseshoer).....	30.00
(w)	Pony Person/Outrider.....	30.00
(x)	Security Guard.....	15.00
(y)	Stable Foreman.....	40.00
(z)	Stable Name.....	50.00
(i)	Track Photographer.....	
	less than 25 race days.....	25.00
	26-50 race days.....	50.00
	more than 50 race days.....	100.00
(ii)	Trainer.....	40.00
(iii)	Valet.....	30.00
(iv)	Veterinarian (official).....	50.00
(v)	Veterinarian (practicing)	
	less than 25 race days.....	25.00
	26-50 race days.....	50.00
	more than 50 race days.....	100.00
(vi)	Veterinary Assistant.....	20.00

10.007.02 A copy of all lease agreements shall be filed with the Racing Commission office. The fee for each lease agreement shall be \$10.00. Terms of the agreement and/or horses included may be amended without additional fees so long as the lessor and the lessee are the same.

10.008 Every person, whose license is revoked or suspended, or to whom a license has been denied by another Board or Commission with horse racing jurisdiction, may be required to be reinstated by the Board or Commission of the jurisdiction in which the original ruling was made before being eligible to be licensed by the Nebraska State Racing Commission.

10.009 All licensed personnel shall carry their card with them at all times and shall be held responsible for the safekeeping of it. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee of five dollars.

10.010 Any licensed person who allows another to use said license card or badge for the purpose of transferring any of the benefits pertaining thereto may be suspended, have said license revoked, or both.

10.011 When the denial of a license has been ordered by the State Racing Commission, the Secretary of the Commission shall report the particulars to the applicant and shall further report the matter to the Association of Racing Commissioners International, Inc. giving detailed reasons why the denial was made.

10.012 In case of emergency, a trainer or jockey may be permitted by the Stewards to pursue their respective vocation pending action upon their application; but a jockey or trainer having been suspended or ruled off and subsequently reinstated after the expiration of said license, shall not be permitted to pursue said vocation until a license has been granted.

10.013 Every license shall be for not more than one year, and shall expire on December 31st of each year.

10.014 The Commission may deny or revoke a license to any person who shall have been refused a license by any other State Racing Commission or racing authority; provided, however, that the State Racing Commission or racing authority of each other state extends to the State Racing Commission of Nebraska reciprocal courtesy to maintain the disciplinary control. The State Racing Commission may deny or revoke any license where the holder thereof has violated the rules and regulations of the Commission or who has falsified the application of or for said license.

10.015 The responsibility of immediately licensing an employee rests with the employer. (See Chapter 12.007.02)

Chapter 11 - JOCKEYS AND APPRENTICE JOCKEYS

11.001 JOCKEYS

11.001.01 Each jockey and apprentice jockey must obtain a license from the Commission.

11.001.02 The license fee shall be as listed in rule 10.007 for each jockey and apprentice jockey.

11.001.03 No person under sixteen (16) years shall be granted a jockey's license.

11.001.04 No person who has never ridden in a race shall be granted a license; however, by permission of the Commission and the stewards, a temporary license may be granted for the riding of two races and if approved by the stewards and the Commission, said temporary license may be replaced with a license.

11.001.05 No jockey licensed in Nebraska shall be the owner or part owner of any race horse racing in Nebraska unless special permission is granted by the Nebraska State Racing Commission.

11.001.06 A jockey shall faithfully fulfill all engagements in respect to racing. Inability to fulfill engagements must be reported to and receive the approval of the stewards.

11.001.07 A jockey may not ride in any race against a starter of their contract employer unless their mount and their contract employer's starter are both in the hands of the same trainer.

11.001.08 In riding a race, a jockey must be neat in appearance. All riders must be dressed in clean jockey costume, cap and jacket of silk, satin or waterproof, white or light breeches and top boots. In all races, jockey's must wear approved safety helmets and safety vests, the weight of which shall not be included in the jockey's weight.

The safety vest shall weigh no more than two pounds and be designed and manufactured in accordance with standards defined by the British Equestrian Trade Association (BETA) at the time of manufacture.

11.001.08A Unless he obtains the approval of the stewards prior to leaving the paddock, a jockey may carry in his hand no item of any kind other than a whip, whip substitute, or horse's reins

until after the finish of the race when he unsaddles the horse at the placing judge's stand.

11.001.09 Jockeys shall wear a number on their right arm (also on their left arms, if the judges' stand is inside the infield) and it and the saddle cloth number shall correspond to the number of the horse in the official program.

11.001.10 Every jockey who is engaged to ride in a race shall report to the jockey quarters not less than one hour before post time for the first race. Jockeys shall then report engagements and overweight, if any, to the clerk of scales, and thereafter shall not leave the room, except to view the races from a point approved by the stewards or to ride in a race, nor have any contact or communication with any person outside the jockey room other than an owner or trainer for whom said jockey is riding, or a racing official, or a representative of the regular news media, unless by permission granted by the stewards, until all of said jockey's engagements of the day have been fulfilled. However, the stewards may in their discretion permit jockeys engaged for later races to report at a later hour.

11.001.11 All jockeys must pass a physical examination once a year before the commencement of a meeting, affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until such an examination is successfully passed. If a jockey has previously passed such an examination prior to riding at a track in this state, a physical fitness card signed by the examining doctor that shows that date upon which the examination was made must be presented to the Commission.

11.001.12 No jockey shall make a bet on any race, with respect to the race in which said jockey is riding, except through or from the owner or trainer of the horse said jockey rides, and then only on that horse to win.

11.001.13 An owner or trainer must receive permission to substitute a jockey for another previously engaged, and must pay a losing mount fee to the rider previously engaged in the event the rider does not obtain another engagement in that race. (See Chapter 11.003.02)

11.001.14 A jockey's fee shall be considered earned when the jockey is weighted out by the clerk of scales. The fee shall not be considered earned if the jockey, of his or her own free will, takes off a mount, where injury to the horse or rider is not involved. Any condition or

consideration not covered by the above ruling shall be at the discretion of the stewards.

11.001.15 In a dead heat the jockeys involved shall divide equally the sum of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

11.001.16 A jockey who is under suspension will not be permitted to fulfill any engagements except as provided for by these rules. A jockey under suspension in any other state will not be permitted to ride in Nebraska during such suspension.

11.001.16A Immediately prior to the start of a race meet the stewards appointed for that meet shall designate the stakes, futurities, or futurity trials or other races in which a jockey will be permitted to compete, notwithstanding the fact that such jockey is under suspension for ten (10) days or less for a riding infraction at the time the designated race is to be run.

11.001.16B Official rulings for riding infractions of ten days or less shall state: "The term of this suspension shall not prohibit participation in designated races".

11.001.16C A listing of designated races shall be posted in the jockeys' room and any other such place deemed appropriate by the stewards.

11.001.16D A suspended jockey must be named at time of entry to participate in any designated race.

11.001.16E A day in which a jockey participated in one designated race while on suspension shall count as a suspension day.

11.001.16F This rule shall apply only to riding infractions involving suspension of ten days or less and shall not apply to any other type of violation or suspension.

11.001.17 The suspension of a jockey for an offense not involving fraud shall begin on the second day after the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately after the ruling.

11.001.18 A jockey, whose license is temporarily suspended may be permitted to exercise or gallop horses during the morning hours and to lodge on the grounds of the association at night.

11.001.19 A forfeiture must be paid by the jockey personally and any other person paying it shall be subject to punishment.

11.001.22 Jockeys may have one agent and no more. Engagements to ride, shall be made by themselves or their agent. The one making the engagements shall be held responsible for the proper maintenance of an engagement book. (See Chapter 11.003.04.)

11.001.21 No jockey shall have an attendant other than those provided by the association.

11.001.22 Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.

11.002 APPRENTICE JOCKEYS

11.002.01 An applicant may be prohibited from riding until the stewards or the Commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

11.002.02 The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performances in quarter horse racing do not apply to the conditions of an apprentice jockey license.

11.002.03 An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

11.002.04 An apprentice certificate may be obtained from the stewards on a form provided by the Commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the Commission where it was issued.

11.002.05 An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps: An apprentice jockey may ride with a five (5) pound weight allowance beginning with the apprentice jockey's first mount and for one (1) full year from the date of the apprentice jockey's fifth (5th) winning mount. If after riding one (1) full year from the date of the fifth (5th) winning mount, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance shall continue for one (1)

more year from the date of the fifth (5th) winning mount, or until the fortieth (40th) winner, whichever comes first. In no event may a weight allowance be claimed for more than two (2) years from the date of the fifth (5th) winning mount, unless an extension has been granted.

11.002.06 The commission may extend the weight allowance of an apprentice jockey when, in the discretion of the commission, an apprentice jockey is unable to continue to riding due to: physical disability; military service; attendance in an institution of secondary or higher education; restriction on racing; or other valid reasons.

To qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively may be given consideration. The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation on the approved form which follows, verifying time lost as defined by this regulation. An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

11.002.07 The conditions set forth in Sec. V, Subsec. A shall also apply.

11.003 JOCKEY AGENTS

11.003.01 Jockey agents must obtain a license and notify the Stewards and Racing Secretary of all changes in riders represented. The Board of Stewards shall maintain a current list of jockey agents and riders represented.

11.003.02 The stewards may require engagement slips be used; when used, they must include signatures of owner or trainer and jockey or jockey's agent.

11.003.03 A jockey agent may handle engagements for one jockey and one apprentice. An agent shall not make or assist in making of any engagements for a jockey other than those the agent is licensed to represent. A jockey agent may represent two jockeys and one apprentice jockey with the approval of the stewards.

11.003.04 If any jockey agent gives up the making of engagements for any rider the agent shall immediately notify the stewards, the Commission and the racing secretary; and the agent shall also turn over to the stewards a list of any unfilled engagements that may have been made for that rider.

11.003.05 Jockey agents shall not be licensed as owners or trainers, nor shall they be allowed in the paddock at any time, except by special permission from the stewards.

11.003.06 A jockey agent shall not engage in the practice commonly known as "touting", for the purpose of influencing any person, in the making of a wager on the result of any race.

11.003.07 When an owner or trainer engages the services of a jockey through a jockey agent the stewards may require all jockey agents to furnish the owner or trainer with a ticket specifying thereon whether or not said owner or trainer has first or second call on the services of the jockey. Such calls must be declared at the time of entry.

11.003.08 No person other than an owner, trainer, jockey agent or authorized agent of an owner in good standing shall make engagements for an apprentice jockey or jockey. However, a jockey not represented by an agent may make his or her own engagements.

11.003.09 Jockey agents will be called upon to explain rival claims for any mount or for any rider and inability to satisfy the stewards that the rival claim arose through honest bona fide error shall be considered a falsification of records.

11.003.10 Conflicting claims for the services of a jockey shall be decided by the stewards.

11.003.11 Any agent who falsifies said record shall be suspended by the stewards and said agent's case referred to the Commission.

11.004 NAMING OF RIDERS

11.004.01 Jockeys shall be named not later than entry time of the day of the race.

11.004.02 Any subsequent change of a jockey must be sanctioned by the Stewards and must be promptly and publicly posted and announced.

11.004.03 Any jockey, having given a call personally or through an agent, who fails to fulfill such engagements may not accept another mount or be assigned by the stewards to another mount in that race.

11.004.04 In races where a jockey is named on more than one horse drawn in a race the jockey agent or the jockey must specify the horse the jockey will ride. A jockey may have a second call on horses on the also eligible list.

11.005 JOCKEY MOUNT FEES

11.005.01

PURSE	WINNING			
	MOUNT	SECOND	THIRD	UNPLACED
\$499 & Under	27	19	17	16
\$500 - \$599	30	20	17	16
\$600 - \$699	36	22	17	16
\$700 - \$999	10%	25	22	20
\$1000-\$1499	10%	30	25	22
\$1500-\$1999	10%	35	30	28
\$2000-\$3499	10%	45	35	33
\$3500-\$4999	10%	55	45	35
\$5000-\$9999	10%	65	50	40
\$10,000-\$14,999	10%	5% place purse	5% show purse	45
\$15,000-\$24,999	10%	5% place purse	5% show purse	50
\$25,000-\$49,999	10%	5% place purse	5% show purse	60
\$50,000-\$99,999	10%	5% place purse	5% show purse	75
\$100,000 & Up	10%	5% place purse	5% show purse	100

11.005.02 No person shall give to any jockey or anyone on behalf of any jockey, nor shall any jockey or anyone on behalf of any jockey accept, any money, or other compensation for such jockey's service in connection with the running of a race, except: the jockey mount fees as set forth in Chapter 11.005.01 and/or payments pursuant to a written contract on file with and approved by the Nebraska State Racing Commission, and wagers placed on behalf of a jockey pursuant to rule 11.001.12.

Title 294
Chapter 11

This page left blank intentionally

Chapter 12 - OWNERS-TRAINERS

12.001 - OWNERS-TRAINERS

12.001.01 Each owner must obtain a license from the Commission and shall have foal certificates submitted to the racing secretary.

12.001.02 All owners and trainers of horses and their stable employees are subject to the laws of Nebraska and the rules promulgated by its Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an association or upon making entry to run on its track. Said owners, trainers and stable employees shall abide by said laws and rules and accept the decision of the stewards on any and all questions, subject to their right of appeal to the Commission. (See Chapter 7.001. See Statutes Chapter 2, Article 12.)

12.001.03 If any owner changes trainers, said owner must secure permission of the stewards, and notify the racing secretary and cause the new trainer to sign said owners' registration.

12.001.04 No owner shall employ a jockey for the purpose of preventing that jockey from riding in any race.

12.001.05 No owner shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race, or tend to do so.

12.001.06 An owner or said owner's trainer shall see to it that a report is made promptly to the racing secretary or to the track veterinarian of any and all sicknesses of their horses.

12.002 - AUTHORIZED AGENTS

12.002.01 Each authorized agent must obtain a license from the Racing Commission.

12.002.02 Application for license must be filed for each owner represented.

12.002.03 A written instrument signed by the owner must accompany the application and shall clearly set forth among the delegated powers whether or not said agent is empowered to collect money from the association and the owner's signature must be acknowledged before a notary public.

12.002.04 If the written instrument is a power of attorney, it shall be filed permanently with the Racing Commission, attached to the regular application form.

12.002.05 Any changes must be in writing and filed as above provided.

12.002.06 The term of the license shall expire December 31st of each year, unless the agent's appointment is revoked by the owner or the license is revoked by the Racing Commission prior thereto.

12.002.07 Owner's revocations must be in writing, sworn to before a notary public and filed with the Racing Commission.

12.003 - JOINT OWNERSHIP

12.003.01 If more than four (4) individual persons own interests in a horse or horses, through a partnership, or corporation, or syndication, or other joint venture, then such individual persons may designate a member of the partnership, corporation, syndicate, or other joint venture to represent the entire ownership of and be responsible for such horse or horses as the licensed owner thereof.

12.003.02 Designation of one owner to represent the entire joint venture must be signed by each person having a 5% or greater interest in any horse or horses to be raced, by the chief executive officer of any corporation involved, and by the general partner of any limited partnership involved.

12.003.03 Partnerships, or corporations, or syndications, or other joint ventures in which more than four (4) individual persons own interests must apply for a stable name license.

12.003.04 Each individual having a minimum of a 5% interest in the horse or horses to be raced may apply for an individual owner's license.

12.003.05 The Commission may deny, suspend, or revoke the license of any owner whose interest is qualified or limited by rights or interests held or controlled by an individual person who would be ineligible to be licensed as an owner.

12.003.06 In case of an emergency, the Commission may accept a temporary application for an owners license and/or stable name license. In such cases, all individual persons owning interest in the horse or horses shall be clearly identified to the satisfaction of the Commission. In such cases it will be at the discretion of the Commission as to whether such horses will be allowed to start.

12.003.07 Individuals owning less than a 5% interest in any horse or horses owned by a joint venture will not be licensed as owners, however; a complete list of the names and addresses of such persons shall be provided to the Commission when requested.

12.004 - LESSEES

12.004.01 A lessee is a person and/or persons who have leased a horse for racing purposes. A lessee must be licensed as an owner.

12.005 PARTNERSHIPS

12.005.01 Each and every partnership, except husband and wife, must be registered with the Commission on forms furnished by the Commission and payment of the applicable fee, at which time a license may be issued allowing such partnership to function on the tracks of Nebraska.

12.005.02 An authorized agent must be appointed to represent a partnership in all matters and only he or she shall withdraw money or sign claims for said partnerships, unless all partners sign such withdrawals or claims. A notarized instrument must be signed by all members of a partnership in the appointment of an authorized agent.

12.005.03 Partnership papers shall, among other things, set for the following:

12.005.03A The name and address of each and every person having any interest in the horse or horses involved.

12.005.03B The relative proportions of such interests.

12.005.03C To whom the winnings are payable.

12.005.03D In whose name the horse or horses shall run.

12.005.03E With whom the power of entry and declaration rests.

12.005.03F The terms of any contingency, lease or any other arrangement. (See Statute 2-1220.)

12.005.04 All partnership papers must be signed by all parties or by their authorized agent.

12.005.05 The part owner of any horse cannot assign his or her share or any part of it, without the written consent of the other partners, the said consent to be lodged with the Racing Commission and the racing secretary. (See Statute 2-1220.)

12.005.06 An alteration in a recorded partnership registration, to be effective, must be reported in writing to the Commission and signed by all the partners.

12.005.07 All parties to a partnership, and each of them, shall be jointly and severally liable for all stakes, forfeits and other obligations.

12.006 - STABLE NAMES

12.006.01 All stable names shall be cleared with the office of the Association of Racing Commissioners International, Inc. and must be duly registered with the Racing Commission.

12.006.01A All names used not revealing the actual identity or identities of the owner or owners shall be considered a "Stable Name".

12.006.01B In applying to race under a stable name the applicant must disclose the identity or the identities behind the stable name. If a partnership is involved in the identity behind a stable name, the rules covering partnerships must be complied with in detail.

12.006.01C Changes in identities must be reported prior to entry and be approved by the Commission.

12.006.01D Any person who has been registered under a stable name may, at any time, cancel it after said person has given written notarized notice to the Racing Commission.

12.006.01E A person cannot register a stable name which has been registered by any other person with an association conducting a recognized meeting or the Jockey Club (New York) or with another racing authority.

12.006.01F A person may not register a stable name which is the real name of any owner of race horses nor one which is the real or stable name of any prominent person not owning race horses.

12.006.01G A trainer, who is a licensed owner or part owner, may use a stable name as owner or part owner providing he or she is the trainer for the stable name owner. However, no trainer may be licensed as a trainer other than in his or her legal name.

12.006.01H A stable name shall be plainly distinguishable from that of another duly registered as a stable name. When appearing on the program the stable name must be accompanied by the legal name of the owner. If the stable name has more than one owner, one legal name of an owner must appear followed by the term "et al".

12.006.01I A corporate name shall be considered as a stable name for the purpose of these rules, but the Racing Commission reserves the right to refuse any corporation the privileges of registering a stable name or racing as a corporation.

12.006.01J No stable name shall be used for advertising purposes.

12.006.01K If more than one (1) person races with a stable name registered as the owner, an authorized agent shall be appointed and said agent shall transact all business. (See Statute 2-1220.)

12.007 - TRAINERS

12.007.01 Each trainer must obtain a license from the Racing Commission. The trainer shall list on the application for said license all the names of owners or part owners of all horses trained unless this requirement is waived or modified by the Commission.

12.007.02 No trainer shall harbor on the grounds of an association, engage or employ any unlicensed person. The Commission may require each

trainer to register in their office every person employed by that trainer.

12.007.03 No trainer of race horses shall register under a stable name nor shall practice said profession except under his or her own legal name. (See Statute 2-1220.)

12.007.04 The stewards may permit a trainer to act pending action on said application for license but under no circumstances shall said trainer's name appear on the program as trainer nor shall he or she enter the paddock prior to a race until such license shall have been issued.

12.007.05 SUBSTITUTE TRAINERS

12.007.05A A trainer absent for more than five days from his/her responsibility as a licensed trainer, or on a day in which the trainer has a horse in a race, shall obtain another licensed trainer to substitute.

12.007.05B A substitute trainer or assistant trainer shall accept responsibility for the horses in writing and be approved by the stewards.

12.007.05C A substitute trainer or assistant trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race pursuant to rules Chapter 18.010 through 18.011.03B.

12.007.06 A licensed trainer may represent the owner in the matter of entries, declarations and scratches, and the employment of jockeys, but shall not be allowed to withdraw any money from the association either in his or her own name or that of an owner nor may said trainer contract obligations against the account of any owner or part owner unless he or she is the authorized agent of said owner or part owner and has a license having been issued by the Nebraska State Racing Commission as such.

12.007.07 A trainer shall have his or her horse in the paddock at the time appointed.

12.007.08 If for any reason the trainer of a horse is not or cannot be present at the time of collection of urine or saliva, it shall be deemed by the Commission that the person actually in custody of the horse is duly authorized to witness the taking and sealing of the specimen and has the trainer's authority to sign as witness to such action. (See Chapter 14.002.07)

12.007.09 A trainer, assistant trainer or approved substitute shall attend to and be present to supervise the saddling of a horse in the paddock.

12.007.10 A trainer shall be responsible for the condition of a horse trained by him or her.

12.007.11 Each trainer shall register with the Racing Secretary all the horses in his or her charge giving the name, age, sex, breeding and

ownership of each. Any horse stabled on the grounds of the association or under the jurisdiction of the association without having been so registered, or occupying a stall not assigned for said horse unless by special permission will be cause for disciplinary action.

12.007.12 Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately, and that office must note the same on the foal certificate.

12.007.13 A trainer shall not care for or supervise any horse owned, in whole or part, by a jockey, without making it known to the stewards. (See Statute 2-1220.)

12.007.14 A trainer shall not care for or supervise any horse owned in whole or in part, by a disqualified person. (See Statute 2-1220.)

12.007.15 No trainer shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race or which would tend to do so.

12.007.16 No trainer shall move or permit to be moved, any horse or horses in his or her care, from the grounds of an association without permission from the racing secretary or the stewards.

12.007.17 No trainer shall employ a jockey for the purpose of preventing said jockey from riding in any race.

12.007.18 A trainer shall see to it that a report is made promptly to the racing secretary or the track veterinarian of any and all sicknesses of his or her horses.

12.007.19 A trainer's license shall allow a trainer to perform the occupations of groom, plater, and pony person with respect to horses in his or her stable. If performing in such occupations for another stable, a trainer must obtain an appropriate occupational license. A trainer acting as an exercise rider must obtain an occupational license as an exercise rider. The license fee for a trainer/exercise rider shall be waived if they exercise only horses in his or her stable.

12.007.20 A trainer may hire a licensed assistant trainer with the approval of the Stewards. However, the trainer and the assistant trainer are both subject to all of the responsibility imposed upon a trainer pursuant to the rules adopted by the Nebraska State Racing Commission.

Title 294
Chapter 12

This page intentionally left blank

Chapter 13 - RACING OFFICIALS

13.001 RACING OFFICIALS

13.001.01 At least thirty (30) days prior to the first day of a race meeting, the Association shall submit in writing to the Racing Commission the names of all racing officials engaged for the meeting, and no racing official shall be qualified to act until they have been approved and licensed by the Racing Commission. In the event of incapacitation of any such approved racing official the Association may, with the approval of the Racing Commission, appoint a substitute. (See Chapter 3.001.03)

13.001.02 Any official or any other person who accepts conditions of employment with an association in this State and is licensed by the Nebraska State Racing Commission, who leaves such employment while a race meeting is in progress, without first obtaining permission from the association and the Nebraska State Racing Commission shall be subject to suspension.

13.001.03 The officials of a race meeting are as follows: three (3) stewards, to be known as the board of stewards, one of which will be the state steward; three (3) placing judges; one gate judge; clerk of scales; starter; handicappers; timers; paddock judges; identifier; veterinarian; racing secretary; mutuel manager and custodian of the jockey room. A patrol judge(s) or assistant officials may also be employed.

13.001.04

13.001.04A No person shall be considered for approval by the Commission, as an official, unless such person is a professional racing official with a reputation of good character and ability or has indicated a desire to become a professional racing official and is in possession of sufficient experience and/or has a special aptitude for such a position.

13.001.04B Except as provided for in this rule, the board of stewards at each race meet shall include stewards who have been fully accredited by the Racing Commissioners International, which shall include no less than:

- a) one accredited stewards by December 31, 1994
- b) two.....by December 31, 1995
- c) all.....by December 31, 1996

A temporary exception to these requirements may be approved by the commission in cases of extraordinary and unavoidable circumstances. An acceptable plan for meeting the requirements concerning steward accreditation must be approved by the commission concurrent with any approval of a temporary exception.

This shall not preclude appointment of deputy stewards pursuant to rules 13.011.12 through 13.011.19 nor shall it require such deputies to be fully accredited by Racing Commissioners International.

13.001.05 One (1) of the stewards for each race meeting shall be named by the Nebraska State Racing Commission.

13.001.06 No association shall employ or accept the services of any person as an official or in any other capacity who is the owner, trainer of, or who has any financial interest in horses registered for racing at their race meeting. (See Chapter 2.001.14) (See Statute 2-1220.)

13.001.07 No one interested in the result of a race, either because of ownership of any horse entered, or of his sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race. (See Statute 2-1220.)

13.001.08 No such racing official or assistants shall wager money or any other chattel of value on the result of any race at the meeting.

13.001.09 No such racing official or assistants shall accept, directly or indirectly, any gratuity, reward or favor in connection with racing at the meeting.

13.001.10 No such racing official or assistants shall at the meeting, directly or indirectly buy or sell any contract upon any jockey or apprentice jockey.

13.001.11 No such racing official or assistants shall write or solicit horse insurance at the meeting.

13.001.11A It shall be the duty of the state steward to adjust the number of valets and check with the mutuel manager, to make certain post parades and regular programs run on time or as close as deemed practical.

13.001.12 Each racing official and assistants shall report to the stewards all observed violations of the rules.

13.002 CLERK OF SCALES

(See Chapter 4-Equipment and Chapter 20-Weights.)

13.002.01 The clerk of scales shall weigh all jockeys out and in.

13.002.02 The clerk of scales shall record any over-weight or any change of jockey, weight, or racing colors, as compared with those stated on the official program and shall promptly supply the racing officials and the track announcer with all pertinent changes.

13.002.03 The clerk of scales shall promptly report to the stewards any infraction of the rules with respect to weight, weighing, or riding equipment.

13.002.04 The clerk of scales shall maintain and deliver to the horsemen's bookkeeper after each race, a record of the weights carried by each horse in each race, together with the name of each horse's jockey and overweight carried by any jockey. The record shall also reveal the post time of each race, running time of race, the amount of purse and its division, the placing of the first five (5) horses as revealed by the report of the placing judges and the amounts of fees collected or charged. All rulings made by the stewards and the original signed claim, if any, shall be attached to and become a part of said record.

13.002.05 All jockeys taking part in a race must present themselves to be weighed out by the clerk of scales not less than twenty (20) minutes before the time fixed for the race (the horse in each instance being specified to the clerk of scales). Jockeys shall present themselves to be weighed in by the clerk of scales promptly at the conclusion of the race. (See Chapter 17.002.05 and Chapter 20.003.01 through 20.003.08.)

13.002.06 After the jockeys have been weighed in and found to have carried the correct weight, the clerk of scales shall so notify the stewards. (See Chapter 17.002.05 and Chapter 20.003.07)

13.003 IDENTIFIER

13.003.01 It shall be the duty of the official identifier to check all contestants for each and every race and to have all horses properly identified, keeping a record of all identifying marks on solid colored horses and horses starting for the first time according to the published record of the "Chart Books" of the Daily Racing Form and official records of the AQHA.

13.003.02 The official identifier shall check tattoo brands on all horses which have been tattooed for positive identification. The trainer or other designated handler of each horse shall visibly display the lip tattoo to the identifier. If the identifier encounters a horse too unruly to check the lip tattoo, the stewards shall be notified.

13.003.02A No horse shall be allowed to race unless it has been lip tattooed. For good cause, the stewards may waive this requirement if the horse is otherwise properly identified. However, the horse shall be tattooed thereafter within such time as set by the stewards.

13.003.03 Any person attempting to establish the identity of a horse, or his ownership, shall be held to account, the same as the owner, and shall be subject to the same penalty in case of fraud or attempted fraud.

13.004 JOCKEY ROOM CUSTODIAN

13.004.01 It shall be the duty of the jockey room custodian to see to it that order, decorum and cleanliness are maintained in the jockey and scale rooms.

13.004.02 The custodian shall assist the clerk of the scales.

13.004.03 The custodian shall see to it that no person, other than the racing officials, the Racing Commission or its representatives, and the necessary jockey room attendants is admitted to the jockey room on a day of racing without expressed permission of the stewards for each time of entry.

13.004.04 The custodian of the jockey room may permit the assistant starters to use the jockey room for the purpose of changing clothes prior to post time and following the running of the last race. However, they shall not be in the jockey room between forty-five (45) minutes before post time for the first race and the finish of the last race.

13.004.05 The custodian shall oversee the care and storage of all racing colors.

13.004.06 The custodian shall oversee the jockey attendants and arrange their rotation among jockeys in the matter of weighing out.

13.004.07 The custodian shall see to it that no jockey attendant not approved by the stewards and licensed by the Nebraska State Racing Commission is permitted to assist any jockey at any time.

13.004.08 The custodian shall report to the stewards any irregularities that occur.

13.004.09 The custodian shall see to it that jockeys are neat in appearance and attire in keeping with the rules when they leave the rooms to ride in a race.

13.005 MUTUEL MANAGER (See Chapter 23.001.20)

13.006 PADDOCK JUDGE

13.006.01 The paddock judge shall exclude from the paddock in the interest of public safety, all of those persons who have no immediate business with the horses entered, except the members of the Commission, its staff and special representatives and those having special permission from the Commission or association.

13.006.02 The paddock judge shall keep a record of all equipment carried by all horses in all races under his or her jurisdiction, permitting no change in equipment not authorized by the stewards.

13.006.03 The paddock judge shall, in each and every race, require the plater in attendance in the paddock to see to it that all horses are properly shod. The paddock judge shall report immediately to the stewards the findings of the plater.

13.006.04 The paddock judge shall report any irregularities to the stewards.

13.006.05 The paddock judge may permit a horse to be led to the post by a properly licensed pony person.

13.007 PATROL JUDGE

13.007.01 General Authority

The patrol judge, when utilized, is responsible for observing the race and reporting information concerning the race to the stewards. If the track's video replay system is deemed adequate, use of patrol judges is optional.

13.007.02 Gate Judge

Each track shall employ a gate judge whose duties shall include being present at the starting gate just prior to the running of each race to observe and report any violations of the rules to the stewards, and to otherwise assist the stewards as they may so order.

13.008 PLACING JUDGE

13.008.01 General Authority

The placing judges and/or Board of Stewards shall determine the order of finish in a race as the horses pass the finish line, and shall display the results on the totalisator board.

13.008.02 Photo Finish

In the event the placing judges and/or Board of Stewards request a photo of the finish, the photo finish sign shall be posted on the totalisator board.

Following their review of the photo finish film strip, the placing judges and/or stewards shall, determine the exact order of finish for all horses participating in the race, and shall immediately post the numbers of the first four finishers on the totalisator board.

In the event a photo was requested, the placing judges and/or Board of Stewards shall cause a photographic print of said finish to be produced. The finish photograph shall, when needed, be used by the placing judges and/or stewards as an aid in determining the correct order of finish.

Upon determination of the correct order of finish of a race in which the placing judges and/or stewards have utilized a photographic print to determine the first four finishers, the placing judges and/or stewards shall cause prints of said photograph to be displayed publicly in the grandstand and clubhouse areas of the racetrack

13.008.03 Dead Heats

In the event the placing judges and/or Board of Stewards determine that two or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall, be declared.

In the event one or more of the first four finishers of a race are involved in a dead heat, the placing judges and/or Board of Stewards shall post the dead heat sign on the totalisator board and cause the numbers of the horse or horses involved to blink on the totalisator board.

13.009 RACING SECRETARY AND HANDICAPPER

13.009.01 The racing secretary shall discharge all duties of said office expressed, or implied, as required by the rules. All local

entry and scratch rules shall be submitted to the Commission to determine if any conflicts exist between such rules and the Nebraska Rules of Racing.

13.009.02 It shall be the duty of the racing secretary to assign to applicants such stabling as deemed proper. The racing secretary and the stewards shall settle any and all conflicting claims for stable privileges.

13.009.03 It shall be the duty of the racing secretary to maintain an accurate record of all races won and cause same to be attached to the Jockey Club certificate.

13.009.04 The racing secretary shall compile an official program for each racing day, which shall state the time fixed for the first race and give the names of the horses which are to run in each of the races of the day.

13.009.05 The program shall indicate the order in which each race is to be run, the purse, conditions, distance of each, the owner, trainer, and jockey on each horse, each owner's racing colors, the weights assigned to each horse, his number and post position, color, sex, age and breeding. The program may show other pertinent data, subject to approval of the Commission.

13.009.06 The racing secretary shall file a report of the following with the Commission within 30 days after the end of each live race meet.

13.009.06A Race days

13.009.06A1 Number of race days scheduled

13.009.06A2 Number of race days (one or more races)

13.009.06A3 Number of race days canceled (no races)

13.009.06B All races - number of races run

13.009.06C All races - purse money paid

13.009.06C1 Nomination, sustaining, entry, and start fees paid by horse owners

13.009.06C2 Purse money added by sponsors

13.009.06C3 Purse supplements paid for Nebraska-bred horses

13.009.06C4 Total purse money

13.009.06D Two Year Old Races

13.009.06D1 Number of two year old races run

13.009.06D2 Nomination, sustaining, entry, and start fees paid by horse owners

13.009.06D3 Purse money added by sponsors

13.009.06D4 Purse supplements paid for Nebraska-bred horses

13.009.06D5 Total purse money

13.009.06E Three Year Old Races

13.009.06E1 Number of three year old races run

13.009.06E2 Nomination, sustaining, entry, and start fees paid by horse owners

13.009.06E3 Purse money added by sponsors

13.009.06E4 Purse supplements paid for Nebraska-bred horses

13.009.06E5 Total purse money

- 13.009.06F** Stakes Races - Total
 - 13.009.06F1** Number of stakes races run
 - 13.009.06F2** Nomination, sustaining, entry, and start fees paid by horse owners
 - 13.009.06F3** Purse money added by sponsors
 - 13.009.06F4** Purse supplements for paid for Nebraska-bred horses
 - 13.009.06F5** Total purse money
- 13.009.06G** Stakes Races List - List each Stakes Races and provide the following for each race:
 - 13.009.06G1** Nomination, sustaining, entry, and start fees paid by horse owners
 - 13.009.06G2** Purse money added by sponsors
 - 13.009.06G3** Purse supplements paid for Nebraska-bred horses
 - 13.009.06G4** Total purse money
- 13.009.06H** Nebraska-bred Races
 - 13.009.06H1** Number of Nebraska-bred races run
 - 13.009.06H2** Nomination, sustaining, entry, and start fees paid by horse owners
 - 13.009.06H3** Purse money added by sponsors
 - 13.009.06H4** Nebraska-bred purse supplements
 - 13.009.06H5** Total purse money

13.009.07 The racing secretary shall receive all entries and declarations, and he or she or the horsemen's bookkeeper may receive all stakes, entrance monies, fees (including jockey's fee), purchase money in claiming races and all other money that can properly come into his or her possession as agent for the association for which he or she is acting. (See Chapter 3.001.08, 11.001.13, 11.001.14, 11.005.01, 15.006, 16.001, 16.004.03)

13.009.08 The racing secretary shall pay over, when due, all monies collected to such persons as may be entitled to receive same.

13.009.09 All ownership in a horse, except a trainer's percentage of the winnings, shall be filed with the racing secretary, before the horse shall start, as also shall every change in ownership thereafter during the meeting.

13.009.10 The Jockey Club registration certificate or AQHA registration certificate for all horses entered in claiming races must be in the possession of the racing secretary. When ownership changes as a result of a claim, the racing secretary shall cause the Jockey Club registration certificate to be properly endorsed prior to the transfer to the new owner's file. Photostatic copies may be used only in the event that the original certificate has been forwarded to the Jockey Club for correction as determined by the track identifier. When a Quarterhorse is claimed, the racing secretary shall collect a transfer fee from the claimant which shall be forwarded to the AQHA together with the registration certificate, a written report of the race showing the date of the race, and the name and address of the person claiming the horse. Upon receipt of such fee, certificate and report, the AQHA shall make the transfer without report signed by the record owner. A photostatic copy of the original papers and transfer will be retained by the racing secretary in the claimed horse's folder,

allowing the claimed horse to be raced at that meeting until the original papers have been returned by the AQHA.

13.009.11 The Racing Secretary shall have the right to withdraw or change any unclosed race. However, any race appearing in the condition book, unless contrary to the rules of racing, shall be given a reasonable opportunity to fill as it was written before being withdrawn or changed.

13.009.12 The racing secretary shall, each morning, as soon as the entries have been closed and compiled, and the declarations have been made and approved by the stewards, post a list thereof in a conspicuous place in the racing office. Any newspaper desiring the same shall also be furnished a copy.

13.009.12A A copy of the overnight entries marked in such a way as to reveal the starters and eliminate all declarations shall be prepared and delivered to the mutuel manager at once.

13.009.13 The handicapper, who may be the racing secretary, shall assign the weights to be carried by each horse in a handicap.

13.009.14 In case of omission, through error, of the name or weight of a horse duly entered, the omission shall be rectified by the handicapper, with permission of the stewards.

13.010 STARTER AND ASSISTANT STARTERS

13.010.01 Only the starter or a deputy approved by the starter and by the stewards and the Commission may start a race.

13.010.01A In case of emergency, a starter may be appointed by the stewards.

13.010.01B Such emergency shall not exist for more than three (3) racing days without Commission approval.

13.010.02 The starter shall give all orders and take all measures necessary to insure a fair start.

13.010.03 The starter's decisions as to the validity of a start and as to whether or not a horse was locked in the gate shall be final.

13.010.04 The starter may appoint assistants subject to the approval of the stewards. Unless approved by the Stewards due to a temporary emergency, no assistant starter shall be a person owning or having any interest in any horse eligible to race at the meeting, nor any person having an interest in the result of any race, or be or have been the employee of any such person during the progress of the meeting. (See Chapter 13.004.04)

13.010.05 No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive money, anything of value, or other compensation for such starter's or assistant starter's services in connection with the running of any race or races. No starter, nor assistant starter, shall either directly or indirectly bet on any race or engage in any betting transaction nor have any interest

in any horse. This rule has no application to salaries received from associations. See Chapter 18.002 and 18.003)

13.010.06 In case the alignment of the horses at the post is delayed, the starter may permit jockeys to dismount and their mounts to be attended.

13.010.07 If after reaching the starting post, a horse is so badly injured as to make it impractical or impossible for him to run in a race, the starter or official veterinarian, may with the approval of the stewards excuse that horse. If a horse is excused, the start must be delayed until the mutuel department is notified and a change of "odds" is made.

13.010.08 The starter is required to load horses into the starting gate in order of post position except in cases of emergency or by prior permission of the stewards.

13.010.09 No horse or horses may be started from outside the gate except as provided in Chapter 13.009.10.

13.010.10 If the starter or assistants are unable after reasonable efforts, to place a horse in the gate for a satisfactory start, or if the horse is mean or unruly, the starter may order that horse placed outside the gate, one length behind the starting line. Said horse shall be denied the right of future entry until reinstated by the starter or the stewards.

13.010.11 The starter shall maintain a Starter's list, and all horses shall be schooled at or in the starting gate, if and when required, under the personal supervision of the starter or assistant starters.

13.010.12 Only the starter or stewards shall have the authority to designate the horses which shall constitute the starter's list.

13.010.13 The starter shall file a copy of the starter's list with the racing secretary. Said list must be prominently displayed.

13.010.14 The starter shall report to the racing secretary as soon as a horse on the starter's list has been schooled sufficiently to be permitted to start.

13.010.15 A horse will not be eligible to start until the starter orders the name stricken from the starter's list.

13.010.16 The starter may penalize a jockey for disobedience of orders or for attempting an unfair advantage before the "start".

13.010.17 The starter's authority to penalize ceases at "off-time". All infractions noted by said starter after "off-time" shall be reported immediately to the stewards.

13.010.18 The starter shall report in writing to the stewards and to the racing secretary all penalties which said starter has imposed and no penalties, so reported, shall be modified other than by the authority of the Racing Commission.

13.010.19 Neither the starter nor the assistant starters shall mistreat or use abusive language to a jockey. Violators are subject to disciplinary action by the stewards.

13.010.20 The starter's approval of the starting ability of all two-year olds must be obtained before same are permitted to start. The starter must state whether whip and/or blinkers were used in schooling.

13.010.21 Likewise, the starter's approval must be obtained for all older horses which have never started at a recognized meeting.

13.010.22 A false start is void; and the horses shall be started again as soon as practical. Any horse running the course from a false start may be excused from the true race by the stewards.

13.010.23 If a horse is locked in the gate, the starter shall immediately notify the stewards, who in turn, shall immediately notify the manager of the pari-mutuel department. The starter shall be the sole judge of what horse or horses are prevented from starting in a race through failure of gates to open. (See Chapter 23.001.11(3)).

13.011 STEWARDS

13.011.01 The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by them (See Statute 2-1203.)

13.011.02 In matters pertaining to racing the order of the stewards supersedes the orders of the officers and directors of the association. (See Statute 2-1203.)

13.011.03 The stewards shall have the power and it shall be their duty to regulate and govern the conduct of all racing officials and of all owners, trainers, jockeys, grooms and other persons attendant upon horses before, during, and after races, unless the power and duty is vested in the Racing Commission. (See Statute 2-1203.)

13.011.04 In the performance of duty, the stewards shall have control over and unrestricted access to all stands, weighing rooms and jockey rooms, enclosures and other places in use for the meeting.

13.011.05 All entries and declarations shall be under the supervision of the stewards and no declaration shall be made without their permission.

13.011.06 All questions pertaining to which their authority extends shall be determined by a majority vote of the stewards.

13.011.07 The stewards have the power to punish at their discretion any person subject to their control either by suspension of the privilege of attending the races during the meeting or by suspension from acting or riding during the meeting plus ten (10) days, and if they consider necessary any further punishment, they shall so report to the Nebraska State Racing Commission.

13.011.08 The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

13.011.09 The stewards may demand proof that a horse neither is disqualified in any particular, nor entered or owned, in whole or in part, by a disqualified person, or trained, in whole or in part, by a disqualified person. In default of proof, satisfactory to them, the stewards may declare the horse disqualified.

13.011.10 The stewards may postpone a race from race day to race day until a dark or non-racing day intervenes.

13.011.11 The stewards shall have the power to examine or cause to be examined at any time, any horse stabled on the association grounds, or in stabling approved by the association.

13.011.12 The three (3) stewards must be on duty during race time, which shall mean from one (1) hour before post time for the first race of the day and until after the last race of the day has been made official.

13.011.13 At least one (1) of the stewards, or a deputy, shall be on duty, thirty (30) minutes prior to scratch time each morning, until after the drawing of post positions.

13.011.14 A steward may appoint his or her own deputy at any time.

13.011.15 If there is only one (1) steward present at race time, said steward shall appoint two (2) other qualified persons to act with him or her as stewards pro tem.

13.011.16 If only two (2) stewards are present at race time, they shall by agreement, appoint a deputy for the absent steward, providing such absent steward has not already appointed his or her own deputy.

13.011.17 If none of the stewards are present at race time, the racing secretary shall appoint three (3) qualified persons to act as stewards pro tem.

13.011.18 Appointments of any deputy or deputies for a steward or stewards shall be reported immediately to the racing commission.

13.011.19 There shall be three (3) stewards (no more, no less) acting during the running of each race. (See Chapter 13.001.03)

13.011.20 When a vacancy occurs among the racing officials, other than the stewards, prior to post time of the first race of the day, or when a vacancy occurs after the racing of the day has started, the stewards shall immediately fill the vacancy. The appointment shall be effective only for the day, unless the association fails to fill the vacancy on the following day and notifies the stewards of its action not less than one hour before the post time of the first race of the day.

13.011.21 Such appointments shall be reported immediately to the Racing Commission.

13.011.22 The stewards shall take notice of any questionable conduct with or without complaint thereof.

13.011.23 The stewards may substitute a jockey of their selection on any horse.

13.011.24 The stewards may place any horse in the temporary charge of a trainer of their selection.

13.011.25 It shall be the duty of the stewards to see to it that horses arrive at the starting post as nearly as practical at the advertised time. (See Chapter 17.001.04)

13.011.26 In case of accident or casualty to a horse before "off-time", the stewards may excuse said horse.

13.011.26A The stewards must investigate promptly, and render a decision in every protest and in every complaint properly made to them. (See Rules of Protest.)

13.011.26B The stewards shall report all protests and complaints to the Racing Commission as soon as received by them, and shall make a prompt report to said Racing Commission of their decision.

13.011.26C The stewards shall before the close of each day file with the Racing Commission, a signed report of any and all infractions of the Rules coming under their observance that day; and shall file with the Racing Commission any and all rulings or infractions or otherwise, as soon as said rulings are made.

13.012 TIMER

13.012.01 There shall be one (1) or more timers. They shall determine the official time of each race.

13.012.02 When and if an electric timing device is used, the races shall also be timed in the usual manner by the timers. Any electrical timing device used must be approved by the Commission.

13.012.03 The time shall be announced and/or displayed at once.

13.012.04 A report of the time of each race shall be made to the clerk of scales for the reports maintained by said Clerk.

13.013 OFFICIAL VETERINARIAN

13.013.01 The Commission shall employ an official veterinarian in good standing who is licensed to practice under the laws of the State of Nebraska.

13.013.01A The Commission shall appoint a deputy official veterinarian for meets that cannot be served by the official veterinarian due to concurrent or overlapping race dates.

13.013.01B The Commission shall employ a supervisor or drug testing and test barn assistants, who shall report to the official veterinarian, for the purpose of securing specimens of urine and/or blood from any horses designated by the stewards or the Commission.

13.013.02 - Repealed

13.013.03 The official veterinarian shall be present in the paddock to observe all horses before a race, and shall observe all horses after the finish of a race, and shall perform such other duties as prescribed from time to time by the stewards or the Commission.

13.013.04 The official veterinarian shall be charged with the responsibility of securing such specimens of saliva, urine and/or blood or any other specimens from any horse or horses designated by the stewards or by the Nebraska State Racing Commission and shall maintain records for identification of such specimens as shall be required by the Commission.

13.013.05 The official veterinarian shall be charged with the responsibility of securing the proper signatures, as may be required by the Commission, of witnesses to the taking of specimens and the ultimate sealing, for delivery to the official chemist, of same.

13.013.06 The official veterinarian shall be charged with the responsibility of delivery or shipment of all specimens to the official chemist.

13.013.07 The official veterinarian shall be charged with the responsibility of properly instructing assistants in the performance of their duties.

13.013.08 The official veterinarian must present himself or herself at the office of the racing secretary and/or stewards prior to scratch time each racing day at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the racing secretary or stewards.

13.013.09 A horse may be destroyed at any place on the grounds of an Association as determined by the official veterinarian. In destroying a horse the official veterinarian shall use a needle. (No horse shall be shot).

13.013.10 The official veterinarian does not have the authority to scratch a horse but shall report to the stewards his or her opinion of a horse's condition and recommendations relative to scratching.

13.013.11 An Official Veterinarian may administer phenylbutazone, or furosemide in accordance with all applicable rules in the event it is not possible for a trainer to obtain such treatment from a licensed practicing veterinarian. Any such treatment shall be preceded by the written authorization of the Board of Stewards and shall be followed by a complete written report by the Official Veterinarian of all circumstances as to why the treatment could not have been obtained from a practicing veterinarian.

Any such treatment shall be preceded by payment of a fee to compensate the commission for the cost of treatment and the expense of preparation of the required report to be prepared by the Official Veterinarian.

13.013.12 No official veterinarian nor any of the official veterinarian's assistants shall be permitted to wager on the outcome of any race run that is subject to the jurisdiction of the commission.____

This page left blank intentionally

Chapter 14 - EQUINE VETERINARY PRACTICES, HEALTH, AND MEDICATION

14.001 PRACTICING VETERINARIANS

14.001.01 Every veterinarian who examines or treats a horse registered for racing at the Racing Secretary's office, at a licensed meeting then in progress, must be licensed by the Nebraska State Racing Commission.

14.001.02 All veterinarians shall make reports to the Commission concerning each horse examined or treated; each prescription written; and drugs, medicines, or vitamins provided for administration by trainers or owners. Reports shall be made to the Commission no later than 2 p.m. the following race day. A signed copy of the veterinarian's own record may serve as the veterinarian's official report, or the report may be submitted on forms provided by the Commission.

14.001.02A The veterinarian's report shall include the following:

- (1) name of each horse examined or treated;
- (2) owner and/or trainer of the horse;
- (3) name and amount of all drugs, medicines, or vitamins administered;
- (4) time and method of administration.

14.001.02B If drugs, medicines, or vitamins are prescribed, or provided by the veterinarian, to be administered by the owner or trainer the report shall specify the:

- (1) name of the owner or trainer;
- (2) name of the horse(s) for which the prescription is provided;
- (3) name of the drug, medication, or vitamin; and
time(s) for and other instructions concerning administration.

14.001.02C Veterinarian reports shall be provided beginning not later than the first day that entries are taken. Reports must also include horses that are entered and draw into a race that were treated or administered drugs, medications, or vitamins or for which drugs, medications, or vitamins have been provided or prescribed for use by the trainer, during the fourteen day period prior to the race, if the treatment or administration occurred prior to the date that for which daily submission of veterinarian reports is required.

14.001.02D Except in the case of their submission as evidence in hearings before the stewards or the Commission, the veterinarian's reports shall be confidential and available only to the official veterinarian and designated Commission staff. Copies of the applicable portions of veterinarian's reports shall be provided to the owner or trainer of a horse at the request of the owner or trainer.

14.001.02E The penalty for falsification of reports, or errors or omissions, failure to submit reports, or late reports shall be established by the Commission or stewards after review of pertinent facts and information.

14.001.03 Any drugs, medications, or vitamins provided by a veterinarian for use by a trainer on any horses that are on the grounds of the association, or that are registered to race, shall be in containers clearly labeled to identify the substance provided, the quantity provided, the date on which it was provided, the horse or horses for which it is provided, and instructions concerning administration.

14.001.04 Veterinarians practicing veterinary medicine on a race track where a race meeting is in progress or imminent, shall use one time disposable needles and shall dispose of them in an approved manner.

14.001.05 Any illness or unusual symptoms of illness shown by a horse shall be immediately reported by the trainer or attending veterinarian to the official track veterinarian or the stewards.

14.001.06 Except in cases of extreme emergency, all practicing veterinarians must get permission from the official track veterinarian before medicating a horse within 24 hours of first post time on a day it is entered to race. In cases of medication of a horse in extreme emergency, the official track veterinarian and the stewards shall be immediately advised of the circumstances necessitating such treatment and of the medication administered. The permission requirement is waived for the authorized administration of furosemide. Practicing veterinarians shall not have pre-race contact with an entered horse on race day except for the administration of furosemide pursuant to rule 14.003 and subsections thereafter unless approved by the official veterinarian.

14.001.07 In case of any illness or unusual symptoms which might be or are deemed contagious in fact or possibility, the stewards are empowered to employ, at the expense of the association, a board of three veterinarians, licensed by the State of Nebraska, for the purpose of diagnosis, observation and/or treatment. The decision of such board with reference to the necessity of isolating any horse shall be binding upon the trainer and owner thereof.

14.001.07A The reasonable cost and expense of isolation, including keep and medical care, shall be borne by the owner or trainer of the horse during the period of isolation.

14.001.07B In the event of the positive diagnosis of infectious disease, the horse so diagnosed shall remain isolated and quarantined for such period as the board may determine.

14.001.07C No horse shall be removed from quarantine without permission of the stewards.

14.001.08 No horse shall be destroyed on the grounds of an association until it has been observed by the official veterinarian. (See Chapter 17.002.07).

14.001.09 Practicing Veterinarians Conflict of Interest:

14.001.09A Restrictions on Wagering: A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.

14.001.09B Horse Ownership: A practicing veterinarian shall not have any ownership or other financial or beneficial interest in any horse registered for racing at a race meet where they are licensed by the racing commission as a practicing veterinarian. This restriction shall not extend to any breeder awards earned pursuant to Neb.Rev.Stat. § 2-1207, 2-1207A, and 2-1213(1).

14.002 RESERVED

14.003 FUROSEMIDE (SALIX)

14.003.01 Furosemide (Salix) may be administered to a horse entered in a race provided that the entry of a horse must reflect the intent of the owner or trainer.

14.003.02 Furosemide must be administered by a licensed veterinarian on the grounds of the association, must be in the injectable form only, and must be administered by a single intravenous injection not later than four (4) hours prior to post time of the race in which the horse runs. The dosage shall not exceed 500 mg and shall not be less than 150 mg.

14.003.03 A horse that ran with furosemide in its prior race must continue to run on furosemide unless the licensed trainer and the licensed practicing veterinarian submit a written request to discontinue use of furosemide on a form approved by the official veterinarian. The written request must be submitted to the official veterinarian not later than time of entry.

14.003.04 After a horse has been approved by the official veterinarian to discontinue use of furosemide, is may not again be entered to run on furosemide for a period of sixty calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is approved by the official veterinarian to discontinue use of furosemide for a second time in a 365 day period, the horse may not again race on furosemide for a period of ninety (90) calendar days.

14.004 RESERVED

14.005 BLEEDER CERTIFICATE

14.005.01 A horse that is observed to have bled following a race or

workout in Nebraska may be officially certified as a bleeder at the request of the trainer or owner subsequent to personal observation of a licensed practicing veterinarian or the official veterinarian. An official certification may be obtained by completion of an affidavit on forms provided by the Commission specifying:

- (1) that the horse was personally observed and is a bleeder,
- (2) if the horse was observed to bleed following a race or workout,
- (3) if observation was of external bleeding through the mouth or nostrils or internally through laryngoscopic examination, and
- (4) the date, time and location of observation.

14.005.02 A copy of a bleeder certification shall, upon approval by the official veterinarian, be attached to the horses foal registration papers.

14.006 ANTI-ULCER MEDICATIONS

The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to 24 hours prior to the race in which the horse is entered.

1. Cimetidine (Tagamet®) - 8-20 mg/kg PO BID-TID
2. Omeprazole (Gastrogard®) - 2.2 grams PO SID
3. Ranitidine (Zantac®) - 8 mg/kg PO BID

14.007 ENVIRONMENTAL CONTAMINATES AND SUBSTANCES OF HUMAN USE

14.007.01 The following substance can be environmental contaminant. Regulatory thresholds have been set for the following substance.

Caffeine - 100 nanograms of caffeine per milliliter of serum or plasma

14.007.02 If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

14.008 TEST BARN

14.008.01 An area within a suitable building must be set aside and be under the supervision of the official veterinarian for the purpose of collecting specimens for any tests required by the Commission. Said building, its location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the Commission.

14.008.02 No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required specimens or the area designated for the retention of horses pending the obtaining of said specimens.

14.008.03 A guard, approved by the Commission, must be in attendance during the hours designated by the Commission.

14.008.04 The winner of every race and such other horses as the stewards may designate shall be taken immediately after the race, by an assistant to the official veterinarian, by the owner, trainer, authorized representative, to the testing enclosure for examination by the supervisor of drug tests and the taking of such specimens of body fluids and eliminations as shall be directed. Blood specimens may be taken by a veterinary technician, except that the owner, trainer, or authorized representative may request that blood be taken by the official veterinarian. Any excess urine specimen over the amount required by the official veterinarian shall be collected in a separate container and sealed, signed, and witnessed as per Chapter 14.008.07.

The trainer of any horse selected shall be entitled to request a copy of the test report.

14.008.04A No fewer than three horses, or such larger number as may be designated by the Commission, shall be selected at random each race day from horses that are required to report to the test barn. From each of the horses so selected, a blood sample shall be obtained in an amount to be determined by the official veterinarian. These samples shall be designated for quantitative analysis of levels of phenylbutazone by the official laboratory. The blood samples shall be in addition to urine samples and shall be drawn within thirty (30) minutes of all horses competing in a given race; provided that no blood samples shall be excluded as evidence by virtue of occurring later than the thirty (30) minute testing period.

14.008.04B This rule shall not be construed to prohibit the testing of any blood samples for other prohibited drugs, nor to prohibit or prevent quantitative testing for levels of phenylbutazone in any other blood samples obtained.

14.008.04C If laboratory testing indicates a level of phenylbutazone in excess of 2.5 ug/ml and less than or equal to 5.0 ug/ml, the official veterinarian shall provide to the trainer of the horse tested, confidential notice of the fact that suggests a need to carefully review practices concerning administration of phenylbutazone.

14.008.05 The stewards of the meeting may require at any time that any horse be sent to the testing enclosure for the taking of such specimens of saliva, urine and/or blood as shall be directed as well as for an examination for "sponging" and such other examination as shall be directed.

14.008.06 The authorized representative of the Racing Commission may also require the taking of any or all of the foregoing specimens from any horse stabled at a track during a meeting.

14.008.07 The owner, the trainer or other authorized representative must be present when a saliva, urine or other specimen is taken from his horse, and must remain until the specimen is sealed and the official form signed by the owner or trainer or their representative as

witness, to the taking of the specimen. Willful failure to be present at or a refusal to allow the taking of any specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons guilty thereof to immediate suspension and the matter shall be referred to the Nebraska State Racing Commission for such penalty as in their discretion they may determine. (See Chapter 18.011)

14.009 CHEMIST

14.009.01 The official chemist shall be a member in good standing of the Association of Official Racing Chemists and shall make all reports directly to the Secretary of the Nebraska State Racing Commission.

14.009.02 All specimens except the horsemen's split samples taken by or under direction of the official veterinarian or authorized representative of the State Racing Commission shall be delivered to the laboratory of the official chemist for analysis. Each specimen shall be marked and bear such information as may be essential to its proper analysis; but the identity of the horse from which the specimen was taken or the identity of its owner, trainer, jockey, or stable, shall not be revealed to the official chemist or his staff. The container of each specimen shall be sealed as soon as the specimen is placed therein.

14.009.03 The official veterinarian, the stewards or the authorized representatives of the Commission may take samples of any medicines or other materials suspected of containing improper medication or drugs which could affect the racing condition of a horse in a race, which may be found in stables or elsewhere on race tracks or in the possession of such tracks or any person connected with racing, and the same shall be delivered to the official chemist for analysis of saliva and urine. Same may be retained by the Nebraska State Racing Commission. (See Chapter 2.001.06.)

14.009.04 No action shall be taken by the stewards on the report of the official chemist unless and until the medication or drug has been properly identified as well as the horse from which the specimen was taken nor until such time as an official report signed by the chemist has been received by the state steward.

14.010 STORAGE AND SHIPMENT OF SPLIT SAMPLES

14.010.01 Split samples obtained shall be secured and made available for further testing in accordance with the following procedures:

14.010.01A a split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the Commission.

14.010.01B a freezer for storage of split samples shall be equipped with two hasps or other devices to provide for use of two independent locks. One lock shall be the property of the Commission and one lock shall be the property of a representative

of the group representing a majority of the horsemen at a race meeting. The locks shall be closed and locked so as to prevent access to the freezer at all times except as specifically provided by these rules.

14.010.01C a freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

14.010.01D when a freezer used for storage of split samples is opened, it shall be attended by both a representative of the Commission and the owner, trainer or designee. A log shall be maintained that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed and to verify that both locks were secured prior to and after opening of the freezer.

14.010.01E any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the official veterinarian or a designated Commission representative.

14.010.02 A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the Commission. The request must be made in writing and delivered to the stewards within 1 week after the trainer receives notice of the findings from the primary lab. A split sample will be shipped as soon as packaging can be coordinated between the trainer HBPA and a commission representative.

14.010.03 The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample testing laboratory must be accredited by the Association of Racing Commissioners International and approved by the Commission. If an Association of Racing Commissioners International reference laboratory will accept split samples, that laboratory must be included among the laboratories approved for split sample testing.

14.010.04 Prior to opening the split sample freezer, the Commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample.

Split sample chain of custody form requirements:

14.010.04A the date and time the sample is removed from the split sample freezer;

14.010.04B the sample number;

14.010.04C the address where the split sample is to be sent;

14.010.04D the name of the carrier and the address where the sample is to be taken for shipment;

14.010.04E verification of each specific step of the split sample packaging in accordance with the recommended procedure;

14.010.04F verification of the address of the split sample laboratory on the split sample package;

14.010.04G verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

14.010.04H the date and time custody of the sample is transferred to the carrier. verification of retrieval of the split sample from the freezer; and

14.010.04I the date and time custody of the sample is transferred to the carrier.

14.010.04J Verification of addresses, phone numbers, etc. to send testing results to both the trainer and the Commission.

14.010.05. A split sample shall be removed from the split sample freezer by a Commission representative in the presence of a representative of the horsemen's association.

14.010.06. The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the Commission, in accordance with the packaging procedures recommended by the Commission. A form shall be signed by both the horsemen's representative and the Commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

14.010.07 The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the Commission-approved laboratory selected by the owner or trainer.

14.010.08 The owner, trainer or designee and the Commission representative shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

14.010.09 The split sample chain of custody verification form shall be completed and signed by the representatives of the Commission and the owner or trainer or their representative. A Commission representative shall keep the original and provide a copy for the owner or trainer.

Title 294
Chapter 14

This page left blank intentionally

Chapter 15 - CLAIMING RACES

15.001 PURPOSE:

15.001.01 To describe the procedures and requirements for the claiming of horses and the conduct of claiming races.

15.002 GENERAL PROVISIONS

15.002.01 A person entering a horse in a claiming race warrants that the title to said horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

15.002.02 Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a "starter". The successful claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound or injured at any time during the race or after. However, the successful claimant may request on the claim blank at the time he/she makes the claim that the horse be tested for the presence of equine infectious anemia via a Coggins test, or other test as approved by the official veterinarian. Should this test prove positive, it shall be cause for voiding the claim. The expense of the test and the maintenance of the horse during the period requested for the test, shall be the responsibility of the successful claimant, unless the test proves positive, wherein the owner(s) of the horse at the time of entry shall be responsible.

15.002.03 An in-foal filly or mare shall be eligible to be entered into a claiming race only if the following conditions are fulfilled:

- (a) Full disclosure of such fact is on file with the racing secretary and such information is posted in his/her office;
- (b) The stallion service certificate has been deposited with the racing secretary's office;
- (c) All payments due for the service in question and for any live progeny resulting from that service are paid in full; and
- (d) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

15.002.04 The stewards may set aside and order rescission of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in section 15.005 of this chapter, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules. Should the stewards order a rescission of a claim, they may make a further order for the costs of maintenance and care of the horse, as they may deem appropriate.

15.003 CLAIMING OF HORSES

15.003.01 Any horse starting in a claiming race is subject to be claimed for its entered price by any:

- (a) licensed owner;
- (b) holder of a valid claim certificate; or
- (c) licensed authorized agent acting on behalf of an eligible claimant.

15.003.02 Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant at the time the horse becomes a "starter". The successful claimant shall become the owner of the horse, regardless of whether it is alive or dead, sound or unsound, or injured during or after the race.

15.004 CLAIM CERTIFICATE

15.004.01 An applicant for a claim certificate shall submit to the Commission:

- (a) an application for an owner's license and the required fee; and
- (b) the name of a licensed trainer, or person eligible to be a licensed trainer, who will assume the care and responsibility for any horse claimed.

15.004.02 The stewards shall issue a claim certificate upon satisfactory evidence that the applicant is eligible for an owner's license.

15.004.03 The claim certificate shall expire 30 days after the date of issuance, or upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

15.004.04 A claim certificate may be renewed by the stewards during the same year.

15.005 PROHIBITIONS

15.005.01 A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

15.005.02 A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

15.005.03 A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

15.005.04 A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

15.005.05 A person shall not claim more than two horses in a race. No authorized agent shall submit more than one claim for the same horse in a race, even if the authorized agent represents several owners.

15.006 PROCEDURE FOR CLAIMING

15.006.01 To make a valid claim for a horse, an eligible person shall:

- (a) have on deposit with the horsemen's bookkeeper an amount equal to the amount of the claim, plus all transfer fees and applicable taxes;
- (b) complete a written claim on a form furnished by the association and approved by the Commission;
- (c) identify the horse to be claimed by the spelling of its name on the certificate of registration or as spelled on the official program;
- (d) place the completed claim form inside a sealed envelope furnished by the association and approved by the Commission;
- (e) have the time of day that the claim is entered recorded on the envelope; and
- (f) have the envelope deposited in the claim box no later than 10 minutes prior to post time of the race for which the claim is entered.

15.006.02 After a claim has been deposited in the claim box, it is irrevocable by the claimant and shall not be withdrawn from the claim box until the time designated by the stewards.

15.006.03 Officials and employees of the association shall not provide any information as to the filing of claims until after the race has been run, except as is necessary for processing of the claim.

15.006.04 If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the Stewards or their representatives.

15.006.05 Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

15.007 TRANSFER OF CLAIMED HORSES

15.007.01 Upon successful claim, the stewards shall issue, upon forms approved by the Commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the stewards and the racing secretary. Upon notification by the stewards, the horsemen's bookkeeper shall immediately debit the claimant's account for the claiming price, applicable taxes and transfer fees.

15.007.02 A person shall not refuse to deliver a properly claimed horse to the successful claimant.

15.007.03 Transfer of possession of a claimed horse shall take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the test barn for post-race testing, the original trainer or his/her representative shall maintain physical custody of the claimed horse and shall observe the testing procedure and sign the test sample tag. The successful claimant or his/her representative shall also accompany the horse to the test barn.

15.007.04 When a horse is claimed out of a claiming race, the horse's engagements are transferred, with the horse, to the claimant.

15.007.05 Any horse so claimed shall not be sold or transferred wholly or in part to anyone for thirty (30) days thereafter, except in another claiming race, nor shall it remain under the control or management of its former owner or trainer for a like period, unless reclaimed. A horse claimed at a Nebraska track shall not be permitted to race at a track outside of Nebraska until after the close of the meeting at which it was claimed, nor shall it race at another Nebraska track, except in stake or handicap races, except by special permission of the stewards at the meeting at which it was claimed. A horse claimed at a Nebraska track shall not be prevented from entering or running in a stake or handicap race at another Nebraska track. Provided, however, that in the period of thirty (30) days after the date of claiming, upon petition of the owner of record or said owner's authorized agent, the Commission may permit or ratify the sale or transfer, in whole or in part of a horse claimed at a Nebraska meeting. This action of the Commission shall be for reasons and under conditions and terms which shall appear sufficient to the Commission. Provided, further, that when a horse is claimed at a recognized meeting under rules which are at variance with this rule, title to such horse shall be recognized in Nebraska to follow the rule of the meeting under which it was claimed. See Statute 2-1220.)

Title 294
Chapter 15

This page left blank intentionally

Chapter 16 - TYPES OF RACES

16.001 SWEEPSTAKES

16.001.01 An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may, before the time of closing be altered or withdrawn. (see Chapter 9.001.37)

16.001.02 Any stakes race may be canceled by the Association, prior to the actual running thereof with no obligation except the return of all paid fees incident thereto.

16.001.03 A horse shall not become a starter for a race unless there has been duly paid, any stakes or entrance money payable in respect to that race.

16.001.04 The nominator is liable for the entrance money or stake, and the death of a horse or a mistake in its entry when eligible, does not release the subscriber or transferee from liability for stakes, and the entrance money to a purse that is run off shall not be returned on the death of a horse or its failure to start for any cause whatever.

16.001.05 In the absence of notice to the contrary, entrance and declarations for sweepstakes, which close during or on the eve of a race meeting, close at the office of the racing secretary, who shall make provision therefore.

16.001.06 When an hour for closing is designated, entries and declarations for sweepstakes cannot be received afterwards; but if an hour is not designated, they may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

16.001.07 If a miscarriage of any entry or declaration in a stake is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time or it shall not be received.

16.001.08 In stakes races, the number of horses to compete will be limited to the horses duly nominated but not in excess of the number of stalls in the starting gate.

16.002 PRODUCE RACES

16.002.01 In naming an entry for a produce race, the produce is entered by specifying the dam and sire or sires.

16.002.02 If a mare entered in a produce race drops her foal before January 1st, or if she has a dead, or more than one foal, or is barren, the entry of such mare is void.

16.002.03 Entrance money shall be returned if the nominator or transferee notifies the association of proper grounds for voiding an entry in a produce race, in advance of the date specified for such notice in the conditions of the race.

16.002.04 Weight allowances for the produce of untried horses must be claimed at the time of entry, and said allowances are not lost by subsequent winnings, unless so provided by the conditions of the race.

16.002.05 Failure to register a foal shall not exempt the nominator from any liability he may incur under the Rules.

16.002.06 The nominator in produce races, or races in which nominations of foals are made, shall be released from further liability with regard to the entry by filing an acceptable transfer of entry prior to the declaration date stated in the conditions of the race.

16.003 WALK OVER

16.003.01 If, at the time for saddling, only one (1) horse shall have weighed out, that horse shall be ridden past the judges' stand, go to the post, and then move over the course. He shall be deemed the winner.

16.003.02 In case of a walkover, the horse walking over shall receive:

16.003.02A In overnight race, one-half (1/2) of the winner's rightful share of first money. (See Chapter 21.001.04)

16.003.02B In stakes races, one-half (1/2) of the winner's rightful share of the added money and all fees.

16.003.03 In case of a walkover, any money or prize which by the condition of the race would have been awarded to a horse placed second, or lower in the race, shall, if contributed by the owners, be paid to the winner. If a donation from any other source, it shall not be awarded.

16.003.04 In case of walkover of two or more horses and the horses move over the course, these rules apply as to the division of the purse.

16.004 POSTPONEMENT AND CANCELLATION OF RACES

16.004.01 If the whole or a part of a racing program is abandoned, any purse race involved must be declared off. (See Chapter 13.011.10)

16.004.02 If the whole or a part of a racing program is abandoned, any stakes race involved may be postponed or declared off.

16.004.03 If a stakes race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.

16.005 DEAD HEATS

16.005.01 When two or more horses run a dead heat, the dead heat shall not be run off.

16.005.02 The owners of the horses in a dead heat shall divide equally the purse money involved.

16.005.03 If a dead heat is for first place, each horse shall be considered a winner of the amount received according to the preceding rule.

16.005.04 When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which run the dead heat shall be deemed to have run a dead heat for first place. However, in any instance in which a dead heat is run, the dead heat may only be split when an objection is made to one or more of the horses involved in a dead heat and sustained.

16.005.05 Owners shall divide equally all monies and other prizes and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

16.005.06 In case of a dead heat for "win" each of the horses involved is a winner for the purpose of these rules.

Title 294
Chapter 16

This Page intentionally left blank

Chapter 17 - RACE PROCEDURES

17.001 Paddock to Post

17.001.01 In a race each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of any entry each horse making up the entry shall carry the same number (head and saddlecloth) with a distinguishing letter. For example, 1-1A, 1X. In the case of field, the horses comprising the field shall carry an individual number; i.e. 10, 11, 12 and so on or 10, 10A, 10B and so on.

17.001.02 Horses must be in the paddock at least fifteen (15) minutes before post time.

17.001.03 Every horse must be saddled in the paddock unless special permission has been granted by the stewards to saddle elsewhere.

17.001.04 After entering the track not more than twelve (12) minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up or go as they please to the post unless otherwise directed by the stewards. When horses have reached the post, they will be started without unnecessary delay.

17.001.05 After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without the consent of the stewards or the starter and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

17.001.06 In case of accident to a jockey or to his or her mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

17.001.07 If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, return to the point where the jockey was thrown and then proceed over the route of the parade to the post. Horse must carry his assigned weight from paddock to post and from post to finish.

17.001.08 If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock, another jockey obtained, and then ridden over an uncompleted portion of the exact route of the parade to the starting point.

17.001.09 If a horse leaves the course while moving from paddock to post, he shall return to the course at the nearest practical point to that at which he left the course, and shall complete his parade to the post from the point at which he left the course.

17.001.10 No person shall willfully delay the arrival of a horse at the post.

17.001.11 Only the jockey may strike a horse in assisting it in getting a start. No person other than the rider, starter or assistant starter, shall be permitted to shout or otherwise assist the horse in getting a start. The gate judge, track veterinarian, or others may assist at the direction of the starter.

17.002 POST TO FINISH

17.002.01 When clear, a horse may be taken to any part of the course but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation.

17.002.02 During a race, no jockey shall willfully strike, strike at or touch another jockey or another jockey's horse or equipment, or jostle another horse for the purpose of interfering with that horse or jockey.

17.002.03 No jockey shall unnecessarily cause his or her horse to shorten his stride in an attempt to influence the stewards to disqualify another horse.

17.002.04 Unless the stewards determine that a foul did not affect the outcome of a race, the stewards shall place the horse who has committed a foul behind such horses as in their judgment were fouled by the offending horse, or they may place it last.

17.002.05 All horses shall be ridden out in every race and must carry their assigned weight from post to finish.

All horses and jockeys are expected to give their best efforts in races in which they ride and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and will subject all persons giving or following such instructions or advice to disciplinary action by the stewards and Commission.

17.002.06 If two (2) horses run in one interest in any race, each shall give his best effort. The practice of declaring to win with one or the other of such horses will not be allowed.

17.002.07 If a horse during the running of a race, becomes crippled or otherwise obviously unable to finish (broken bone or profuse bleeding or any other equally disabling condition) he shall be dismounted,

unsaddled and removed from the track without passing the stand and furthermore he shall under no circumstances be destroyed on the track or in the presence of the public, without the permission of the stewards.

17.002.07A If a bone is broken, horse will remain on the track until horse ambulance arrives and removes him. (See Chapter 3.005.03)

17.002.07B If destruction of an animal is determined as necessary, said destruction will be accomplished by the track veterinarian in a place out of vision of the public, and, its removal after destruction shall be the responsibility of the veterinarian. (See Chapter 14.001.09)

17.002.07C If destruction of an animal is determined necessary, said destruction will be accomplished by the track veterinarian through the use of a needle only.

17.002.07D Jockey will not be required to weigh in.

17.003 POST POSITION

17.003.01 Post position shall be determined by lot in the presence of the racing secretary or a deputy. (See Chapter 13.011.05)

17.003.02 Beginning from the inside rail, the horses shall take their positions at the post in keeping with the numerical order resulting from public drawing; however, if deemed necessary by the Stewards they may remove an unruly horse from an inside position and place him on the outside. (See Chapter 13.010.10)

Title 294
Chapter 17

This page left blank intentionally

Chapter 18 - ILLEGAL AND CORRUPT PRACTICES

18.001 All persons guilty of any dishonest or corrupt practices, fraudulent acts, or other conduct detrimental to racing, including bookmaking or touting, committed while within or without any racing enclosure, either a licensee or not, shall be ruled off all racing enclosures under the jurisdiction of the Commission and it shall be the duty of the Stewards and those authorized by them to exclude from all places under their jurisdiction persons who commit such offenses or are so ruled off. (See Statute 2-1220.)

18.002 No racing official or assistant, no owner, trainer, jockey, agent, no person having charge of or access to any race horse, nor any other person shall accept or offer to accept on his or her own behalf or on behalf of another, any bribe, gift or gratuity in any form. (See Chapter 13.001.09 and 13.010.05)

18.003 No person shall give, offer, or promise, directly or indirectly, either in his or her own behalf or in behalf of another, any bribe, gift or gratuity in any form. (See Chapter 13.010.05)

18.004 No person shall offer or receive money or any other benefit for declaring an entry from a race, or for not entering a race.

18.005 No person shall conspire with any other person for the commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing nor shall he or she commit such an act on his or her own account. (See Statute 2-1220, 2-1217 and 2-1218.)

18.006 No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then only on said horse.

18.007 No person shall offer or give a jockey any money or other benefit in relation to a race, unless said person is the owner or trainer of the horse ridden in said race by said jockey.

18.008 Any person who has been convicted of illegal possession, sale or giving away of narcotics, or a controlled substance, or who has had a ruling in this or another racing jurisdiction for possession or use of narcotics or a controlled substance may be denied a license and/or excluded from the grounds of any Association.

18.009 No person shall have in his/her possession within the enclosure on the grounds of an association licensed for racing or simulcasting any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance.

18.010 Any action or substance, drugs, or otherwise, which may interfere with the testing procedure is forbidden.

18.011 The trainer is the absolute insurer of the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horses. A positive test for a prohibited substance, or the presence of permitted medication in excess of maximum allowable levels, as reported by an official laboratory approved by the commission shall be prima facie evidence of a violation of this rule.

18.011.01 Owners, assistant trainers, grooms, practicing veterinarians, or any other persons who cared for, or attended the horse may also be held responsible for any violation of this rule and be subject to the same penalties as the trainer.

18.011.02 Upon a finding of a violation, the stewards shall consider the currently established "Uniform Classification Guidelines for Foreign Substances", and the "Recommended Penalties promulgated by the Association of Racing Commissioners International (RCI) Drug Testing Standards and Practices (DTSP) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The stewards shall also consult with the official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation and if the violation was a result of the administration of a therapeutic medication as documented in a practicing veterinarian's report received per Chapter 14.001.02 et. seq. Provided, however, that in the event a majority of the Stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the Stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the Commission with specific recommendations for further action. In determining if there are

mitigating circumstances surrounding a medication violation the stewards shall consider at least the following:

- (1) The past record of the trainer in drug cases;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug use;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (7) The purse of the race;
- (8) Whether the drug found was one for which the horse was receiving a treatment as determined by the Veterinarian Report(s), and;
- (9) Whether there was any suspicious betting pattern in the race.

**Association of Racing Commissioners International
Drug Testing Standards and Practices Program
Uniform Classification Guidelines for Foreign Substances
(as Revised August 3, 2003)**

The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

Class 1

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a race is very high.

Class 2

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racehorse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

- (a) Opiate partial agonists, or agonist-antagonists;
- (b) Non-opiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);
- (d) Drugs with prominent CNS depressant action;
- (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- (f) Muscle blocking drugs which have a direct neuromuscular blocking action;
- (g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and
- (h) Snake venoms and other biologic substances, which may be used as nerve blocking agents.

Class 3

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and

autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

- (a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);
- (b) A local anesthetic which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);
- (c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;
- (d) Primary vasodilating/hypotensive agents; and
- (e) Potent diuretics affecting renal function and body fluid composition.

Class 4

This category is comprised primarily of therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

- (a) Non-opiate drugs which have a mild central analgesic effect;
- (b) Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects
 - (i) Drugs used solely as topical vasoconstrictors or decongestants
 - (ii) Drugs used as gastrointestinal antispasmodics
 - (iii) Drugs used to void the urinary bladder
 - (iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.
 - (v) Antihistamines which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in Class 5);
- (c) Mineralocorticoid drugs;
- (d) Skeletal muscle relaxants;
- (e) Anti-inflammatory drugs--those that may reduce pain as a consequence of their anti-inflammatory actions, which include:
 - (i) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs);
 - (ii) Corticosteroids (glucocorticoids); and
 - (iii) Miscellaneous anti-inflammatory agents.
- (f) Anabolic and/or androgenic steroids and other drugs;
- (g) Less potent diuretics;
- (h) Cardiac glycosides and antiarrhythmics including:
 - (i) Cardiac glycosides;
 - (ii) Antirrythmic agents (exclusive of lidocaine, bretylium and propanolol); and
 - (iii) Miscellaneous cardiotoxic drugs.
- (i) Topical Anesthetics--agents not available in injectable formulations;
- (j) Antidiarrheal agents; and
- (k) Miscellaneous drugs including:
 - (i) Expectorants with little or no other pharmacologic action;
 - (ii) Stomachics; and
 - (iii) Mucolytic agents.

Class 5

Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents, which have very localized action only, such as anti-ulcer drugs and certain anti-allergenic drugs. The anticoagulant drugs are also included.

=

**Association of Racing Commissioners International
Drug Testing Standards and Practices Program
Recommended Penalties
(as Revised August 3, 2003)**

Penalty Recommendations (in the absence of mitigating circumstances):

- Class 1** 1 - 5 years suspension and \$5,000 fine and loss of purse
- Class 2** 6 month - 1 year suspension and \$1,500 - \$2,500 fine and loss of purse
- Class 3** 60 days - 6 month suspension and up to \$1,500 fine and loss of the purse
- Class 4** 15 - 60 days suspension and up to \$1,000 fine and loss of the purse
- Class 5** 0 - 15 days suspension with a possible loss of purse and/or fine

18.011.02A The penalties imposed by the stewards may include license suspension up to the duration of the meet plus 60 days, fines not to exceed the statutory limit of \$1500, and forfeiture of any purse, trophy, or other prize.

18.011.02B The stewards may consider mitigating circumstances and evidence and impose a lesser penalty.

18.011.02C The stewards may consider aggravating circumstances and evidence and past violations and impose greater penalties.

18.011.02D The stewards may recommend a penalty in excess of their authority. In such cases, the stewards may impose the maximum penalty authorized and refer the matter to the Commission with specific recommendations for further action. Such referral and recommendations shall be included in the stewards' ruling.

18.011.03 Phenylbutazone Violations

The level of phenylbutazone shall not exceed 5.0 ug/ml in blood or plasma samples taken following a race.

18.011.03A If laboratory testing indicates a level of phenylbutazone greater than 5.0 ug/ml and less than 15.0 ug/ml in blood or plasma, the trainer and any other persons found to be responsible for the test result may be fined in an amount that shall not exceed \$1,000.

18.011.03B If laboratory testing indicates a level of phenylbutazone equal to or greater than 15.0 ug/ml in blood or plasma, the trainer and any other persons found to be responsible for the test result may, be fined in an amount not to exceed \$1000, and the horse may be disqualified.

18.011.04 RESERVED

18.011.05 Furosemide Violations

18.011.05A A horse administered furosemide pursuant to Chapter 14.003 and subsections thereto must have a detectable concentration of furosemide in the post races serum, plasma, or urine sample.

18.011.05B The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantification of furosemide in serum or plasma shall be performed;

18.011.05C Quantification of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is measured below 1.010, and when a urine sample is not obtained in post race sampling. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

18.011.05D A violation of the maximum amount of furosemide allowed in a post race serum or plasma sample may be considered a violation of Chapter 18.010.

18.012 The owner or owners of any horse or horses disqualified by reason of violation of Chapter 18.010 and 18.011 and subsections thereto shall be denied or shall promptly return any part of the purse or sweepstakes or any trophy or prize received and the same shall be redistributed by the stewards.

18.012.01 If a positive laboratory report has not been issued to the stewards or the Commission within sixty (60) days after the date of a race, the owner of a horse shall be legally entitled to the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met.

18.012.02 Positive laboratory reports issued more than sixty (60) days following the date of a race may be considered as evidence of violations of rules. The stewards or the Commission may impose penalties in such cases not including a disqualification of a horse or a redistribution of a purse.

18.013 No person shall improperly tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor shall he counsel or in any way aid or abet any such tampering.

18.014 No jockey's attendant shall make a bet on any race nor place a bet for anyone else.

18.015 No person shall make a hand book or a foreign book on the grounds of an association.

18.016 No person shall solicit for or bet with a hand book or a foreign book on the grounds of an association.

18.017 Any person having been convicted of a felony within the past ten (10) years may be denied a license and/or excluded from the grounds of an association during the conduct of a race meeting. Any person having been convicted of any gambling or bet messenger service offense within the past five (5) years may be denied a license and/or excluded from the grounds of an Association during the conduct of a race meeting.

18.018 No person who is known as or reputed to be a bookmaker, or involved in the operation of a bet messenger service, or a vagrant within the meaning of the statutes of Nebraska, or a fugitive from justice, or whose conduct at a race track in Nebraska, or elsewhere is or has been improper, obnoxious, unbecoming or detrimental to the best interests of racing, shall enter or remain upon the premises of this Commission or any Association, and such persons may upon discovery or recognition be forthwith ejected. (See Chapter 10.004)

18.018.01 No person or persons shall transmit the results of any race or the pari-mutuel payoffs of such race to any other person or persons outside of the racing enclosure by any means whatsoever including, but not limited to telephone, telegraph and radio when such information is knowingly transmitted in connection with or as an aid to any illegal gambling operation.

18.018.02 This rule shall not be construed as prohibiting a newspaper from printing such results or information as news, or any television or radio station from telecasting or broadcasting such results or information as news in compliance with Chapter 2.004.02 through 2.004.03.

18.019 The use of hypodermic needles is forbidden, except when used by a veterinarian licensed by the State of Nebraska or the written permission of either the stewards or the Racing Commission. Possession of such equipment or any accessories thereto is forbidden unless permission has been secured from the stewards or the authorized representative of the commission, in writing. (See Statutes 2-1217 and 2-1218.)

18.020 No electrical or mechanical device or other expedient designed to increase or decrease the speed of a horse, (or that would tend so to do) other than the ordinary whip, shall be possessed by any one or applied by any one to a horse at any time on the grounds of an association, during a meeting whether in a race or otherwise.

18.021 Any person who injects, gives, uses or administers any drugs, analgesics or medicines of any kind whatsoever, or allows or permits any other person to give, inject or administer any drugs, analgesics, or medicines of any kind whatsoever, to a horse within twenty-four (24) hours prior to the running of a horse in a race, must give notice to the Stewards of the use, injection or administering of said drugs analgesics or medicines prior to the running of said race. (See Statute 2-1217 and 2-1218.) The only permitted exception is the race day administration of furosemide (Salix) by a veterinarian licensed by the commission in accordance with the provisions of

Chapter 14 Section 14.003.

18.022 No person shall have in his or her possession within the confines of a race track or within the stables, buildings, sheds or grounds, where horses are lodged or kept, who are eligible or entered to race over a race track of an association holding a race meeting:

- (1) any buzzers, batteries, electrical or mechanical or other appliances that might affect the speed or actions of a horse; or;
- (2) any drugs or stimulants, hypodermic syringes, or hypodermic needles, or similar instruments which may be used for injecting, except 1) veterinary technicians under the supervision of the official veterinarian in collection of samples; and 2) licensed veterinarians may have in their possession such drugs, syringes or other instruments or appliances required in general veterinary practice.

18.023 - PROHIBITED PRACTICES

The following are prohibited:

18.023.01 The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission for which a recognized analytical method has not been developed to detect and confirm the administration of such substance; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity or racing.

18.023.02 The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use (in human or animal) is forbidden without prior permission of the commission..

18.023.03 The possession or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

- 1) Erythropoietin;
- 2) Darbepoietin;
- 3) Oxyglobin®;
- 4) Hemopure®.

18.023.04 The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

- (a) Any treated horse shall not be permitted to race for a minimum of _10 days following treatment;
- (b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission;

- (c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the Commission or its designee before use:
- (d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

18.023.05 The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his/her designee.

Title 294
Chapter 18

This page left intentionally

Chapter 19 - OBJECTIONS AND PROTESTS

19.001 The Stewards shall take cognizance of foul riding and may entertain reports from other racing officials of the meeting whether or not formal complaint is made, otherwise no complaint shall be considered which comes from any person other than the jockey, trainer or owner of the horse interfered with.

19.002 If a horse is disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest may also be disqualified. No refunds.

19.003 If a horse leaves the track after the "start" he must be disqualified.

19.004 A protest, except a protest involving fraud, may be filed only by the owner (or that owner's authorized agent), trainer, or jockey of the horse engaged in the race in which the protest is made or by a racing official of the meeting.

19.005 A protest involving fraud may be made by any person.

19.006 If a claimed horse has a posterior digital (heel nerve) neurectomy and has not complied with requirements in Chapter 9.001.28, the claimant shall have forty-eight (48) hours from the start of the race from which said horse was claimed, to file a protest which must be supported by an affidavit made by a licensed veterinarian and the official veterinarian.

19.007 A protest, except a claim growing out of happenings in the running of the race, must be made in writing, signed by the complainant and filed with the Stewards before post time of the race in question.

19.008 To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant, and filed with the stewards before the programmed post time for the race in which the protested maiden is scheduled to run.

19.009 A protest against a horse engaged in a race and filed with the stewards not less than sixty (60) minutes before post time, shall receive immediate consideration; and in default of proof within thirty (30) minutes of post time that the horse is qualified to start, the horse may be disqualified from starting.

19.010 To merit consideration, a protest against the programmed distance of a race must be made at least thirty (30) minutes before post time for that race, but nothing in the rule shall effect the rule for races run at a wrong distance as compared with the official program.

19.011 To merit consideration, a protest against a horse based on a happening in a race must be made to the stewards before the placing of the horses for that race has been officially confirmed.

19.012 If a jockey wishes to protest a happening in a race, said jockey shall notify the Clerk of Scales or outrider in accordance with procedures specified by the Stewards at the race meet.

The Stewards may specify either of the following procedures for the filing of a protest by a jockey:

1) The jockey shall be required to report to a designated outrider on the backstretch immediately following the running of a race. The outrider shall be in constant radio communications with the Stewards following each race, and shall immediately notify the Stewards of any protest by a jockey.

An owner or trainer may protest a happening in a race and shall be provided adequate means of contacting the Stewards promptly following a race. An owner or trainer may advise the Stewards that a discussion with their jockey is needed before a decision concerning a claim of foul is made, in which case the Stewards shall take no official action until a reasonable opportunity for such discussion and decision has been allowed. It shall be the trainers and owners responsibility to be aware of means available for timely communication with the Stewards following a race.

2) The jockey shall be required to notify the Clerk of Scales of any protest immediately upon his arrival at the scales for weighing in. It shall be each jockey's responsibility to know which procedure is being used for reporting a protest.

19.013 Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be held by the horsemen's bookkeeper until the protest is finally determined or directed in writing by the Nebraska State Racing Commission.

19.014 A protest may not be withdrawn without permission of the Stewards.

19.015 No person shall make a frivolous protest.

19.016 The Stewards shall keep a record of all protests and complaints and of any action taken thereon; and shall report both daily to the Racing Commission.

19.017 "Objection or inquiry light" shall be flashed at the direction of any one of the three (3) Stewards.

This page left blank intentionally

Chapter 20 - WEIGHTS

20.001 WEIGHT PENALTIES AND ALLOWANCES

20.001.01 The following weights are carried when they are not stated in the condition of the race:

SCALE OF WEIGHTS FOR AGE

AGE	JAN. FEB.	MAR. APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV. DEC.
ONE-HALF MILE									
2	-	-	-	-	-	105	108	111	114
3	117	119	121	123	125	126	127	128	129
4	130	130	130	130	130	130	130	130	130
5 & UP	130	130	130	130	130	130	130	130	130
SIX FURLONGS									
2	-	-	-	-	-	102	105	108	111
3	114	117	119	121	123	125	126	127	128
4	129	130	130	130	130	130	130	130	130
5 & UP	130	130	130	130	130	130	130	130	130
ONE MILE									
2	-	-	-	-	-	-	96	99	102
3	107	111	113	115	117	119	121	122	123
4	127	128	127	126	126	126	126	126	126
5 & UP	128	128	127	126	126	126	126	126	126
ONE MILE AND ONE-QUARTER									
2	-	-	-	-	-	-	-	-	-
3	101	107	111	113	116	118	120	121	122
4	125	127	127	126	126	126	126	126	126
5 & UP	127	127	127	126	126	126	126	126	126
ONE MILE AND A HALF									
2	-	-	-	-	-	-	-	-	-
3	98	104	108	111	114	117	119	121	122
4	124	126	126	126	126	126	126	126	126
5 & UP	126	126	126	126	126	126	126	126	126
TWO MILES									
2	-	-	-	-	-	-	-	-	-
3	96	102	106	109	112	114	117	119	120
4	124	126	126	126	126	125	125	124	124
5 & UP	126	126	126	126	126	125	125	124	124

20.001.02 In races of intermediate lengths, the weights for the shorter distance are carried.

20.001.03 In all races except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed 3 lbs., and fillies and mares three years old and upward are allowed 5 lbs., before the 1st of September and 3 lbs. afterwards.

20.001.04 Minimum weight in all overnight races for two year olds, for three year olds, or for four year olds and upward shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicaps or to races written for three year olds and upwards.

20.002 WEIGHING OUT

20.002.01 The specified jockeys shall be weighed out for their respective mounts in each race by the clerk of the scales not less than twenty (20) minutes before the time fixed for the race. In case of substitution of rider after the original rider has been weighed out, the substitute rider shall be weighed as promptly as possible and the name and weight of the substitute publicly announced and posted.

20.002.02 No jockey may carry overweight in excess of 2 lbs., without permission of the owner or trainer and under no circumstances shall the overweight exceed 7 lbs. If a jockey is overweight in excess of 2 lbs., the owner or trainer may substitute another rider without liability for a jockey fee.

20.002.03 If the overweight is more than two (2) pounds in excess of the weight the horse is to carry (the owner or trainer consenting) the jockey shall declare the amount of overweight to the clerk of the scales at least forty-five (45) minutes before the time appointed for the race, and the clerk shall report the overweight to the board of stewards and announced publicly. Failure on the part of any jockey to comply with the rule shall be reported to the Stewards.

20.002.04 If an underweight in excess of 2 lbs., is discovered after wagering has commenced and before the actual start, the horse shall be scratched and complete refund shall be made.

20.002.05 None of the following items should be included in a jockey's weight: whip or whip substitute, head number, bridle, bit, reins, blinkers, number cloth, safety helmet, safety vest or chamois.

20.002.06 The association shall provide the only attendants who will be permitted to assist jockeys in weighing out or at any other time while in the performance of their duties. The attendants shall be approved by the Nebraska State Racing Commission, and licensed as such.

20.003 WEIGHING IN

20.003.01 After a race has been run the jockey shall pull up his or her mount, ride promptly to the winner's circle, and be weighed in by the clerk of the scales.

20.003.02 If a jockey is prevented from riding the mount to the judge's stand because of an accident or of illness either to himself or herself or to the horse, the jockey may walk or be carried to the scales, or be excused by the stewards from weighing in. (In no case

shall the jockey ride a horse bleeding profusely or crippled by a broken bone past the public stands, nor attempt to lead him or have him led past the public stands.)

20.003.03 Except by permission of the stewards, every jockey must, upon returning to the placing judge's stand, unsaddle the horse he or she has ridden, and no person shall touch said horse except by his bridle.

20.003.04 No person shall assist a jockey in removing from the horse the equipment that is to be included in the jockey weight, except by the permission of the stewards.

20.003.05 No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his or her weight.

20.003.06 Each jockey shall, in weighing in, carry over the scales all pieces of equipment carried when weighing out. Thereafter it may be handed to the attendant.

20.003.07 Each jockey shall weigh in and weigh out at the same weight. If short of it by more than two (2) pounds his or her mount may be disqualified and the purse may be redistributed accordingly, and the jockey may be subject to action by the stewards. Disqualification of a horse due to a shortage of weight on weighing in shall not affect the official order of finish for purposes of parimutuel payoffs.

20.003.08 No jockey shall weigh in at more than two (2) pounds over the weight at which he or she weighed out, except insofar as said weight may have been affected by the elements.

Title 294
Chapter 20

This page left blank intentionally

Chapter 21 - WINNINGS

21.001 ESTIMATED WINNINGS

21.001.01 The winnings of a horse in a stakes race shall be computed on the value of the gross earnings.

21.001.01A In estimating foreign winnings, the current rate of exchange at the time of such winnings shall be adopted.

21.001.01B The value of prizes not in money will not be estimated in the value of the race to the winner.

21.001.01C In estimating the value of a series of races in which an extra sum of money or prize is won by winning two or more races, the extra sum or prize shall be estimated in the last race by which it was finally won.

21.001.02 In all races, should there be any surplus from entries or subscriptions over the advertised value, it shall be paid the winner, unless stated by the conditions to go to the other horses in the race:

21.001.02A If the condition of a race provides that a bonus or prize be paid to a person in the forfeit list, the bonus or prize shall be applied to the payment of the forfeits and the balance, if any, shall be paid to the person.

21.001.03 Winnings during the year shall include all prizes from the 1st of January preceding to the time appointed for the start, and shall apply to all races in any country; and winnings shall include dividing, walking over or receiving forfeit.

21.001.03A Winnings of a fixed sum is understood to be winning it in one race, unless specified to the contrary.

21.001.04 In a case of walk over (except in selling races), one-half (1/2) of the money offered to the winner is given.

21.001.04A When a walk over is the result of arrangement by owners of horses engaged, no portion of the added money nor any other prize need be given. (See Chapter 16.)

21.001.05 Any money or prize which by the conditions is to go to the horse placed second, or in any lower place in the race, shall, if the

winner has walked over or no horse has been so placed, be dealt with as follows:

21.001.05A If part of the stake, it shall go to the winner; or

21.001.05B If a separate donation from the association or any other source, it shall not be given at all; or

21.001.05C If entrance money for the race, it shall go to the Association.

21.001.06 If a race never be run or be void, stakes, forfeits, and entrance money shall be returned.

21.001.07 A race may be declared void if no qualified horse covers the course according to rule.

21.002 WINNINGS

21.002.01 The value of a race to a winner shall be computed on the value of the gross earnings. (See Chapter 21-001.01.)

21.002.02 Winnings shall include all monies won in all countries, up to the time appointed for the start, including walk overs and forfeits but no second and third money nor the value of a prize not in money.

21.002.03 Winnings during a year shall be reckoned from January 1st of that year.

21.002.04 Winner or non-winner of a specified sum means winner or non-winner of a single race of that value to the winner, unless otherwise stated.

2.002.05 In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount shall not be included in the horses's winnings until the series, or that part of it, is finished and hence the extra amount is definitely ascertainable. When ascertained, it shall be added to the race which determined the extra amount.

21.002.06 Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winning.

21.002.07 The entrance money, starting and subscription fees, in every race, shall go to the winner unless otherwise provided in its conditions, but when from any cause a race is not run, all stakes or entrance money, if any paid, shall be returned.

Title 294
Chapter 21

This page intentionally left blank

Chapter 22 - WORK OUT

22.001 Every Commission licensee exercising a horse shall, upon request of the clocker or assistant clockers employed to tabulate the workout times, correctly state the distance over which such horse is to be worked and the point on the race track where it is intended to start the workout. He must identify the horse if requested to do so. The clocker or assistant clockers are prohibited from wagering on the outcome of any race conducted by the Association at that race track. The clocker or assistant clockers shall file on a daily basis with the Commission a report listing the date, track condition, name of each horse worked and the time and distance for each workout.

22.002 Permission must be obtained from a steward to exercise a horse, on the track, between races.

22.003 When a horse is being so warmed up or exercised, public announcement shall be made, giving the name of the horse and explaining his presence on the track.

22.004 No horse will be allowed to start which has not raced in ninety (90) days unless it has one credible work. A horse which has never started or which has not started within the last twelve (12) months will not be allowed to start unless it has two (2) credible works. Individual tracks may establish a more restrictive rule, subject to the approval of the Racing Commission.

This page intentionally left blank

Chapter 23 PARI-MUTUEL WAGERING

23.001 GENERAL PROVISIONS

23.001.01 GENERAL

Each association shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the Commission. The totalisator shall be tested prior to and during the meeting as required by the Commission.

23.001.02 RECORDS

(1) The association shall maintain records of all wagering so the Commission may review such records for any contest including the opening line, subsequent odds fluctuation, price calculations, the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records shall be retained by each association in a form acceptable to the Commission and safeguarded for not less than one year following the last day of the race meet. The Commission may require that certain of these records be made available to the wagering public at the completion of each contest.

(2) The association shall provide the Commission with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

23.001.03 PARI-MUTUEL TICKETS

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the association and is evidence of the obligation of the association to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The association shall cash all valid winning tickets when such are presented for payment during the course of the meeting, and for one full year immediately following date of purchase.

(1) To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the pari-mutuel pool, and contain imprinted information as to:

- (a) the name of the association operating the meeting.
- (b) a unique identifying number or code.
- (c) identification of the terminal at which the ticket was issued.
- (d) a designation of the performance for which the wagering transaction was issued.
- (e) the contest number for which the pool is conducted.
- (f) the type or types of wagers represented.
- (g) the number or numbers representing the betting interests for which the wager is recorded.
- (h) the amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.

(2) No pari-mutuel ticket recorded or reported as previously paid, cancelled, or non-existent shall be deemed a valid pari-mutuel ticket by the association. The association may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid.

(3) After one full year immediately following the date of purchase, no pari-mutuel ticket shall be eligible for redemption or payment by any association.

23.001.04 PARI-MUTUEL TICKET SALES AND CANCELLATIONS

(1) Pari-mutuel tickets shall not be sold by anyone other than an association licensed to conduct pari-mutuel wagering.

(2) No pari-mutuel ticket may be sold on a contest for which wagering has already been closed and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on such contest.

(3) Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor prior to leaving the seller's window.

(4) Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official". Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or Commission shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

- (5) The association shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.
- (6) No pari-mutuel ticket shall be sold to any person under nineteen years of age
- (7) No pari-mutuel ticket shall be sold to a licensed jockey.
- (8) No person or corporations shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity.
- (9) A procedure that can permit the cancellation of pari-mutuel tickets after the close of wagering may only be used with the prior approval of the Commission. The Commission may approve the procedure upon compliance with the following:
- (a) The association responsible for contracting for the totalizator services must submit a written request to the Commission at least ten days prior to the adoption of any such procedure. The request must include a detailed explanation of the proposed procedure, the effect that said procedure has on the operation of the totalizator system, and the related policies and procedures that the association has with respect to the responsibility of the pari-mutuel clerks who process the cancellations.
 - (b) The period allowed for the cancellation of tickets may not exceed ten (10) seconds or such lesser time as the Commission may establish.
 - (c) The totalizator company shall furnish to the Commission within twenty-four (24) hours of the last contest of each program a report specifically identifying the mutuel clerk, the teller window, the exact time of the close of wagering for that contest, the exact time of the cancellation, the details of the ticket, including: the amount of the wager, the wager type and the contestant numbers, for each cancellation after the close of wagering for the contest.
 - (d) Cancellation of a pari-mutuel ticket after the close of wagering shall be restricted to the tickets sold to the customer at the tellers window immediately prior to the close of wagering.
 - (e) Every transaction involving the cancellation of a pari-mutuel ticket after the close of wagering shall be accompanied by a written explanation from the pari-mutuel teller, a copy of which shall be forwarded to the commission. The explanation shall include the circumstances which resulted in the cancellation.

23.001.05 ADVANCE PERFORMANCE WAGERING

No association shall permit wagering to begin more than one hour before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the Commission.

23.001.06 CLAIMS FOR PAYMENT FROM PARI-MUTUEL POOL

At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the association in any case where the association has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be made on such form as approved by the Commission, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be retained by the association for one year.

(1) In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required in rule 23.001.03 (1) of these general provisions, the association shall make a recommendation to accompany the claim as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.

(2) In the case of a claim made for payment on a pari-mutuel wager, the Commission shall adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the association, or may deny the claim, or may make such other order as it may deem proper.

23.001.07 PAYMENT FOR ERRORS

If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed; and as a result of such error the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall be added to the corresponding pool of the next performance. If underpayments are discovered after the close of the meeting, the underpayments shall be held in an interest-bearing account approved by the Commission until being added, together with accrued interest, to the corresponding pool of the next meet. If the association does not conduct another race meet, any underpayment plus interest shall be held until a written order is received from the Commission specifying a distribution to be included in pari-mutuel pools at one or more other licensed race meets.

(2) In the event the error results in an overpayment to winning wagers, the association shall be responsible for such payment.

(3) The pari-mutuel manager shall provide the Commission a written report as to the erroneous payments and the specific actions taken pursuant to the above rules.

23.001.08 BETTING EXPLANATION

(1) The rules of racing relative to each type of pari-mutuel pool offered must be available upon request through association representatives. A summary explanation of pari-mutuel wagering and each type of betting pool offered, and a notice as to the availability of the rules of racing relative to pari-mutuel pools, shall be published in the program for every wagering performance.

(2) The individual pari-mutuel pools may be given alternative names by each association, provided prior approval is obtained from the Commission.

23.001.09 DISPLAY OF BETTING INFORMATION

(1) Approximate odds for Win pool betting shall be posted on a "tote board" or other display devices in a manner approved by the Commission within view of the wagering public and updated at intervals of not more than 60 seconds.

(2) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the Commission.

(3) Official results and payoffs must be displayed upon each contest being declared official.

23.001.10 CANCELLED CONTESTS

If a contest is cancelled or declared "no contest", refunds shall be granted on valid wagers in accordance with these rules.

23.001.11 REFUNDS

(1) Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:

(a) Win pools, Exacta pools, and first-half Double pools offered in contests in which the number of betting interests has been reduced to fewer than two (2).

(b) Place pools, Quinella pools, Trifecta pools, first-half Quinella Double pools, first-half Twin Quinella pools, first-half Twin Trifecta pools, and first-half Tri-Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than three (3).

(c) Show pools, Superfecta pools, and first-half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four (4).

(2) In all cases when a horse has been excused by the Stewards after wagering has started but before "off-time", all money wagered on the horse so excused shall be deducted from the pool and be refunded.

(3) If a horse is left at the post at "off-time", there shall be no refund, but if one horse or more is prevented from leaving the post at "off-time" because of being locked in the gate, the Starter shall immediately notify the Stewards, who in turn shall immediately notify the manager of the pari-mutuel department. The Starter shall be the sole judge of what horse or horses are prevented from starting in a race through failure of the gates to open (See Chapter 13-010.23).

(4) If no horse finishes in a race all money wagered on that race shall be refunded.

(5) If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refunds, unless all of the horses so coupled are excused before "off-time", or all of the horses so coupled are left locked in the gate.

(6) If a race is declared off by the Stewards after wagering begins on that race, all money wagered on that race shall be refunded.

(7) Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket.

23.001.12 COUPLED ENTRIES AND MUTUEL FIELDS

(1) A COUPLED ENTRY is two or more contestants in a race that are "coupled" as a single betting interest due to common ties involving ownership, financial interests, or training.

(2) A MUTUEL FIELD is a common betting interest that is established when the number of contestants in an event exceeds the capacity of the totalizator system. A wager on one is a wager on all.

(3) Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.

(4) For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

23.001.13 POOLS DEPENDENT UPON BETTING INTERESTS

Unless the Commission otherwise provides, at the time the pools are opened for wagering, the association:

- (1) may offer win, place, and show wagering on all contests with six (6) or more betting interests.
- (2) may be allowed to prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start.
- (3) may be allowed to prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start.
- (4) may be allowed to prohibit Quinella wagering on any contest with three (3) or fewer betting interests scheduled to start.
- (5) may be allowed to prohibit Quinella Double wagering on any contests with three (3) or fewer betting interests scheduled to start.
- (6) may be allowed to prohibit Exacta wagering on any contest with three (3) or fewer betting interests scheduled to start.
- (7) shall prohibit Trifecta wagering on any contest with seven (7) or fewer betting interests scheduled to start.
- (8) shall prohibit Superfecta wagering on any contest with seven (7) or fewer betting interests scheduled to start.
- (9) may be allowed to prohibit Twin Quinella wagering on any contests with three (3) or fewer betting interests scheduled to start.
- (10) shall prohibit Twin Trifecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (11) shall prohibit Tri-Superfecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (12) shall prohibit Twin Superfecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (13) may be allowed to prohibit Show Quinella wagering on any contest with four (4) or fewer betting interests scheduled to start.

23.001.14 PRIOR APPROVAL REQUIRED FOR BETTING POOLS

- (1) An association that desires to offer new forms of wagering must apply in writing to the Commission and receive written approval prior to implementing the new betting pool.
- (2) The association may suspend previously-approved forms of wagering with the prior approval of the Commission. Any carryover shall be held until the suspended form of wagering is

reinstated. An association may request approval of a form of wagering or separate wagering pool for specific performances.

23.001.15 CLOSING OF WAGERING IN A CONTEST

(1) A Commission representative shall close wagering for each contest after which time no pari-mutuel tickets shall be sold for that contest.

(2) The association shall maintain, in good order, a system approved by the Commission for closing wagering.

23.001.16 COMPLAINTS PERTAINING TO PARI-MUTUEL OPERATIONS

(1) When a patron makes a written complaint regarding the pari-mutuel department to an association, the association shall immediately issue a complaint report, setting out:

- (a) the name of the complainant;
- (b) the nature of the complaint;
- (c) the name of the persons, if any, against whom the complaint was made;
- (d) the date of the complaint;
- (e) the action taken or proposed to be taken, if any, by the association.

(2) The association shall submit every complaint report to the Commission within 48 hours after the complaint was made.

23.001.17 LICENSED EMPLOYEES

All licensees shall report any known irregularities or wrong doings by any person involving pari-mutuel wagering immediately to the Commission and cooperate in subsequent investigations.

23.001.18 UNRESTRICTED ACCESS

The association shall permit the Commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents and records of the association that relate to pari-mutuel wagering.

23.001.19 EMERGENCY SITUATIONS

In the event of an emergency in connection with the pari-mutuel department not covered in these rules, the pari-mutuel manager representing the association shall report the problem to the stewards and the association and the stewards shall render a full report to the Commission within 48 hours.

23.001.20 THE PARI-MUTUEL MANAGER:

(A) shall deliver to the Commission at the end of each racing day, a record showing the amount wagered in each pool, the commission and the breakage for each race and the totals of each for the day.

(B) shall be properly and timely advised by the Racing Secretary, prior to the beginning of wagering on each race, on the horses that will compete in the race.

(C) is held responsible for the conduct of the mutuels employees, but is not responsible for their "shorts" or "longs".

Each seller or cashier shall be responsible to the Pari-mutuel Manager for their "shorts" or "longs". Such "shorts" or "longs" shall be a guide to the Pari-mutuel Manager as to the conduct and character of the employees.

(D) shall employ only those licensed by the Commission unless by special permission of the Commission.

(E) shall allow no one to enter the Mutuel Department other than those properly licensed and whose employment requires their presence, except with the specific authorization of the pari-mutuel Manager or the Commission.

(F) shall sign all license applications for employees of the Pari-mutuel department.

(G) shall, upon discharging an employee or the resignation of an employee, immediately report same to the Commission. If a discharge or resignation is related to possible violations of racing rules or state laws, or problems involving the handling or reconciliation of wagers, notice shall be accompanied by a report to the Commission concerning the reasons for the action.

(H) shall be responsible for the "odds board" and the information it reflects.

23.002 Reserved

23.003 SIMULCAST WAGERING

23.003.01 DUTIES OF SIMULCAST HOST

(1) Every host association simulcasting its performance, if requested, may contract with an authorized receiver for the purpose of providing authorized users its simulcast.

(2) A host association is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of each performance.

(3) Unless otherwise permitted by the Commission, every simulcast will contain in its video content a digital display of actual time of day, the name of the host facility from where it emanates, the number of the contest being displayed, and any other relevant information available to patrons at the host facility.

(4) The host association shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the Commission.

23.003.02 DUTIES OF AUTHORIZED RECEIVER

(1) An authorized receiver conducts and operates a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more host associations and with the approval of the Commission.

(2) An authorized receiver shall provide:

(a) adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed circuit TV system of the host association for providing any host facility patron information.

(b) pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the host and guest associations.

(c) a voice communication system between each guest association and the host association providing timely voice contact among the Commission designees, placing judges and pari-mutuel departments.

(3) The guest association and all authorized receivers shall conduct pari-mutuel wagering pursuant to the applicable Commission rules.

(4) The Commission may appoint at least one designee to supervise all approved simulcast facilities and may require additional designees as is reasonably necessary for the protection of the public interest.

(5) Not less than 30 minutes prior to the commencement of transmission of the performance of pari-mutuel contests for each day or night, the guest association shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

(6) The guest association shall, in conjunction with the host association or associations for which it operates pari-mutuel wagering, provide the Commission with a certified report of its pari-mutuel operations as directed by the Commission.

(7) Every authorized receiver shall file with the Commission an annual report of its simulcast operations and an audited financial statement.

23.004 INTERSTATE COMMON POOL WAGERING

23.004.01 GENERAL

- (1) All contracts governing participation in interstate common pools shall be submitted to the Commission for approval.
- (2) Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs and breakage, but will be held separate for auditing and all other purposes.
- (3) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.
- (4) In determining whether to approve an interstate common pool which does not include the host track, the Commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the Commission.
- (5) The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules.
- (6) No contract governing participation in interstate common pools shall be approved by the Commission unless it has been approved by the Horsemen's Benevolent and Protective Association or the organization representing a majority of horsemen at the sending or receiving Nebraska track. Any objections to a proposed contract shall be timely made, or deemed to be waived, and shall not be unreasonably withheld.

23.004.02 GUEST STATE PARTICIPATION IN INTERSTATE COMMON POOLS

- (1) With the prior approval of the Commission, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state, or with corresponding pools established by one or more other jurisdictions.
- (2) The Commission may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that at the host track, or identical to that of other jurisdictions participating in a merged pool.
- (3) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.
- (4) Rules established in the state of the host association designated for a pari-mutuel pool shall apply.
- (5) The commission shall approve agreements made between the association and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

(6) If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the association shall make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere; except that, with permission of the Commission, the association may alternatively determine to either pay winning tickets at the payoff prices at the host track, or declare such accepted bets void and make refunds in accordance with the applicable rules.

23.004.03 HOST STATE PARTICIPATION IN MERGED POOLS

(1) With the prior approval of the Commission, an association licensed to conduct pari-mutuel wagering may determine that one or more of its contests be utilized for pari-mutuel wagering at guest facilities in other states, and may also determine that pari-mutuel pools in guest states be combined with corresponding wagering pools established by it as the host track or comparable wagering pools established by two or more states.

(2) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.

(3) Rules of racing established for races held in this state shall also apply to interstate common pools unless the Commission shall have specifically otherwise determined.

(4) The Commission shall approve agreements made between the association and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

(5) Any contract for interstate common pools entered into by the association shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the association, or if, for any reason, the Commission's or the association's representative determines that attempting to effect transfer of pool data from the guest state may endanger the association's wagering pool, the association shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

23.004.04 TAKEOUT RATES IN INTERSTATE COMMON POOLS

(1) To the extent permitted by state law, and with the prior approval of the Commission, an association wishing to participate in an interstate common pool may change its takeout rate so as to achieve a common takeout rate with all other participants in the interstate common pool.

(2) An association wishing to participate in an interstate common pool may request that the Commission approve a methodology whereby host and guest states with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool.

23.005 CALCULATION OF PAYOFFS AND DISTRIBUTION OF POOLS

23.005.01 GENERAL

(1) All permitted pari-mutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

(2) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the "profit per dollar".

(3) A "profit split" calculation shall be used to determine a unique profit per dollar for each winning betting interest or betting combination when more than one such betting interest or betting combination is entitled to a portion of a pari-mutuel pool, except for those pari-mutuel pools where the rules specify a single price pool.

(4) Each association shall distribute to the holders of winning tickets the next lowest multiple of ten cents for each dollar wagered based on the profit per dollar calculation, except in the case of a "minus pool".

(5) A minus pool exists when the profit per dollar calculation is less than ten cents. When a minus pool occurs the association may distribute \$1.10 for each dollar wagered, and shall distribute not less than \$1.05 cents for each dollar wagered.

(6) The odds cents not distributed to holders of winning tickets pursuant to rule 23.005.01 subsection (4) and (5) shall be referred to as "breakage". Breakage shall be retained by the association.

(7) Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools.

(a) Standard Price Calculation Procedure

SINGLE PRICE POOL (WIN POOL)

gross pool	= sum of wagers on all betting interests - refunds
takeout	= gross pool x percent takeout
net pool	= gross pool - takeout
profit	= net pool - gross amount bet on winner
profit per dollar	= profit / gross amount bet on winner
\$1 unbroken price	= profit per dollar + \$1
\$1 broken price	= \$1 unbroken price rounded down to the break point

total payout = \$1 broken price x gross amount
bet on winner
total breakage = net pool - total payout

PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(b) Net Price Calculation Procedure

SINGLE PRICE POOL (WIN POOL)

gross pool = sum of wagers on all betting interests
- refunds
takeout = gross pool x percent takeout
* for each source:
net pool = gross pool - takeout
net bet on winner = gross amount bet on winner x (1 - percent takeout)
total net pool = sum of all sources net pools
total net bet on winner = sum of all sources net bet on winner
total profit = total net pool - total net bet on winner
profit per dollar = total profit / total net bet on winner
\$1 unbroken base price = profit per dollar + \$1
* for each source:
\$1 unbroken price = \$1 unbroken base price x (1 - percent takeout)
\$1 broken price = \$1 unbroken price rounded down to the break point
total payout = \$1 broken price x gross amount bet on winner
total breakage = net pool - total payout

PROFIT SPLIT (PLACE POOL)

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

PROFIT SPLIT (SHOW POOL)

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

23.005.02 WIN POOLS

(1) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to Win on that betting interest.

(2) The net Win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool shall be refunded on Win wagers for that contest.

(3) If there is a dead heat for first involving:

(a) contestants representing the same betting interest, the Win pool shall be distributed as if no dead heat occurred.

(b) contestants representing two or more betting interests, the Win pool shall be distributed as a profit split.

Table 1: WIN POOL
(Standard Price Calculation)

Sum of Wagers on All Betting Interests =	\$194,230.00
Refunds =	\$ 1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds=	\$192,913.00
Percent Takeout =	18%
Takeout:	
Gross Pool x Percent Takeout =	\$ 34,724.34
Net Pool:	
Gross Pool - Takeout =	\$158,188.66
Gross Amount Bet on Winner =	\$ 23,872.00
Profit:	
Net Pool - Gross Amount Bet on Winner =	\$134,316.66
Profit Per Dollar:	
Profit / Gross Amount Bet on Winner =	\$ 5.6265357
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$ 6.6265357

23.005.03 PLACE POOLS

- (1) The amounts wagered to Place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest.
- (2) The net Place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (a) If contestants of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
 - (b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then
 - (c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then
 - (d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then
 - (e) The entire pool shall be refunded on Place wagers for that contest.
- (3) If there is a dead heat for first involving:
 - (a) contestants representing the same betting interest, the Place pool shall be distributed as a single price pool.
 - (b) contestants representing two or more betting interests, the Place pool shall be distributed as a profit split.
- (4) If there is a dead heat for second involving:
 - (a) contestants representing the same betting interest, the Place pool shall be distributed as if no dead heat occurred.
 - (b) contestants representing two or more betting interests, the Place pool is divided with one-half (1/2) of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally amongst Place wagers on those betting interests involved in the dead heat for second.

Table 2: PLACE POOL
(Standard Price Calculation)

Sum of Wagers on All Betting Interests =	\$194,230.00
Refunds =	\$ 1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$192,913.00
Percent Takeout =	18%
Takeout:	
Gross Pool x Percent Takeout =	\$ 34,724.34
Net Pool:	
Gross Pool - Takeout =	\$158,188.66
Gross Amount Bet on 1st place finisher =	\$ 23,872.00
Gross amount Bet on 2nd place finisher =	\$ 12,500.00
Profit:	
Net Pool - Gross Amount Bet on 1st place finisher - Gross Amount Bet on 2nd place finisher =	\$121,816.66
Place Profit:	
Profit / 2 =	\$ 60,908.33
Profit Per Dollar for 1st place:	
Place Profit / Gross Amount Bet on 1st place finisher =	\$ 2.5514548
\$1 Unbroken Price for 1st place:	
Profit Per Dollar for 1st place + \$1 =	\$ 3.5514548
Profit Per Dollar for 2nd place:	
Place Profit / Gross Amount Bet on 2nd place finisher =	\$ 4.8726664
\$1 Unbroken Price for 2nd place:	
Profit Per Dollar for 2nd place + \$1 =	\$ 5.8726664

23.005.04 SHOW POOLS

- (1) The amounts wagered to Show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest.
- (2) The net Show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (a) If contestants of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
- (b) If contestants of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds (2/3) distributed to those who selected the coupled entry or mutuel field and one-third (1/3) distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool shall be refunded on Show wagers for that contest.

(3) If there is a dead heat for first involving:

(a) two contestants representing the same betting interest, the profit is divided with two-thirds (2/3) distributed to those who selected the first-place finishers and one-third (1/3) distributed to those who selected the betting interest finishing third.

(b) three contestants representing a single betting interest, the Show pool shall be distributed as a single price pool.

(c) contestants representing two or more betting interests, the Show pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving:

(a) contestants representing the same betting interest, the profit is divided with one-third (1/3) distributed to those who selected the betting interest finishing first and two-thirds (2/3) distributed to those who selected the second-place finishers.

(b) contestants representing two betting interests, the Show pool shall be distributed as a profit split.

(c) contestants representing three betting interests, the Show pool is divided with one-third (1/3) of the profit distributed to Show wagers on the betting interest finishing first and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for second.

(5) If there is a dead heat for third involving:

(a) contestants representing the same betting interest, the Show pool shall be distributed as if no dead heat occurred.

(b) contestants representing two or more betting interests, the Show pool is divided with two-thirds (2/3) of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for third.

Table 3: SHOW POOL
(Standard Price Calculation)

Sum of Wagers on All Betting Interests =	\$ 194,230.00
Refunds =	\$ 1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$ 192,913.00
Percent Takeout =	18%
Takeout:	
Gross Pool x Percent Takeout =	\$ 34,724.34
Net Pool:	
Gross Pool - Takeout =	\$ 158,188.66
Gross Amount Bet on 1st place finisher =	\$ 23,872.00
Gross Amount Bet on 2nd place finisher =	\$ 12,500.00
Gross Amount Bet on 3rd place finisher =	\$ 4,408.00
Profit:	
Net Pool - Gross Amount Bet	
on 1st place finisher	
- Gross Amount Bet	
on 2nd place finisher	
- Gross Amount Bet	
on 3rd place finisher =	\$ 117,408.66
Show Profit:	
Profit / 3 =	\$ 39,136.22
Profit Per Dollar for 1st place:	
Show Profit / Gross Amount Bet	
on 1st place finisher =	\$ 1.6394194
\$1 Unbroken Price for 1st place:	
Profit Per Dollar for 1st place + \$1 =	\$ 2.6394194
Profit Per Dollar for 2nd place:	
Show Profit / Gross Amount Bet	
on 2nd place finisher =	\$ 3.1308976
\$1 Unbroken Price for 2nd place:	
Profit Per Dollar for 2nd place + \$1 =	\$ 4.1308976
Profit Per Dollar for 3rd place:	
Show Profit / Gross Amount Bet	
on 3rd place finisher =	\$ 8.8784528
\$1 Unbroken Price for 3rd place:	
Profit Per Dollar for 3rd place + \$1 =	\$ 9.8784528

Table 4: SHOW POOL
Single Takeout Rate & Single Betting Source
(Net Price Calculation)

Sum of Wagers on All Betting Interests =	\$ 194,230.00
Refunds =	\$ 1,317.00
Gross Pool:	

Sum of Wagers on All Betting	
Interests - Refunds =	\$ 192,913.00
Percent Takeout =	18%
Takeout:	
Gross Pool x Percent Takeout =	\$ 34,724.34
Total Net Pool:	
Gross Pool - Takeout =	\$ 158,188.66
Gross Amount Bet on 1st place finisher =	\$ 23,872.00
Net Amount Bet on 1st place finisher =	\$ 19,575.04
Gross Amount Bet on 2nd place finisher =	\$ 12,500.00
Net Amount bet on 2nd place finisher =	\$ 10,250.00
Gross Amount Bet on 3rd place finisher =	\$ 4,408.00
Net Amount Bet on 3rd place finisher =	\$ 3,614.56
Total Net Bet on Winners:	
Net Amount Bet on 1st place finisher + Net Amount Bet on 2nd place finisher + Net Amount Bet on 3rd place finisher =	\$ 33,439.60
Total Profit:	
Total Net Pool - Total Net Bet on Winners =	\$ 124,749.06
Show Profit:	
Total Profit / 3 =	\$ 41,583.02
Profit Per Dollar for 1st place:	
Show Profit / Net Amount Bet on 1st place finisher =	\$ 2.1242879
\$1 Unbroken Base Price for 1st place:	
Profit Per Dollar for 1st place + \$1 =	\$ 3.1242879
\$1 Unbroken Price for 1st place:	
\$1 Unbroken Base Price for 1st place x (1 - percent takeout) =	\$ 2.5619161
Profit Per Dollar for 2nd place:	
Show Profit / Net Amount Bet on 2nd place finisher =	\$ 4.0568800
\$1 Unbroken Base Price for 2nd place:	
Profit Per Dollar for 2nd place + \$1 =	\$ 5.0568800
\$1 Unbroken Price for 2nd place:	
\$1 Unbroken Base Price for 2nd place x (1 - percent takeout) =	\$ 4.1466416
Profit Per Dollar for 3rd place:	
Show Profit / Net Amount Bet on 3rd place finisher =	\$ 11.504310
\$1 Unbroken Base Price for 3rd place:	
Profit Per Dollar for 3rd place + \$1 =	\$ 12.504310
Unbroken Price for 3rd place:	
\$1 Unbroken Base Price for 3rd place x (1 - percent takeout) =	\$ 10.253534

23.005.05 DOUBLE POOLS

(1) The Double requires selection of the first-place finisher in each of two specified contests.

(2) The net Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (a) As a single price pool to those whose selection finished first in each of the two contests; but if there are no such wagers, then
 - (b) As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then
 - (c) As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then
 - (d) As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers, then
 - (e) The entire pool shall be refunded on Double wagers for those contests.
- (3) If there is a dead heat for first in either of the two contests involving:
- (a) contestants representing the same betting interest, the Double pool shall be distributed as if no dead heat occurred.
 - (b) contestants representing two or more betting interests, the Double pool shall be distributed as a profit split if there is more than one covered winning combination.
- (4) Should a betting interest in the first-half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
- (5) Should a betting interest in the second-half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
- (6) Should a betting interest in the second-half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted from the net Double pool before calculation and distribution of the winning Double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.
- (7) If either of the Double contests are cancelled prior to the first Double contest, or the first Double contest is declared "no contest",

the entire Double pool shall be refunded on Double wagers for those contests.

(8) If the second Double contest is cancelled or declared "no contest" after the conclusion of the first Double contest, the net Double pool shall be distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool shall be distributed as a profit split.

Table 5: DOUBLE POOL
(Standard Price Calculation)

Sum of Wagers on All Betting Interests =	\$ 194,230.00
Refunds =	\$ 1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$ 192,913.00
Percent Takeout =	18%
Takeout:	
Gross Pool x Percent Takeout =	\$ 34,724.34
Net Pool:	
Gross Pool - Takeout =	\$ 158,188.66
Gross Amount Bet on Winning Combination =	\$ 23,872.00
Profit:	
Net Pool - Gross Amount Bet on Winning Combination =	\$ 134,316.66
Profit Per Dollar:	
Profit / Gross Amount Bet on Winning Combination =	\$ 5.6265357
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$ 6.6265357

Table 6: DOUBLE POOL
CONSOLATION PRICING

Sum of Wagers on All Betting Interests =	\$ 194,230.00
Refunds =	\$ 1,317.00
Gross Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$ 192,913.00
Percent Takeout =	18%
Takeout:	
Gross Pool x Percent Takeout =	\$ 34,724.34
Net Pool:	
Gross Pool - Takeout =	\$ 158,188.66
Consolation Pool:	
Sum Total Amount Bet on winner of the first contest with all second contest betting interests =	\$ 43,321.00
\$1 Consolation Unbroken Consolation Price:	
Net Pool / Consolation Pool =	\$ 3.6515468
\$1 Consolation Broken Price =	\$ 3.65
Amount Bet on winner of the first contest with scratched betting interests:	\$ 1,234.00
Consolation Liability:	
\$1 Consolation Broken Price x	

(Amount Bet on the winner of the first contest with scratched betting interests) =	\$ 4,504.10
Adjusted Net Pool:	
Net Pool - Consolation Liability =	\$ 153,684.56
Gross Amount Bet on the Winning Combination =	\$ 23,872.00
Profit:	
Adjusted Net Pool - Gross Amount Bet on the Winning Combination =	\$ 129,812.56
Profit Per Dollar:	
Profit / Gross Amount Bet on the Winning Combination =	\$ 5.4378586
\$1 Unbroken Price:	
Profit Per Dollar + \$1 =	\$ 6.4378586

23.005.06 PICK THREE POOLS

- (1) The Pick Three requires selection of the first-place finisher in each of three specified contests.
- (2) The net Pick Three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (a) As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
 - (b) As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
 - (c) As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
 - (d) The entire pool shall be refunded on Pick Three wagers for those contests.
- (3) If there is a dead heat for first in any of the three contests involving:
 - (a) contestants representing the same betting interest, the Pick Three pool shall be distributed as if no dead heat occurred.
 - (b) contestants representing two or more betting interests, the Pick Three pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
- (4) Should a betting interest in any of the three Pick Three contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the

lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all three Pick Three contests are cancelled or declared "no contest", the entire pool shall be refunded on Pick Three wagers for those contests.

(6) If one or two of the Pick Three contests are cancelled or declared "no contest", the Pick Three pool will remain valid and shall be distributed in accordance with subsection 2 of this rule.

23.005.07 PICK (N) POOLS

(1) The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The association must obtain written approval from the Commission concerning the scheduling of Pick (n) contests, the designation of one of the methods prescribed in Part (2), and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the Commission.

(2) The Pick (n) pool shall be apportioned under one of the following methods:

(a) Method 1. Pick (n) with Carryover: No Minor Pool: The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder shall be added to the carryover.

(b) Method 2. Pick (n) with Minor Pool and Carryover: The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover.

(c) Method 3. Pick (n) with No Minor Pool and No Carryover: The net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based

upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) Method 4. Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(e) Method 5. Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in the second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

(3) If there is a dead heat for first in any of the Pick (n) contests involving:

(a) contestants representing the same betting interest, the Pick (n) pool shall be distributed as if no dead heat occurred.

(b) contestants representing two or more betting interests, the Pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest,

shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The Pick (n) pool shall be cancelled and all Pick (n) wagers for the individual performance shall be refunded if:

(a) at least two contests included as part of a Pick 3 are cancelled or declared "no contest".

(b) at least three contests included as part of a Pick 4, Pick 5 or Pick 6 are cancelled or declared "no contest".

(c) at least four contests included as part of a Pick 7, Pick 8 or Pick 9 are cancelled or declared "no contest".

(d) at least five contests included as part of a Pick 10 are cancelled or declared "no contest".

(6) If at least one contest included as part of a Pick (n) is cancelled or declared "no contest", but not more than the number specified in subsection 5 of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.

(7) The Pick (n) carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance.

(8) A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(9) Should the Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover

shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the Commission as provided in subsection 8 of this rule.

(b) Upon written approval from the Commission when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued.

(c) On the closing performance of the meet or split meet.

(10) If, for any reason, the Pick (n) carryover must be held over to the corresponding Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Pick (n) carryover plus accrued interest shall then be added to the net Pick (n) pool of the following meet on a date and performance so designated by the Commission.

(11) With the written approval of the Commission, the association may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(13) The association may suspend previously-approved Pick (n) wagering with the prior approval of the Commission. Any carryover shall be held until the suspended Pick (n) wagering is reinstated. An association may request approval of a Pick (n) wager or separate wagering pool for specific performances.

**Table 7: PICK 7 POOL
Multiple Takeout Rates & Multiple Betting Sources
(Net Price Calculation)**

Percent	Gross Gross Amt. Net		Net Amt.		
	<u>Takeout</u>	<u>Pool</u>	<u>Bet on Win.</u>	<u>Pool</u>	<u>Bet on Win.</u>
Source 1:	16%	\$ 190,000.00	\$ 44.00	\$ 159,600.00	\$ 36.96
Source 2:	18.5%	\$ 10,000.00	\$ 18.00	\$ 8,150.00	\$ 14.67
Source 3:	21%	\$ 525,730.00	\$ 124.00	\$ 415,326.70	\$ 97.96
TOTALS:		\$ 725,730.00	\$ 186.00	\$ 583,076.70	\$ 149.59
Total Profit:					
Total Net Pool - Total Net Bet on the Winning Combination =				\$	582,927.11
Profit Per Dollar:					
Total Profit / Total Net Bet on the Winning Combination =				\$	3,896.8321
\$1 Unbroken Base Price:					
Profit Per Dollar + \$1 =				\$	3,897.8321
\$1 Unbroken Price for Source 1:					
\$1 Unbroken Base Price					

x (1 - Percent Takeout) =	\$	3,274.1789
\$1 Unbroken Price for Source 2:		
\$1 Unbroken Base Price		
x (1 - Percent Takeout) =	\$	3,176.7331
\$1 Unbroken Price for Source 3:		
\$1 Unbroken Base Price		
x (1 - Percent Takeout) =	\$	3,079.2873

23.005.08 QUINELLA POOLS

(1) The Quinella requires selection of the first two finishers, irrespective of order, for a single contest.

(2) The net Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of the those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) The entire pool shall be refunded on Quinella wagers for that contest.

(3) If there is a dead heat for first involving:

(a) contestants representing the same betting interest, the Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) contestants representing two betting interests, the Quinella pool shall be distributed as if no dead heat occurred.

(c) contestants representing three or more betting interests, the Quinella pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving contestants representing the same betting interest, the Quinella pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving contestants representing two or more betting interests, the Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(e) The entire pool shall be refunded on Quinella wagers for that contest.

23.005.09 QUINELLA DOUBLE POOLS

(1) The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two specified contests.

(2) The net Quinella Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise

(b) As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers, then

(c) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests, then

(d) As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then

(e) The entire pool shall be refunded on Quinella Double wagers for those contests.

(3) If there is a dead heat for first in either of the two Quinella Double contests involving:

(a) contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.

(b) contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.

(c) contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.

(4) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool shall be distributed as profit split.

(6) Should a betting interest in the first-half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest shall deducted from the Quinella Double pool and refunded.

(7) Should a betting interest in the second-half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.

(8) Should a betting interest in the second-half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Quinella Double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted

from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payoff. In the event of a dead heat involving separate betting interests, the net Quinella Double pool shall be distributed as a profit split.

(9) If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest", the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.

(10) If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.

23.005.10 SHOW QUINELLA POOLS

(1) The Show Quinella requires selection of two (2) of the first three (3) finishers, irrespective of order, for a single contest.

(2) The Show Quinella pool shall be apportioned under one of the following methods:

(a) METHOD 1. SINGLE PRICE AND REFUND: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests: but if there are no such wagers, then

(2) The entire pool shall be refunded on Show Quinella wagers for that contest.

(b) METHOD 2. SINGLE PRICE AND CARRYOVER: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then

(2) The net pool will be carried forward and added to the next Show Quinella pool.

(c) METHOD 3. PROFIT SPLIT AND REFUND: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a profit split to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then

(2) The entire pool shall be refunded on Show Quinella wagers for that contest.

(d) METHOD 4. PROFIT SPLIT AND CARRYOVER: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a profit split to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then

(2) The net pool will be carried forward and added to the next Show Quinella pool.

(3) If there is a dead heat for first involving:

(a) contestants representing two or three betting interests, the Show Quinella pool shall be distributed as if no dead heat occurred.

(b) contestants representing four or more betting interests, the Show Quinella pool shall be distributed between all possible winning combinations based upon the method selected in subparagraph 2.

(4) If there is a dead heat for second involving:

(a) contestants representing two betting interests, the Show Quinella pool shall be distributed as if no dead heat occurred.

(b) contestants representing three or more betting interests, the Show Quinella pool shall be distributed between all possible winning combinations based upon the method selected in subparagraph 2.

(5) If there is a dead heat for third involving contestants representing two or more betting interests, the Show Quinella pool shall be distributed between all possible winning combinations, including those betting interests in the dead heat based upon the method selected in subparagraph 2.

(6) Should any betting interest entered in the Show Quinella pool be scratched or excused from the contest, wagers including

such betting interest shall be deducted from the Show Quinella pool and money refunded.

(7) If, for any reason, the Show Quinella carryover must be held over to the corresponding Show Quinella pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Show Quinella carryover plus accrued interest shall be added to the net Show Quinella pool of the following meet on a date and performance so designated by the Commission.

23.005.11 EXACTA POOLS

(1) The Exacta requires selection of the first two finishers, in their exact order, for a single contest.

(2) The net Exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(e) The entire pool shall be refunded on Exacta wagers for that contest.

(3) If there is a dead heat for first involving:

(a) contestants representing the same betting interest, the Exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) contestants representing two or more betting interests, the Exacta pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(d) The entire pool shall be refunded on Exacta wagers for that contest.

23.005.12 TRIFECTA POOLS

(1) The Trifecta requires selection of the first three finishers, in their exact order, for a single contest.

(2) The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on Trifecta wagers for that contest.

(3) If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(4) If there is a dead heat for first involving:

(a) contestants representing three or more betting interests, all of the wagering combinations selecting three

betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

23.005.13 SUPERFECTA POOLS

(1) The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.

(2) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire pool shall be refunded on Superfecta wagers for that contest.

(3) If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(4) If there is a dead heat for first involving:

(a) contestants representing four or more betting interests, all of the wagering combinations selecting four

betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.

(c) contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(5) If there is a dead heat for second involving:

(a) contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(b) contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(8) Coupled entries and mutuel fields shall be prohibited in Superfecta contests.

23.005.14 TWIN QUINELLA POOLS

(1) The Twin Quinella requires selection of the first two finishers, irrespective of order, in each of two designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests shall be included in only one Twin Quinella pool.

(2) In the first Twin Quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest:

(a) If a coupled entry or mutuel field finishes as the first two finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; otherwise

(b) Those whose combination finished as the first two betting interests shall be winners; but if there are no such wagers, then

(c) Those whose combination included either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers, then

(d) Those whose combination included the one covered betting interest included within the first two finishers shall be winners; but if there are no such wagers, then

(e) The entire pool shall be refunded on Twin Quinella wagers for that contest.

(3) In the first Twin Quinella contest only, if there is a dead heat for first involving:

(a) contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.

(b) contestants representing two betting interests, the winning Twin Quinella wagers shall be determined as if no dead heat occurred.

(c) contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat shall be winners.

(4) In the first Twin Quinella contest only, if there is a dead heat for second involving:

(a) contestants representing the same betting interest, those who selected the first-place finisher combined with the coupled entry or mutuel field in second-place shall be winners.

(b) contestants representing two or more betting interests, those who combined the first-place finisher with any of the betting interests involved in the dead for second shall be winners.

(5) In the second Twin Quinella contest only, the entire net Twin Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest:

(a) If a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then

(f) In accordance with subsection 2 of the Twin Quinella rules.

(6) In the second Twin Quinella contest only, if there is a dead heat for first involving:

(a) contestants representing the same betting interest, the net Twin Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) contestants representing two betting interests, the net Twin Quinella pool shall be distributed as if no dead heat occurred.

(c) contestants representing three or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those whose combination included any two of the betting interests finishing in the dead heat.

(7) In the second Twin Quinella contest only, if there is a dead heat for second involving:

(a) contestants representing the same betting interest, the net Twin Quinella pool shall be distributed as if no dead heat occurred.

(b) contestants representing two or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those who combined the first-place finisher with any of the betting interests involved in the dead heat for second.

(8) If a winning ticket for the first-half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest.

(9) Should a betting interest in the first-half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest shall be refunded.

(10) Should a betting interest in the second-half of the Twin Quinella be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Quinella contest, the ticket holder forfeits all rights to the Twin Quinella pool.

(11) If either of the Twin Quinella contests is cancelled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared "no contest", the entire Twin Quinella pool shall be refunded on Twin Quinella wagers for that contest.

(12) If the second-half Twin Quinella contest is cancelled or declared "no contest" after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Twin Quinella contest and all valid exchange tickets. If there is no such wagers, the net Twin Quinella pool shall be distributed as described in subsection 2 of the Twin Quinella rules.

23.005.15 TWIN TRIFECTA POOLS

(1) The Twin Trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first-half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests shall be included in only one Twin Trifecta pool.

(2) After wagering closes for the first-half of the Twin Trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools: the first-half Twin Trifecta pool and the second-half Twin Trifecta pool.

(3) In the first Twin Trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second-half shall be cancelled.

(4) If no first-half Twin Trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second-half Twin Trifecta pool shall be retained and added to any existing Twin Trifecta carryover pool.

(5) Winning tickets from the first-half of the Twin Trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the Twin Trifecta. The second-half Twin Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets, then

(b) The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Trifecta pool of the next consecutive performance.

(6) If a winning first-half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.

(7) Coupled entries and mutuel fields shall be prohibited in Twin Trifecta contests.

(8) Should a betting interest in the first-half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest shall be refunded.

(9) Should a betting interest in the second-half of the Twin Trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Trifecta contest, the ticket holder forfeits all rights to the second-half Twin Trifecta pool.

(10) If, due to a late scratch, the number of betting interests in the second-half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin-Trifecta carryover.

(11) If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

(a) the first-half of the Twin Trifecta, the payoff shall be calculated as a profit split.

(b) the second-half of the Twin Trifecta, the payoff shall be calculated as a single price pool.

(12) If either of the Twin Trifecta contests are cancelled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared "no contest", the entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second-half shall be cancelled.

(13) If the second-half Twin Trifecta contest is cancelled or declared "no contest", all exchange tickets and outstanding first-half winning Twin Trifecta tickets shall be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin Trifecta Jackpot. If there are no such tickets, the net Twin Trifecta pool shall be distributed as described in subsection 3 of the Twin Trifecta rules.

(14) The Twin-Trifecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Twin Trifecta carryover equals or exceeds the designated cap, the Twin Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the Twin Trifecta carryover is frozen, 100 percent of the net Twin Trifecta pool for each individual contest shall be distributed to winners of the first-half of the Twin Trifecta pool.

(15) A written request for permission to distribute the Twin-Trifecta carryover on a specific performance may be

submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(16) Should the Twin Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Trifecta after completion of the first-half of the Twin Trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first-half winning tickets.

(17) Contrary to subsection 4 of the Twin Trifecta rules, during a performance designated to distribute the Twin-Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Twin Trifecta, all first-half tickets will become winners and will receive 100 percent of that day's net Twin Trifecta pool and any existing Twin Trifecta carryover as a single price pool.

(18) The Twin Trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the Commission as provided in subsection 15 of the Twin Trifecta rules.

(b) Upon written approval from the Commission when there is a change in the carryover cap or when the Twin Trifecta is discontinued.

(c) On the closing performance of the meet or split meet.

(19) If, for any reason, the Twin Trifecta carryover must be held over to the corresponding Twin Trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Twin Trifecta carryover plus accrued interest shall then be added to the second-half Twin Trifecta pool of the following meet on a date and performance so designated by the Commission.

(20) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(21) The association must obtain written approval from the Commission concerning the scheduling of Twin Trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the Commission.

23.005.16 TRI-SUPERFECTA POOLS

(1) The Tri-Superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first-half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-superfecta contests shall be included in only one Tri-Superfecta pool.

(2) After wagering closes for the first-half of the Tri-Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Tri-Superfecta pool and the second-half Tri-Superfecta pool.

(3) In the first Tri-Superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second-half shall be cancelled.

(4) If no first-half Tri-Superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Tri-Superfecta pool. In such case, the second-half Tri-superfecta pool shall be retained and added to any existing Tri-Superfecta carryover pool.

(5) Winning tickets from the first-half of the Tri-Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Tri-Superfecta. The second-half Tri-Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then

(b) The entire second-half Tri-Superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance.

(6) If a winning first-half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second-half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Tri-Superfecta pool but forfeits all rights to any distribution of the second-half Tri-Superfecta pool.

(7) Coupled entries and mutuel fields shall be prohibited in Tri-Superfecta contests.

(8) Should a betting interest in the first-half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest shall be refunded.

(9) Should a betting interest in the second-half of the Tri-Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Tri-Superfecta contest, the ticket holder forfeits all rights to the second-half Tri-Superfecta pool.

(10) If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover.

(11) If there is a dead heat or multiple dead heats in either the first- or second-half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in

(a) the first-half of the Tri-Superfecta, the payoff shall be calculated as a profit split.

(b) the second-half of the Tri-Superfecta, the payoff shall be calculated as a single price pool.

(12) If either of the Tri-Superfecta contests are cancelled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared "no contest", the entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second-half shall be cancelled.

(13) If the second-half Tri-Superfecta contest is cancelled or declared "no contest", all exchange tickets and outstanding first-half winning Tri-Superfecta tickets shall be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If there are no such

tickets, the net Tri-Superfecta pool shall be distributed as described in subsection 3 of the Tri-Superfecta rules.

(14) The Tri-Superfecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Tri-Superfecta carryover is frozen, 100 percent of the net Tri-Superfecta pool for each individual contest shall be distributed to winners of the first-half of the Tri-Superfecta pool.

(15) A written request for permission to distribute the Tri-Superfecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(16) Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Tri-Superfecta after completion of the first-half of the Tri-Superfecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers, then

(e) As a single price pool to holders of valid exchange tickets.

(f) As a single price pool to holders of outstanding first-half winning tickets.

(17) Contrary to subsection 4 of the Tri-Superfecta rules, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the

first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Tri-Superfecta, all first-half tickets will become winners and will receive 100 percent of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool.

(18) The Tri-Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the Commission as provided in subsection 15 of the Tri-Superfecta rules.

(b) Upon written approval from the Commission when there is a change in the carryover cap or when the Tri-Superfecta is discontinued.

(c) On the closing performance of the meet or split meet.

(19) If, for any reason, the Tri-Superfecta carryover must be held over to the corresponding Tri-Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Tri-Superfecta carryover plus accrued interest shall then be added to the second-half Tri-superfecta pool of the following meet on a date and performance so designated by the Commission.

(20) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(21) The association must obtain written approval from the Commission concerning the scheduling of Tri-Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format require prior approval from the Commission.

23.005.17 TWIN SUPERFECTA POOLS

(1) The Twin Superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning first-half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the

designated Twin Superfecta contests shall be included in only one Twin Superfecta pool.

(2) After wagering closes for the first-half of the Twin Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Twin Superfecta pool and the second-half Twin Superfecta pool.

(3) In the first Twin Superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second-half shall be cancelled.

(4) If no first-half Twin Superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool shall be retained and added to any existing Twin Superfecta carryover pool.

(5) Winning tickets from the first-half of the Twin Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Twin Superfecta. The second-half Twin Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then

(b) The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and

retained for the corresponding second-half Twin Superfecta pool of the next performance.

(6) If a winning first-half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.

(7) Coupled entries and mutuel fields shall be prohibited in Twin Superfecta contests.

(8) Should a betting interest in the first-half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest shall be refunded.

(9) Should a betting interest in the second-half of the Twin Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Superfecta contest, the ticket holder forfeits all rights to the second-half Twin Superfecta pool.

(10) If, due to a late scratch, the number of betting interests in the second-half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover.

(11) If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

(a) the first-half of the Twin Superfecta, the payoff shall be calculated as a profit split.

(b) the second-half of the Twin Superfecta, the payoff shall be calculated as a single price pool.

(12) If the either of the Twin Superfecta contests are cancelled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared "no contest", the entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second-half shall be cancelled.

(13) If the second-half Twin Superfecta contest is cancelled or declared "no contest", all exchange tickets and outstanding first-half winning Twin Superfecta tickets shall be entitled to the net Twin Superfecta pool for that contest as a single price

pool, but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool shall be distributed as described in subsection 3 of the Twin Superfecta rules.

(14) The Twin-Superfecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Twin-Superfecta carryover equals or exceeds the designated cap, the Twin-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, 100 percent of the net Twin Superfecta pool for each individual contest shall be distributed to winners of the first-half of the Twin Superfecta pool.

(15) A written request for permission to distribute the Twin Superfecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(16) Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Superfecta after completion of the first-half of the Twin Superfecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) As a single price pool to holders of valid exchange tickets.

(f) As a single price pool to holders of outstanding first-half winning tickets.

(17) Contrary to subsection 4 of the Twin Superfecta rules, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations

selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for

combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Twin Superfecta, all first-half tickets will become winners and will receive 100 percent of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool.

(18) The Twin Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the Commission as provided in subsection 15 of the Twin Superfecta rules.

(b) Upon written approval from the Commission when there is a change in the carryover cap or when the Twin Superfecta is discontinued.

(c) On the closing performance of the meet or split meet.

(19) If, for any reason, the Twin Superfecta carryover must be held over to the corresponding Twin Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Twin Superfecta carryover plus accrued interest shall then be added to the second-half Twin Superfecta pool of the following meet on a date and performance so designated by the Commission.

(20) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(21) The association must obtain written approval from the Commission concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the Commission.

This page intentionally left blank

Chapter 24 - NEBRASKA-BRED RULES

24.001 REGISTRATION FORMS

24.001.01 Nebraska-bred registration application forms furnished by the official registrar must be completed and filed with the official registrar by the owner or authorized agent to effect the registration of broodmares, stallions standing for service in Nebraska, and foals.

24.001.02 All registration forms used by the official registry shall have been approved by the Nebraska State Racing Commission.

24.002 REGISTRATION OF BROODMARES

24.002.01 Before a foal can be certified as Nebraska-bred its dam must have been registered prior to foaling with the official registrar. An application for Registration of Broodmare, including a notarized affidavit of mare ownership and the required registration fee must be submitted to the official registrar prior to the birth of the foal.

A "late fee" shall be charged for an Application for Registration of Broodmare after September 1 of the year bred, unless said mare is purchased in foal, in which case the mare owner shall have 60 days to register said mare at the regular fee; however, in any event an Application for Registration of Broodmare must be submitted prior to the birth of the foal. A current copy of both sides of the Jockey Club or American Quarter Horse Association papers for the mare must accompany the broodmare application.

24.002.02 The official registrar shall issue a Certificate of Registration for a Broodmare on receipt of satisfactory evidence of the ownership, location and identity of the mare, the completion of the required forms, and the submission of the required registration fee.

24.002.03 In the event of a sale or transfer of all or part ownership of a broodmare that is registered with the official registry, the new owner(s) must apply to the official registrar by completing a Change of Broodmare Ownership form. This form and the applicable fee must be filed with the official registrar.

A "late fee" shall be charged for a Change of Broodmare Ownership submitted after September 1 of the year bred, unless said mare is purchased in foal, in which case the new mare owners(s) shall have 60 days to submit the Change of Broodmare Ownership at the regular fee. A

current copy of both sides of the Jockey Club or American Quarter Horse Association papers for the mare must accompany the broodmare application.

24.003 REGISTRATION OF STALLIONS

24.003.01 In order to register a stallion for purposes of making his foals eligible as class "A" Nebraska-bred, the stallion owner or lessee must file with the official registrar the application for registration of the stallion and the registration fee. Registration must be done prior to the time the stallion is put into service (see 24.005.01B for definition of a class "A" Nebraska-bred).

24.003.02 If a stallion is leased, a copy of the notarized lease agreement must be submitted with the registration.

24.003.03 A change in the ownership of a stallion cancels the registration, except in the case of a partial change of ownership or sale of a share or shares in a syndication that does not affect an existing stallion ownership agreement or syndication agreement. In the event of invalidation of a stallion registration due to change in ownership, the new owner or lessee must register the stallion with the official registry.

24.004 REPORTS REQUIRED

24.004.01 If required reports are not on file, the Nebraska bred Certificate of Eligibility for a foal cannot be issued. Late filing of required reports may delay processing of the Breeder's Certificate and issuance of a Nebraska Bred Certificate of Eligibility, and require payment of late fees.

24.004.02 Annual Broodmare Report - Due September 1

An annual Broodmare Report including the ownership of the mare, the location of the mare, the name of the stallion(s) to which the mare was bred, and the date of first and last service is due September 1.

24.004.03 Annual Stallion Report - Due September 1

An Annual Stallion Report of mares bred by Nebraska registered stallions (see 24.005.01B Class "A" foals) is due September 1.

24.004.04 Report of mares Leaving Nebraska - Due within 3 days

Refer to Nebraska Revised Statutes Section 2-1213(2) which provides for exception to the requirement that a dam must be continuously in the state for either six months, ninety days, or thirty days as specified in 2-1213(2) (d). This exception is for a dam placed on a nationally recognized sale, or for the treatment of an extreme sickness or injury. Written notice must be provided to the secretary of the Commission within 3 days of the date such horse is taken out of the state.

24.004.05 Report of Mares Entering the State - Due within 3 days

A Report of Mares Entering Nebraska shall include the ownership of the mare, address of the owner(s), name and age of mare, Jockey Club

Certificate of Foal Registration number, date mare enters Nebraska, destination in Nebraska, and reason for entering Nebraska. This report shall be provided to the official registrar within three days of the date the mare enters Nebraska.

24.004.06 Late Fees

Late fees will be assessed if the required Annual Broodmare Report is not provided to the official registrar by September 1, and if the required Report of Mares Entering Nebraska is not provided to the official registrar within three days of the date the mare enters Nebraska.

Late fees shall apply only when required reports are applicable to the processing of a Breeder's Certificate, and due at the time the Breeder's Certificate is submitted to the official registrar.

Late fees shall be established by the commission, and shall not be changed without commission approval.

24.005 REGISTRATION OF NEBRASKA-BRED FOALS

24.005.01 CLASS "A" AND CLASS "B" FOALS

24.005.01A There shall be two classifications for Nebraska-bred foals, which shall be referred to as Class "A" and Class "B".

24.005.01B Class "A" foals must meet the following requirements: (a) be conceived and foaled in the State of Nebraska out of a mare properly registered at the time of foaling with the official registrar, (b) be sired by a stallion that was at the time of conception owned or leased by a bona fide resident of the State of Nebraska, (c) be sired by a stallion that was at the time of conception properly registered with the official registry (see 24.003), (d) the annual stallion Report of Mares Bred must be on file with the official registrar, and (e) the Annual Broodmare Report for the mare must be on file with the official registrar. When these requirements are met the official registrar shall issue a Certificate of Eligibility for a class "A" Nebraska-bred foal.

24.005.01C Class "B" foals must meet the following requirements: (a) be foaled in the State of Nebraska out of a mare properly registered at the time of foaling with the official registrar, (b) the Stallion Report for a Class "B" Nebraska-bred Foal must be on file with the official registrar. The Stallion Report for a Class "B" Nebraska-bred foal is for a stallion standing outside the State of Nebraska or a stallion in Nebraska that is not registered with the official registrar at the time of conception.

24.005.02 BREEDER'S CERTIFICATE

24.005.02A To apply for Nebraska-bred certification the breeder must file with the official registrar a Breeder's Certificate and the certification fee. The appropriate form shall be provided by the official registrar.

24.005.02B The breeder shall certify on the Breeder's Certificate the breeder, the name of the broodmare, the name of the stallion, the date the foal was dropped, the state where the foal was dropped, and name, color, sex, and official registration number on the Jockey Club or American Quarter Horse Association registration certificate for the foal.

24.005.03 CERTIFICATE OF ELIGIBILITY

24.005.03A Upon approval by the official registrar, a Certificate of Eligibility will be issued. The Jockey Club or American Quarter Horse Association registration certificate and the Nebraska-bred Certificate of Eligibility must be presented at the office of the Nebraska State Racing Commission. The Nebraska Racing Commission will then affix its official seal and Nebraska-bred stamp to the Jockey Club or American Quarter Horse Association registration certificate.

24.005.03B Entries in Nebraska-bred races shall not be accepted until the Jockey Club or American Quarter Horse Association registration certificate has been officially stamped by the Nebraska State Racing Commission.

24.005.03C Owners and breeders shall not be eligible for Nebraska-bred breeder awards or purse supplements until the Jockey Club or American Quarter Horse Association registration certificate has been officially approved and stamped by the Nebraska State Racing Commission.

24.006 The official registrar shall recommend in writing to the Nebraska State Racing Commission that the Nebraska-bred status be revoked if it is determined by a hearing conducted by the board or officers of the registry organization that a horse was not eligible to be certified as a Nebraska-bred. Said recommendation shall include an explanation of the basis for said recommendation, and a copy shall be sent by certified mail to the breeder.

24.007 Repealed

24.008 The official registrar may appoint investigators as necessary to assist in ascertaining compliance with statutes and rules relating to Nebraska-bred horses.

24.009 Any person aggrieved at any action, finding, or recommendation of the official registrar may request a hearing before the Nebraska State Racing Commission within 30 days of notice of said action, finding, or recommendation. (See "Chapter 7 Practice and Procedure Before the Nebraska Racing Commission")

Title 294
Chapter 24

24.010 A pamphlet explaining the procedures for registration of mares and stallions, certification of foals, and the basis for classification of Nebraska-bred foals shall be made available by the official registry to all interested parties. All matters contained in said pamphlet shall have been approved by the Nebraska State Racing Commission.

Title 294
Chapter 24

This page intentionally left blank

Chapter 25 - QUARTER HORSE RACING

25.001 No apprentice jockey allowances shall be used in Quarter Horse Racing.

25.002 All two year old races for quarter horses shall be written at 118 lbs.

25.003 No two year old races for quarter horses shall be written for distances greater than 440 yards.

25.004 All horses racing around a turn must be approved by the starter and the stewards. If a horse does not have a creditable race around a turn at a recognized track within the last year, such horse shall be required to work under circumstances that are acceptable to the stewards before starting in a race around a turn.

25.005 The Racing Secretary may accept the entry of a horse in a race when a transfer is in process through A.Q.H.A. only when the transfer has been sent to A.Q.H.A. by the Racing Secretary. In such cases the Racing Secretary shall retain a photostatic copy of the registration papers.

25.006 Permanent markers must be located at each standard Quarter Horse distance. Markers must be located where they can be seen clearly from the judge's stand. Each pole is to be painted a standard color: 220 yards, White; 250 yards, Blue; 300 yards, Yellow; 330 yards, Green; 350 yards, Red; 400 yards, Black; 440 yards, Orange; 550 yards, Blue with White stripes; 660 yards, Yellow with White stripes; 770 yards, Green with White stripes; 870 yards, Red and White stripes. The finish line and distances will be established by survey.

Title 294
Chapter 25

This page intentionally left blank

Revised Statutes of Nebraska
Chapter 2, Article 12
State Racing Commission
As of 1/24/2007

Section 2-1201

State Racing Commission; creation; members; terms; qualifications; bond or insurance.

There hereby is created a State Racing Commission consisting of three members who shall be appointed by the Governor and subject to confirmation by a majority of the members elected to the Legislature and may be for cause removed by the Governor. One member shall be appointed each year for a term of three years. The members shall serve until their successors are appointed and qualified. Not more than two members of the commission shall belong to the same political party; no two of the members shall reside, when appointed, in the same congressional district; and no two of the members shall reside in any one county. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177 for state employees. The members of the commission shall be bonded or insured as required by section 11-201.

Source:

Laws 1935, c. 173, § 1, p. 629
C.S.Supp., 1941, § 2-1501
R.S. 1943, § 2-1201
Laws 1978, LB 653, § 1
Laws 1981, LB 204, § 4
Laws 2004, LB 884, § 1
Laws 2006, LB 1111, § 1.

~Revised Statutes Cumulative Supplement, 2006

Section 2-1201.01

Commission; purposes.

The purpose of the State Racing Commission is to provide statewide regulation of horseracing in order to prevent and eliminate corrupt practices and

fraudulent behavior, and thereby maintain a high level of integrity and honesty in the horseracing industry of Nebraska and to insure that all funds received by the commission are properly distributed.

Source:

Laws 1980, LB 939, § 1

~Reissue Revised Statutes of Nebraska

Section 2-1202

Commission; chairman; secretary; compensation; duties; bond.

The commission shall elect one of its members to be chairman thereof, and it shall be authorized to employ a secretary and such other assistants and employees as may be necessary to carry out the purposes of sections 2-1201 to 2-1218. Such secretary shall have no other official duties. The secretary shall keep a record of the proceedings of the commission, preserve the books, records and documents entrusted to his care, and perform such other duties as the commission shall prescribe; and the commission shall require the secretary to give bond in such sum as it may fix, conditioned for the faithful performance of his duties. The commission shall be authorized to fix the compensation of its secretary, and also the compensation of its other employees, subject to the approval of the Governor. The commission shall have an office at such place within the state as it may determine, and shall meet at such times and places as it shall find necessary and convenient for the discharge of its duties.

Source:

Laws 1935, c. 173, § 2, p. 630

C.S.Supp., 1941, § 2-1502

R.S. 1943, § 2-1202

Laws 1967, c. 4, § 1, p. 72

Annotations:

Secretary of Racing Commission is an employee thereof and is subject to such duties as commission may prescribe. *Neff v. Boomer*, 149 Neb. 361, 31 N.W.2d 222.

~Reissue Revised Statutes of Nebraska

Section 2-1202.01

Repealed. Laws 1971, LB 33, s. 1.

Section 2-1203

Commission; powers; fines; board of stewards; powers; appeal; fine.

The State Racing Commission shall have power to prescribe and enforce rules and regulations governing horseraces and race meetings licensed as provided in sections 2-1201 to 2-1242. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking track licenses and licenses for teleracing facilities and telephonic wagering and setting racing dates.

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

The commission may delegate to a board of stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of sections 2-1201 to 2-1242.

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

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

Source:

Laws 1935, c. 173, § 3, p. 630
C.S.Supp.,1941, § 2-1503
R.S.1943, § 2-1203
Laws 1975, LB 582, § 1
Laws 1980, LB 939, § 3
Laws 1991, LB 200, § 1
Laws 1992, LB 718, § 1
Laws 1994, LB 1153, § 1
Laws 2001, LB 295, § 2

Laws 2003, LB 243, § 1

Laws 2005, LB 573, § 1

~Revised Statutes Cumulative Supplement, 2006

Section 2-1203.01

State Racing Commission; duties.

The State Racing Commission shall:

(1) Enforce all state laws covering horseracing as required by sections 2-1201 to 2-1242 and enforce rules and regulations adopted and promulgated by the commission under the authority of section 2-1203;

(2) License racing industry participants, race officials, mutuel employees, teleracing facility employees, telephone deposit center employees, concessionaires, and such other persons as deemed necessary by the commission and approve and license teleracing facilities and telephonic wagering if the license applicants meet eligibility standards established by the commission;

(3) Prescribe and enforce security provisions, including, but not limited to, the restricted access to areas within track enclosures, backstretch areas, and teleracing facilities, and prohibitions against misconduct or corrupt practices;

(4) Determine or cause to be determined by chemical testing and analysis of body fluids whether or not any prohibited substance has been administered to the winning horse of each race and any other horse selected by the board of stewards;

(5) Verify the certification of horses registered as being Nebraska-bred under section 2-1213; and

(6) Collect and verify the amount of revenue received by the commission under section 2-1208.

Source:

Laws 1980, LB 939, § 2

Laws 1989, LB 591, § 1

Laws 1992, LB 718, § 2

~Reissue Revised Statutes of Nebraska

Section 2-1203.02

Licensees, administrators, and managers; application;

fingerprinting and criminal history record check; costs.

(1) Any person applying for or holding a license to participate in or be employed at a horserace meeting licensed by the State Racing Commission shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation for the purpose of determining whether the commission has a basis to deny the license application or to suspend, cancel, or revoke the person's license, except that the commission shall not require a person to be fingerprinted if such person has been previously fingerprinted in connection with a license application in this state or any other state within the last five years prior to the application for such license. Any person involved in the administration or management of a racetrack, including the governing body, shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation. The applicant, licensee, or person involved in the administration or management of a racetrack shall pay the actual cost of any fingerprinting or check of his or her criminal history record information. The requirements of this subsection shall not apply to employees of concessions who do not work in restricted-access areas, admissions employees whose duties involve only admissions ticket sales and verification or parking receipts sales and verification, and medical or emergency services personnel authorized to provide such services at the racetrack.

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

Source:

Laws 1991, LB 200, § 2
Laws 1994, LB 1153, § 2
Laws 1997, LB 752, § 53

~Reissue Revised Statutes of Nebraska

Section 2-1204

Horseracing; licenses; applications.

The Nebraska State Fair Board, a county fair board, a county agricultural society for the improvement of agriculture organized under the County Agricultural Society Act, or a corporation or association of persons organized and carried on for civic purposes or which conducts a livestock exposition for the promotion of the livestock or horse-breeding industries of the state and which does not permit its members to derive personal profit

from its activities by way of dividends or otherwise may apply to the State Racing Commission for a license to conduct horseracing at a designated place within the state. Such application shall be filed with the secretary of the commission at least sixty days before the first day of the horserace meeting which such corporation or association proposes to hold or conduct, shall specify the day or days when and the exact location where it is proposed to conduct such racing, and shall be in such form and contain such information as the commission shall prescribe.

Source:

Laws 1935, c. 173, § 4, p. 630
C.S.Supp.,1941, § 2-1504
R.S.1943, § 2-1204
Laws 1997, LB 469, § 31
Laws 2002, LB 1236, § 12

Cross References:

County Agricultural Society Act, see section 2-250.

~Revised Statutes Cumulative Supplement, 2006

Section 2-1205

License; terms and conditions; revocation.

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

Source:

Laws 1935, c. 173, § 5, p. 631
C.S.Supp.,1941, § 2-1505
R.S.1943, § 2-1205
Laws 1975, LB 599, § 1
Laws 1986, LB 1041, § 3

~Reissue Revised Statutes of Nebraska

Section 2-1206

Licensee; bond.

Every corporation or association licensed under sections 2-1201 to 2-1218 shall, before said license is issued, give a bond to the State of Nebraska in such reasonable sum as the commission shall fix, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed by said sections, to keep its books and records and make reports as herein provided, and to conduct its racing in conformity with the provisions of said sections and the rules and regulations prescribed by the commission.

Source:

Laws 1935, c. 173, § 6, p. 631
C.S.Supp.,1941, § 2-1506

~Reissue Revised Statutes of Nebraska

Section 2-1207

Horseracing; parimutuel wagering; how conducted; certificate, contents; deductions; licensee; duties; person under nineteen years of age prohibited; penalty.

(1) Within the enclosure of any racetrack where a race or race meeting licensed and conducted under sections 2-1201 to 2-1218 is held or at a racetrack licensed to simulcast races or conduct interstate simulcasting, the parimutuel method or system of wagering on the results of the respective races may be used and conducted by the licensee. Wagers placed through licensed telereading facilities or by approved telephonic wagering as authorized by sections 2-1230 to 2-1242 shall be deemed to be wagers placed and accepted within the enclosure of any racetrack. Under such system, the licensee may receive wagers of money from any person present at such race or racetrack receiving the simulcast race or conducting interstate simulcasting or placed through a licensed telereading facility or by approved telephonic wagering by any person who may legally wager on any horse in a race selected by such person to run first in such race, and the person so wagering shall

acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him or her. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run, at the option of the licensee, the licensee may deduct from the total sum wagered on all horses as first winners not less than fifteen percent or more than eighteen percent from such total sum, plus the odd cents of the redistribution over the next lower multiple of ten. At the option of the licensee, the licensee may deduct up to and including twenty-five percent from the total sum wagered by exotic wagers as defined in section 2-1208.03. The State Racing Commission may authorize other levels of deduction on wagers conducted by means of interstate simulcasting. The licensee shall notify the commission in writing of the percentages the licensee intends to deduct during the live race meet conducted by the licensee and shall notify the commission at least one week in advance of any changes to such percentages the licensee intends to make. The licensee shall also deduct from the total sum wagered by exotic wagers, if any, the tax plus the odd cents of the redistribution over the next multiple of ten as provided in subsection (1) of section 2-1208.04. The balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure, and authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first.

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

(3) No person under nineteen years of age shall be permitted to make any parimutuel wager, and there shall be no wagering except under the parimutuel method outlined in this section. Any person, association, or corporation who knowingly aids or abets a person under nineteen years of age in making a parimutuel wager shall be guilty of a Class IV misdemeanor.

Source:

Laws 1935, c. 173, § 7, p. 631

C.S.Supp.,1941, § 2-1507
R.S.1943, § 2-1207
Laws 1959, c. 5, § 1, p. 71
Laws 1963, c. 6, § 1, p. 66
Laws 1965, c. 9, § 1, p. 123
Laws 1973, LB 76, § 1
Laws 1976, LB 519, § 5
Laws 1977, LB 40, § 12
Laws 1982, LB 631, § 1
Laws 1983, LB 365, § 1
Laws 1986, LB 1041, § 4
Laws 1987, LB 708, § 5
Laws 1989, LB 591, § 2
Laws 1990, LB 1055, § 1
Laws 1992, LB 718, § 3
Laws 1993, LB 471, § 1
Laws 1994, LB 1153, § 3
Laws 2005, LB 573, § 2

Annotations:

This section only permits a definite form of gambling, known as parimutuel horserace betting, conducted in strict accordance with conditions and limitations set out in act of which this section is a part, and does not throw down the bars to permit gambling generally in connection with horseraces of any kind, wherever held. State ex rel. Hunter v. The Araho, 137 Neb. 389, 289 N.W. 545 (1940).

~Revised Statutes Cumulative Supplement, 2006

Section 2-1207.01

Deduction from wagers; distribution; costs.

The amount deducted from wagers pursuant to subsection (2) of section 2-1207 may be used to promote agriculture and horsebreeding in Nebraska and shall be distributed as purse supplements and breeder and stallion awards for Nebraska-bred horses, as defined and registered pursuant to section 2-1213, at the racetrack where the funds were generated, except that if a racetrack does not continue to conduct live race meets, amounts deducted may be distributed as purse supplements and breeder and stallion awards at racetracks that conduct live race meets and amounts deducted pursuant to a contract with the organization representing the majority of the licensed owners and trainers at the racetrack's most recent live race meet shall be used by that organization to promote live thoroughbred horseracing in the state or as purse supplements at racetracks that conduct live race meets in the state. Any costs incurred by the State Racing Commission pursuant to this section and subsection (2) of section 2-1207 shall be separately accounted

for and be deducted from such funds.

Source:

Laws 1983, LB 365, § 2
Laws 1994, LB 1354, § 1
Laws 1996, LB 1255, § 1

~Reissue Revised Statutes of Nebraska

Section 2-1208

Race meetings; tax; fees.

For all race meetings, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay the tax imposed by section 2-1208.01 and shall also pay to the State Racing Commission the sum of sixty-four one hundredths of one percent of the gross sum wagered by the parimutuel method at each licensed racetrack enclosure during the calendar year. For race meetings devoted principally to running live races, the licensee shall pay to the commission the sum of fifty dollars for each live racing day that the licensee serves as the host track for intrastate simulcasting and twenty-five dollars for any other live racing day.

No other license tax, permit tax, occupation tax, or excise tax or racing fee, except as provided in this section and in sections 2-1203, 2-1208.01, and 2-1242, shall be levied, assessed, or collected from any such licensee by the state or by any county, township, district, city, village, or other governmental subdivision or body having power to levy, assess, or collect any such tax or fee.

Source:

Laws 1935, c. 173, § 8, p. 632
C.S.Supp., 1941, § 2-1508
R.S. 1943, § 2-1208
Laws 1959, c. 5, § 2, p. 72
Laws 1980, LB 939, § 4
Laws 1992, LB 718, § 4
Laws 1994, LB 1153, § 4
Laws 1999, LB 127, § 1
Laws 2005, LB 573, § 3

Annotations:

This section imposes a tax directly upon the licensee racetrack. Section 77-2701 et seq. impose a sales tax upon the purchaser. Thus, section 77-2701 does not conflict with the provisions of this section which prohibit any additional taxes from being imposed upon the

licensee. *Governors of Ak-Sar-Ben v. Department of Rev.*, 217 Neb. 518, 349 N.W.2d 385 (1984).

~Revised Statutes Cumulative Supplement, 2006

Section 2-1208.01

Parimutuel wagering; tax; rates; return.

There is hereby imposed a tax on the gross sum wagered by the parimutuel method at each race enclosure during a calendar year as follows:

(1) For meets conducted on the Nebraska State Fairgrounds, no tax shall be imposed, but the licensee shall apply two percent of any amount in excess of ten million dollars for the purpose of maintenance of buildings, streets, utilities, and other existing improvements on the Nebraska State Fairgrounds; and

(2) For all other meets:

(a) The first ten million dollars shall not be taxed;

(b) Any amount over ten million dollars but less than or equal to seventy-three million dollars shall be taxed at the rate of two and one-half percent;

(c) Any amount in excess of seventy-three million dollars shall be taxed at the rate of four percent; and

(d) An amount equal to two percent of the first taxable seventy million dollars at each race meeting shall be retained by the licensee for capital improvements and for maintenance of the premises within the licensed racetrack enclosure and shall be a credit against the tax levied in this section.

A return as required by the Tax Commissioner shall be filed for a racetrack enclosure for each month during which wagers are accepted at the enclosure. The return shall be filed with and the net tax due pursuant to this section shall be paid to the Department of Revenue on the tenth day of the following month.

Source:

Laws 1959, c. 5, § 3, p. 73
Laws 1963, c. 6, § 2, p. 67
Laws 1965, c. 9, § 2, p. 124
Laws 1973, LB 76, § 2
Laws 1982, LB 631, § 2

Laws 1984, LB 830, § 2
Laws 1985, LB 154, § 1
Laws 1986, LB 1041, § 5
Laws 1987, LB 467, § 1
Laws 1989, LB 591, § 3
Laws 1990, LB 1055, § 2
Laws 1993, LB 365, § 1
Laws 2002, LB 1236, § 13

~Revised Statutes Cumulative Supplement, 2006

Section 2-1208.02

Parimutuel wagering; Department of Revenue; taxes due; duties.

(1) The Department of Revenue shall audit and verify the amount of the tax that is due the state as provided by sections 2-1208 to 2-1208.02.

(2) The pertinent provisions of sections 77-2708 to 77-2713, 77-27,125 to 77-27,131, and 77-27,133 to 77-27,135, shall be applicable to the administration and collection of the tax imposed by section 2-1208.01, except that the information obtained by the Department of Revenue in its audit and enforcement activities shall continue to be public records as defined in section 84-712.01.

Source:

Laws 1959, c. 5, § 4, p. 74
Laws 1980, LB 834, § 50

~Reissue Revised Statutes of Nebraska

Section 2-1208.03

Exotic wagering; terms, defined.

For purposes of sections 2-1208.03 and 2-1208.04, unless the context otherwise requires:

(1) Exotic wagers shall mean daily double, exacta, quinella, trifecta, pick six, and other similar types of bets which are approved by the State Racing Commission;

(2) Gross exotic daily receipts shall mean the total sum of all money wagered, on a daily basis, by means of exotic wagers at race meets;

(3) Race meet shall mean any exhibition of racing of horses at which the

parimutuel or certificate method of wagering is used;

(4) Racetrack shall mean any racetrack licensed by the State Racing Commission to conduct race meets; and

(5) Recipient track shall mean a racetrack with a total annual parimutuel handle, based on the previous racing year, of twelve million dollars or less.

Source:

Laws 1986, LB 1041, § 1

Annotations:

For purposes of determining a racetrack's eligibility to receive funds from the track distribution fund, the State Racing Commission must include the total dollar amount of all wagers placed at the track over the course of a calendar year, including amounts wagered on races which are simulcast to the track from another location. State Bd. of Ag. v. State Racing Comm., 239 Neb. 762, 478 N.W.2d 270 (1992).

~Reissue Revised Statutes of Nebraska

Section 2-1208.04

Exotic wagering; withholding; Track Distribution Fund; created; distributed; investment.

(1) Racetracks shall separately account for their gross exotic daily receipts. For all meets commencing after July 16, 1994, any racetrack that had for its previous race meet a total parimutuel handle of less than fifty million dollars shall withhold an amount equal to one-half of one percent of such receipts and any racetrack that had for its previous race meet a total parimutuel handle of fifty million dollars or more shall withhold an amount equal to one percent of such receipts, except that for all meets commencing on or after January 1, 1995, each racetrack shall withhold an amount equal to one-fourth of one percent of such receipts, which amount shall be deducted from purses at the withholding track. Such amount withheld shall be paid to the State Racing Commission on the last day of each month during each race meeting for deposit in the Track Distribution Fund, which fund is hereby created.

(2) The fund shall be distributed monthly to recipient racetracks which conduct wagering by the parimutuel method on thoroughbred horseracing. Such racetracks shall receive the percentage which the total number of days of horseraces run at such racetrack in the year of distribution bears to the total number of days of horseraces run at all such racetracks in the year of distribution. Before January 1, 1995, one-half of the amount received under

this subsection by a racetrack shall be used to supplement purses at the track, and on and after January 1, 1995, the entire amount received by a racetrack shall be used to supplement purses at the track.

(3) Any money in the Track Distribution Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any money in the fund which is not distributed at the end of the calendar year shall be available for expenditure by the commission to defray its expenses pursuant to section 2-1209.

(4) The assessment required by this section shall be in addition to the assessments, taxes, and fees required by Chapter 2, article 12.

Source:

Laws 1986, LB 1041, § 2
Laws 1987, LB 467, § 2
Laws 1994, LB 1354, § 2
Laws 1995, LB 7, § 4

Cross References:

Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

~Reissue Revised Statutes of Nebraska

Section 2-1209

State Racing Commission; funds; disbursement; reserve fund balance; limitation.

Out of the funds received pursuant to section 2-1208, the expenses of the commissioners, the compensation and reasonable expenses of the secretary, assistants, and employees, and the other reasonable expenses of the State Racing Commission, including suitable furniture, equipment, supplies, and office expenses, shall first be paid. The commission shall maintain a reserve fund balance which shall not exceed ten percent of the appropriation for the commission for the calendar year. If the commission has unexpended funds in excess of its appropriation and authorized reserve fund balance at the end of the calendar year, such funds shall be credited to the General Fund. Sums paid out by the commission shall be subject to the general policy for disbursement of funds by agencies of the state, including regular audit.

Source:

Laws 1935, c. 173, § 9, p. 633
C.S.Supp., 1941, § 2-1509

R.S.1943, § 2-1209
Laws 1994, LB 1153, § 5

~Reissue Revised Statutes of Nebraska

Section 2-1210

Repealed. Laws 1994, LB 1153, s. 8.

~Reissue Revised Statutes of Nebraska

Section 2-1211

Licensees; records; reports; audit.

Every corporation or association licensed under sections 2-1201 to 2-1218 shall so keep its books and records as to clearly show the total number of admissions to races conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets, and the amount received daily from admission fees and the total amount of money wagered during the race meeting, including wagers at locations to which its races were simulcast and at races which it received via simulcast from other racetracks, and shall furnish to the State Racing Commission such reports and information as it may require with respect thereto. At the end of each race meeting, the licensee shall furnish to the commission and the Governor a complete audit by a certified public accountant detailing all expenses and disbursements. Such audit shall be in the form specified by the commission and shall be filed on or before February 1 following such meet.

Source:

Laws 1935, c. 173, § 11, p. 634
C.S.Supp., 1941, § 2-1511
R.S.1943, § 2-1211
Laws 1965, c. 10, § 2, p. 125
Laws 1994, LB 1153, § 6

~Reissue Revised Statutes of Nebraska

Section 2-1212

Repealed. Laws 1981, LB 545, s. 52.

~Reissue Revised Statutes of Nebraska

Section 2-1213

Horseracing; Sunday racing forbidden; exceptions; voter

disapproval; issuance of licenses limited; race of Nebraska-bred horses; commission designate registrar; fees.

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

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

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

(2) For purposes of this section, Nebraska-bred horse shall mean a horse

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

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

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

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

Source:

Laws 1935, c. 173, § 13, p. 635
C.S.Supp., 1941, § 2-1513
R.S. 1943, § 2-1213
Laws 1973, LB 178, § 1
Laws 1975, LB 342, § 1
Laws 1978, LB 867, § 1
Laws 1981, LB 136, § 1
Laws 1982, LB 839, § 1

Laws 1987, LB 708, § 6
Laws 1991, LB 334, § 1
Laws 1996, LB 1255, § 2
Laws 2005, LB 573, § 4

~Revised Statutes Cumulative Supplement, 2006

Section 2-1213.01

Sunday horseracing; submission of question; election; manner.

The voters of any county shall have the right to vote on the question of prohibiting or allowing the conducting of racing on Sunday within such county. The question may be submitted at any general state election whenever petitions calling for its submission, signed by at least ten percent of the number of persons voting in the county at the last preceding general state election, are presented to the county clerk or election commissioner not less than thirty days prior to the date of such election. The question shall be placed on the ballot in substantially the following form:

SHALL RACING ON SUNDAY
BE CONDUCTED IN THE COUNTY OF
.....

.... YES NO

A majority of the voters voting on the issue shall determine such issue.

Source:

Laws 1978, LB 867, § 2
Laws 1981, LB 136, § 2

~Reissue Revised Statutes of Nebraska

Section 2-1214

Sections, how construed.

No part of sections 2-1201 to 2-1218 shall be construed to apply to horseracing or horserace meetings at any state or county fair or elsewhere unless the parimutuel system of wagering hereinbefore described is used or intended to be used in connection therewith; but no person, association or corporation shall hold, conduct or operate any such race or meeting in connection with which said parimutuel system is used or intended to be used without a license as hereinbefore provided.

Source:

Laws 1935, c. 173, § 14, p. 635
C.S.Supp.,1941, § 2-1514

~Reissue Revised Statutes of Nebraska

Section 2-1215

Violations; penalty.

Any person, corporation or association holding or conducting any horserace or horserace meeting in connection with which the said parimutuel system of wagering is used or to be used, without a license duly issued by the State Racing Commission; or any person, corporation or association holding or conducting horseraces or horserace meetings in connection with which any wagering is permitted otherwise than in the manner hereinbefore specified; or any person, corporation or association violating any of the provisions of sections 2-1201 to 2-1218 or any of the rules and regulations prescribed by the commission, shall be guilty of a Class I misdemeanor.

Source:

Laws 1935, c. 173, § 15, p. 635
C.S.Supp.,1941, § 2-1515
R.S.1943, § 2-1215
Laws 1977, LB 40, § 13

~Reissue Revised Statutes of Nebraska

Section 2-1216

Parimutuel wagering legalized; fees paid, how construed.

The parimutuel system of wagering on the results of horseraces, when conducted within the racetrack enclosure at licensed horserace meetings or through teleracing facilities, shall not under any circumstances be held or construed to be unlawful, any other statutes of the State of Nebraska to the contrary notwithstanding. The money inuring to the State Racing Commission under sections 2-1201 to 2-1218 and 2-1230 to 2-1242 from permit fees or from other sources shall never be considered as license money. It is the intention of the Legislature that the funds arising under such sections be construed as general revenue to be appropriated and allocated exclusively for the specific purposes set forth in such sections.

Source:

Laws 1935, c. 173, § 20, p. 637
C.S.Supp.,1941, § 2-1516
R.S.1943, § 2-1216

Laws 1992, LB 718, § 5

~Reissue Revised Statutes of Nebraska

Section 2-1217

Drugging of horses prohibited.

It shall be unlawful for any person to use, or permit to be used a narcotic of any kind to stimulate or retard any horse that is to run in a race in this state to which the provisions of sections 2-1201 to 2-1218 apply, or for a person having the control of such horse and knowledge of such stimulation or retardation to allow it to run in any such race. The owners of such horse, their agents or employees shall permit any member of the State Racing Commission or any person appointed by said commission for that purpose to make such tests as the commission deems proper in order to determine whether any such animal has been so stimulated or retarded. The findings of said commission that a horse has been stimulated or retarded by a narcotic or narcotics shall be prima facie evidence of such fact.

Source:

Laws 1935, c. 173, § 21, p. 638
C.S.Supp.,1941, § 2-1517

~Reissue Revised Statutes of Nebraska

Section 2-1218

Violation; penalty.

Any person who shall violate any provisions of section 2-1217 shall be guilty of a Class I misdemeanor.

Source:

Laws 1935, c. 173, § 22, p. 638
C.S.Supp.,1941, § 2-1518
R.S.1943, § 2-1218
Laws 1977, LB 40, § 14

~Reissue Revised Statutes of Nebraska

Section 2-1219

State Racing Commission; members; employees; activities prohibited; conflict of interest; penalty.

(1) No horse in which any member of the State Racing Commission or its employees has any interest shall be raced at any meet under the jurisdiction

of the commission.

(2) No member of the State Racing Commission or its employees shall have a pecuniary interest or engage in any private employment in a profession or business which is regulated by or interferes or conflicts with the performance or proper discharge of the duties of the commission.

(3) No member of the State Racing Commission or its employees shall wager or cause a wager to be placed on the outcome of any race at a race meeting which is under the jurisdiction and supervision of the commission.

(4) No member of the State Racing Commission or its employees shall have a pecuniary interest or engage in any private employment in a business which does business with any racing association licensed by the commission or in any business issued a concession operator license by the commission.

(5) Any commission member or employee violating this section shall forfeit his or her office.

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

Source:

Laws 1965, c. 10, § 1, p. 125

Laws 1980, LB 939, § 5

~Reissue Revised Statutes of Nebraska

Section 2-1220

Racehorses; fraudulent acts; penalty.

It shall be unlawful for any person knowingly and willfully to falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry regarding the prior racing record, pedigree, identity or ownership of a registered animal in any matter related to the breeding, buying, selling, or racing of such animal. Whoever violates any provision of this section shall be fined not more than ten thousand dollars or imprisoned for not more than five years, or be both so fined and imprisoned.

Source:

~Reissue Revised Statutes of Nebraska

Section 2-1221

Accepting anything of value to be wagered, transmitted, or delivered for wager; delivering off-track wagers; prohibited; penalty.

Except as provided in sections 2-1207 and 2-1230 to 2-1242, whoever directly or indirectly accepts anything of value to be wagered or to be transmitted or delivered for wager in any parimutuel system of wagering on horseraces or delivers anything of value which has been received outside of the enclosure of a racetrack holding a race meet licensed under Chapter 2, article 12, to be placed as wagers in the parimutuel pool within such enclosure shall be guilty of a Class II misdemeanor.

Source:

Laws 1977, LB 273, § 1
Laws 1978, LB 748, § 1
Laws 1984, LB 915, § 1
Laws 1987, LB 1, § 10
Laws 1992, LB 718, § 6

Annotations:

Statute upheld as constitutional against attacks that it violates the constitutional right to freely contract, is unconstitutionally vague and overbroad, and denies equal protection of the law. *Midwest Messenger Assn. v. Spire*, 223 Neb. 748, 393 N.W.2d 438 (1986).

A racetrack messenger service, whether or not it actually engages in gambling, is so intertwined with gambling that it falls within the state's plenary police power to regulate gaming activity. *Pegasus of Omaha, Inc. v. State*, 203 Neb. 755, 280 N.W.2d 64 (1979).

Prohibition by the Legislature of operation of a racetrack messenger service bears a reasonable relationship to the legitimate state interest in the regulation of gambling. No constitutional provision renders such prohibition unlawful. *Pegasus of Omaha, Inc. v. State*, 203 Neb. 755, 280 N.W.2d 64 (1979).

This statute regulates commercial and business affairs of the state and, therefore, must be held valid under the due process clause of the 14th Amendment because it does bear a rational relation to a legitimate state objective. *Nebraska Messenger Services Ass'n v. Thone*, 611 F.2d 250 (8th Cir. 1979).

This section only prohibits messenger services which deliver wagers to

the race track for a fee; it does not prevent reasonable use of the messenger service's property. Therefore, the prohibitory effect of this section is not sufficient to render it an unconstitutional taking under the 14th Amendment to the United States Constitution. Nebraska Messenger Services Ass'n v. Thone, 478 F.Supp. 1036 (D. Neb. 1979). Under this section, the state may prohibit any person from placing monies of another into a parimutuel wagering pool for a fee, and since this does not involve a "fundamental right", but rather is a regulation of commercial and business affairs of the state and since the state has some rational basis, this section is not invalid under the due process clause of the 14th Amendment of the United States Constitution. Nebraska Messenger Services Ass'n v. Thone, 478 F.Supp. 1036 (D. Neb. 1979).

~Reissue Revised Statutes of Nebraska

Section 2-1221.01

Repealed. Laws 1987, LB 1, s. 16.

~Reissue Revised Statutes of Nebraska

Section 2-1222

Racing Commission's Cash Fund; created; receipts; use; investment.

There is hereby created the Racing Commission's Cash Fund from which shall be appropriated such amounts as are available therefrom and as shall be considered incident to the administration of the State Racing Commission's office. The fund shall contain all license fees and gross receipt taxes collected by the commission as provided under sections 2-1203, 2-1203.01, 2-1208, and 2-1242 but shall not include taxes collected pursuant to section 2-1208.01, and such fees and taxes collected shall be remitted to the State Treasurer for credit to the Racing Commission's Cash Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:

Laws 1980, LB 939, § 6
Laws 1992, LB 718, § 7
Laws 1994, LB 1066, § 4

Cross References:

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

~Reissue Revised Statutes of Nebraska

Section 2-1223

Licensees; exempt from Uniform Disposition of Unclaimed Property Act.

Those corporations or associations eligible for licenses to conduct horseracing by the parimutuel method as defined in section 2-1204, shall be exempt from the provisions of the Uniform Disposition of Unclaimed Property Act.

Source:

Laws 1980, LB 939, § 7

Cross References:

Uniform Disposition of Unclaimed Property Act, see section 69-1329.

~Reissue Revised Statutes of Nebraska

Section 2-1224

Simulcast; authorized; legislative findings.

(1) The Legislature finds that:

(a) The horseracing, horse breeding, and parimutuel wagering industry is an important sector of the agricultural economy of the state, provides substantial revenue for state and local governments, and employs many residents of the state;

(b) The simultaneous telecast of live audio and visual signals of horseraces conducted within the state on which parimutuel betting is permitted holds the potential to strengthen and further these economic contributions and it is in the best interest of the state to permit such live telecasts;

(c) Permitting parimutuel wagering on the results of horseracing conducted at racetracks outside the state also holds the potential to strengthen and further these economic contributions and it is in the best interest of the state to permit such wagering; and

(d) No simulcast or interstate simulcast shall be authorized which would jeopardize present live racing, horse breeding, or employment opportunities or which would infringe on current operations or markets of the racetracks which generate significant revenue for local governments in the state.

(2) The Legislature hereby authorizes the telecasts of horseraces conducted within the state on which parimutuel wagering shall be permitted and interstate simulcasting under rules and regulations adopted and promulgated by the State Racing Commission in the manner and subject to the conditions provided in sections 2-1207 and 2-1224 to 2-1229.

Source:

Laws 1987, LB 708, § 1

Laws 1989, LB 591, § 4

~Reissue Revised Statutes of Nebraska

Section 2-1225

Terms, defined.

For purposes of sections 2-1207 and 2-1224 to 2-1229, unless the context otherwise requires:

- (1) Commission shall mean the State Racing Commission;
- (2) Interstate simulcast shall mean parimutuel wagering at any licensed racetrack within the state on the results of any horserace conducted outside the state;
- (3) Licensed horserace meeting shall include, but not be limited to, licensed racetracks at which simulcasts or interstate simulcasts are conducted;
- (4) Operator shall mean any licensee issued a license under sections 2-1201 to 2-1223 operating a simulcast facility in accordance with sections 2-1224 to 2-1229;
- (5) Receiving track shall mean any track which displays a simulcast which originates from another track or which conducts interstate simulcasts;
- (6) Sending track shall mean any track from which a simulcast or interstate simulcast originates;
- (7) Simulcast shall mean the telecast of live audio and visual signals of any horserace conducted in the state for the purpose of parimutuel wagering;
- (8) Simulcast facility shall mean a facility within the state which is authorized to display simulcasts for parimutuel wagering purposes under sections 2-1224 to 2-1227 or to conduct interstate simulcasts under sections 2-1228 and 2-1229; and

(9) Track shall mean the grounds or enclosures within which horseraces are conducted by licensees authorized to conduct such races in accordance with sections 2-1201 to 2-1223.

Source:

Laws 1987, LB 708, § 2

Laws 1989, LB 591, § 5

~Reissue Revised Statutes of Nebraska

Section 2-1226

Simulcast facility license; application.

Any racetrack issued a license under sections 2-1201 to 2-1223 which operates at least one live race meet during each calendar year except as provided in section 2-1228 may apply to the commission for a simulcast facility license. An application for such license shall be in such form as may be prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued a simulcast facility license may display the simulcast of a horserace on which parimutuel wagering shall be allowed.

Source:

Laws 1987, LB 708, § 3

Laws 1996, LB 1255, § 3

~Reissue Revised Statutes of Nebraska

Section 2-1227

Simulcast; license; agreement between tracks; sections applicable; wagering; how conducted.

(1) The commission may authorize and approve one or more applications by any racetrack issued a license under sections 2-1201 to 2-1223 for a license to provide the simulcast of horseraces for wagering purposes from a track operated by the applicant which is conducting a race to a receiving track which is also licensed pursuant to sections 2-1201 to 2-1223 and has applied for a simulcast facility license. No application shall be approved by the commission without a written agreement between the receiving track and the sending track relating to the simulcast. The written agreement between the receiving track and the sending track shall have the consent of the organization representing a majority of the licensed owners and trainers at both the sending and the receiving track.

(2) Every licensee authorized to accept wagers on simulcast racing events pursuant to sections 2-1224 to 2-1227 shall be deemed to be conducting a licensed horserace meeting and shall be subject to all appropriate provisions of sections 2-1201 to 2-1223 relating to the conduct of horserace meetings.

(3) The sums retained by any receiving track from the total deposits in pools wagered on simulcast racing events conducted pursuant to sections 2-1201 to 2-1227 shall be equal to the retained percentages applicable to the sending track. Of the sums retained by the receiving track from simulcast pools, the parimutuel tax shall be levied in accordance with sections 2-1201 to 2-1223. Of the sums retained by the receiving track, an amount as determined by agreement between the sending track and receiving track shall be distributed to the sending track.

(4) Any simulcast between a sending track located in the state and receiving track located in the state as provided in this section shall result in the combination of all wagers placed at the receiving track located in the state with the wagers placed at the sending track located in the state so as to produce common parimutuel betting pools for the calculation of odds and the determination of payouts from such pools, which payout shall be the same for all winning tickets, irrespective of whether the wager is placed at a sending track located in the state or receiving track located in the state.

Source:

Laws 1987, LB 708, § 4

Laws 1989, LB 591, § 6

Laws 1993, LB 471, § 2

~Reissue Revised Statutes of Nebraska

Section 2-1228

Interstate simulcast facility license; application.

Any racetrack issued a license under sections 2-1201 to 2-1223 (1) conducting primarily quarterhorse races in the year immediately preceding the year for which application is made, regardless of the total number of days of live racing conducted in such year, or (2) conducting primarily thoroughbred horseraces in the year immediately preceding the year for which application is made which conducted live racing on at least seventy percent of the days for which it was authorized to conduct live racing in 1988 unless the commission determines that such racetrack was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster, may apply to the commission for an interstate simulcast facility license. An

application for such license shall be in a form prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued an interstate simulcast facility license may conduct the interstate simulcast of any horserace permitted under its license, and parimutuel wagering shall be allowed on such horserace. The commission shall not authorize interstate simulcasting for any racetrack pursuant to sections 2-1201 to 2-1223 unless all of the thoroughbred racetracks together applied for and received authority to conduct at least one hundred eighty live racing days in the calendar year in which the application is made. If any racetrack conducts live racing for less than seventy percent of the days assigned such racetrack in 1988, (a) such racetrack shall be precluded from conducting interstate simulcasts and (b) the number of live racing days conducted by such racetrack shall be subtracted from an amount equal to seventy percent of all the days assigned such racetrack in 1988 and the amount remaining shall be deducted from the one-hundred-eighty-day total required by this section. If any racetrack ceases to conduct live racing, seventy percent of the days assigned such racetrack in 1988 shall be deducted from the one-hundred-eighty-day total required by this section.

Source:

Laws 1989, LB 591, § 7

Laws 1993, LB 471, § 3

~Reissue Revised Statutes of Nebraska

Section 2-1229

Interstate simulcast facility license; issuance; agreement between tracks.

(1) The commission may authorize and approve an application for an interstate simulcast facility license by a receiving track within the state to receive the interstate simulcast of horseraces for parimutuel wagering purposes from any track located outside of the state. In determining whether such application should be approved, the commission shall consider whether such interstate simulcast would have a significant effect upon either live racing or the simulcasting of live racing of the same type and at the same time conducted in this state and whether it would expand the access to or availability of simulcasting to areas of the state or markets which are not at the time of the application fully served. Prior to approving any such application, the commission shall confer with and receive any recommendations of the organization which represents the majority of the thoroughbred breeders in Nebraska as to what effect an interstate simulcast would have upon horse breeding and horseracing in this state. No application submitted

under section 2-1228 shall be approved by the commission without:

(a) The prior written approval of any other racetrack issued a license under sections 2-1201 to 2-1223 and conducting live racing of the same type on the same day at the same time as the proposed interstate simulcast race or races and of the organization which represented a majority of the licensed owners and trainers at the racetrack's immediately preceding live thoroughbred race meeting;

(b) The prior written approval of any other racetrack issued a license under sections 2-1224 to 2-1227 which is simulcasting the racing program of any licensee conducting live racing in this state of the same type on the same day at the same time as the proposed interstate simulcast race or races and of the organization which represented a majority of the licensed owners and trainers at the racetrack's immediately preceding live thoroughbred race meeting; and

(c) A written agreement between the receiving track and the sending track located outside of the state in any other state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico setting forth the division of all proceeds between the sending and receiving tracks and all other conditions under which such interstate simulcast will be conducted. Such written agreement shall have the consent of the group representing the majority of horsepersons racing at the sending track and of the organization which represented a majority of the licensed owners and trainers at the receiving track's immediately preceding live thoroughbred race meeting.

(2) Every licensee authorized to accept wagers on interstate simulcast events pursuant to this section shall be deemed to be conducting a licensed horserace meeting and shall also be subject to all appropriate provisions of sections 2-1201 to 2-1223 relating to the conduct of horserace meetings.

Source:

Laws 1989, LB 591, § 8

Laws 1993, LB 471, § 4

~Reissue Revised Statutes of Nebraska

Section 2-1230

Telephonic and electronic wagering; legislative findings.

(1) The Legislature finds that:

(a) The horseracing, horse breeding, and parimutuel wagering industries are

important sectors of the agricultural economy of the state, provide substantial revenue for state and local governments, and employ many residents of the state;

(b) The ability to provide licensed and regulated teleracing facilities through which parimutuel wagering is permitted holds the potential to strengthen the horseracing industry and further its economic contributions to the state and its citizens and it is in the best interests of the state to encourage experimentation with parimutuel wagering through licensed teleracing facilities;

(c) The offering of controlled telephonic wagering also holds the potential to strengthen the horseracing industry and further its economic contributions to the state and its citizens and it is in the best interests of the state to encourage experimentation with telephonic wagering;

(d) The purpose of such experimentation is to determine whether teleracing facilities and telephonic wagering will promote the overall growth of the horseracing industry, resulting in additional revenue for the support of racing organizations, purses, breeders, and labor; and

(e) Parimutuel wagering through teleracing facilities or telephonic wagering should be authorized and regulated in a manner which would not unreasonably jeopardize horseracing or employment opportunities or infringe on current operations or markets of licensed racetracks.

(2) The Legislature hereby authorizes experimentation with parimutuel wagering through teleracing facilities and telephonic wagering on horseraces conducted within the state and on simulcasting and interstate simulcasting received by licensed racetracks within the state under the regulation of the State Racing Commission in the manner and subject to the conditions provided in sections 2-1207 and 2-1230 to 2-1242.

Source:

Laws 1992, LB 718, § 8

Annotations:

Article III, section 24, of the Constitution of Nebraska, plainly requires that parimutuel wagering on horses must be conducted by an entity licensed to do so and must be conducted by licensees at a racetrack enclosure which is licensed to operate horse races. Wagering that occurs in a detached facility, one that is by definition outside a licensed racetrack enclosure, cannot logically occur within a licensed racetrack enclosure as required by the constitution. *State ex rel. Stenberg v. Douglas Racing Corp.*, 246 Neb. 901, 524 N.W.2d 61 (1994).

Section 2-1231

Terms, defined.

For purposes of sections 2-1230 to 2-1242:

(1) Deposit account shall mean deposits kept at a telephone deposit center for individual patrons who wish to place telephonic wagers;

(2) Market area shall mean the area within fifty miles of the location of any licensed racetrack but shall not include the primary territory of any other licensed racetrack;

(3) Primary territory shall mean the county in which the licensed racetrack is located;

(4) Telephone deposit center shall mean a unit at the licensed racetrack operated by such licensed racetrack for the purposes of keeping deposit accounts and accepting telephonic wagers as authorized by the State Racing Commission;

(5) Telephonic wagering shall mean the placing of parimutuel wagers by telephone to a telephone deposit center at a licensed racetrack as authorized by the commission;

(6) Teleracing facility shall mean a detached, licensed area occupied solely by a licensee for the purpose of conducting telewagering and containing one or more betting terminals, which facility is either owned or under the exclusive control of the licensee during the period for which it is licensed; and

(7) Telewagering shall mean the placing of a wager through betting terminals electronically linked to a licensed racetrack, which electronic link instantaneously transmits the wagering information to the parimutuel pool for acceptance and issues tickets as evidence of such wager.

Source:

Laws 1992, LB 718, § 9

Section 2-1232

Teleracing facilities and telephonic wagering;

commission; jurisdiction; rules and regulations.

The State Racing Commission shall have general jurisdiction over the approval of and shall issue licenses to licensed racetracks for the operation of teleracing facilities and telephonic wagering. The commission shall adopt and promulgate rules and regulations to carry out sections 2-1230 to 2-1242.

Source:

Laws 1992, LB 718, § 10

~Reissue Revised Statutes of Nebraska

Section 2-1233

License; issuance; limitations.

The State Racing Commission shall not issue a license for a teleracing facility unless the local governing body of the city or village in which such facility is proposed or of the county, if the facility is not within the corporate limits of a city or village, has by ordinance or resolution approved the operation of the facility within such jurisdiction.

Source:

Laws 1992, LB 718, § 11

~Reissue Revised Statutes of Nebraska

Section 2-1234

Licensed racetrack; own and operate teleracing facilities; limitations.

(1) Any licensed racetrack conducting live racing may, alone or jointly with other licensed racetracks conducting live racing, own and operate teleracing facilities and may own and operate as many such facilities in its primary territory as may be authorized by the State Racing Commission.

(2) A licensee may own and operate teleracing facilities outside of the primary territory and market area of any other licensed racetrack as permitted by the commission and subject to sections 2-1230 to 2-1242. A licensed racetrack shall not own or operate any teleracing facility outside its primary territory except with the permission and consent of all licensed racetracks running the same breed of horse. Each licensed racetrack may choose whether or not to participate in the ownership and operation of teleracing facilities outside the primary territory of a licensed racetrack.

Source:

Laws 1992, LB 718, § 12

~Reissue Revised Statutes of Nebraska

Section 2-1235

Licensed racetrack; wagering through a teleracing facility on simulcasting; authorized.

A licensed racetrack may conduct wagering through a teleracing facility on intrastate simulcasting and interstate simulcasting if otherwise licensed to do so by the State Racing Commission.

Source:

Laws 1992, LB 718, § 13

~Reissue Revised Statutes of Nebraska

Section 2-1236

Licensee; deductions authorized; tickets; wagers; requirements.

A licensee may deduct up to five percent from the winnings of the holder of a winning ticket purchased through a teleracing facility or through telephonic wagering. All tickets purchased through telewagering shall bear distinctive markings, and such tickets may be redeemed at the teleracing facility or at the licensed racetrack owning or operating the facility. All wagers made through a teleracing facility shall be subject to all of the laws and conditions pertaining to wagers made at a licensed racetrack.

Source:

Laws 1992, LB 718, § 14

~Reissue Revised Statutes of Nebraska

Section 2-1237

Licensed racetrack; feasibility study and plan of operation; application; contents.

(1) Any licensed racetrack desiring to own and operate a teleracing facility shall submit a feasibility study and plan of operation to the State Racing Commission along with the application therefor.

(2) The feasibility study shall include:

- (a) The number of teleracing facilities requested and location of each teleracing facility requested;
 - (b) The potential market;
 - (c) The estimated costs of operation; and
 - (d) The probable impact of the proposed operation on racetrack attendance and parimutuel wagering within the area served by such racetrack.
- (3) The plan of operation shall include the following:
- (a) A narrative description of the system and how it works;
 - (b) The types and approximate cost of data processing, communication, and transmission facilities that will be utilized, including any backup systems; and
 - (c) Security measures.

The commission may request additional information from the applicant.

Source:

Laws 1992, LB 718, § 15

~Reissue Revised Statutes of Nebraska

Section 2-1238

Commission; hearing; exception; considerations.

The State Racing Commission shall hold a hearing prior to acting upon an application for a teleracing facility, except that if the teleracing facility requested by the applicant is in its primary territory, the commission need not hold such hearing. The commission shall take into consideration the legislative findings set forth in section 2-1230 in deciding whether to approve and license a facility. All teleracing facilities shall conform to local zoning requirements and ordinances.

Source:

Laws 1992, LB 718, § 16

~Reissue Revised Statutes of Nebraska

Section 2-1239

Licensed racetrack; telephonic wagering system;

requirements.

A licensed racetrack which conducts live race meets may establish and conduct a telephonic wagering system as may be approved by the State Racing Commission, subject to the following requirements:

- (1) The licensed racetrack shall establish and maintain a telephone deposit center;
- (2) The telephone deposit center shall accept wagers only up to the amount posted to the credit of the deposit account of the account holder at the time the wager is placed;
- (3) All such wagers shall be entered into the parimutuel pool and be subject to all laws and conditions applicable to any other wagers;
- (4) No licensed racetrack shall conduct a telephonic wagering system outside its primary territory without the permission and consent of all licensed racetracks running the same breed of horse. Each licensed racetrack may choose whether or not to participate in the ownership and operation of a telephonic wagering system outside the primary territory of a licensed racetrack; and
- (5) The licensed racetrack has obtained the written consent of the organization which represents a majority of the thoroughbred breeders in Nebraska and the organization which represents a majority of the owners and trainers at the racetrack of the licensee conducting the live race meeting.

Source:

Laws 1992, LB 718, § 17

~Reissue Revised Statutes of Nebraska

Section 2-1240

Telephone deposit centers; telephonic wager; limitations; violation; penalty.

(1) Telephone deposit centers shall only accept telephonic wagers from the holder of a deposit account. No person shall in any manner place any wager by telephone to the telephone deposit center on behalf of a holder of a deposit account. Only the holder of a deposit account may place a telephonic wager.

(2) Any person violating subsection (1) of this section shall be guilty of a Class II misdemeanor.

Source:

Laws 1992, LB 718, § 18

~Reissue Revised Statutes of Nebraska

Section 2-1241

Licensed racetrack; telephonic wagering on simulcast; authorized.

Telephonic wagering may be conducted at licensed racetracks conducting either intrastate simulcasting or interstate simulcasting as approved by the State Racing Commission.

Source:

Laws 1992, LB 718, § 19

~Reissue Revised Statutes of Nebraska

Section 2-1242

Telephonic wager; payment to Department of Revenue.

An amount equivalent to one-half of one percent of the amount wagered through telephonic wagering shall be paid to the Department of Revenue by licensed racetracks and shall be remitted by the department to the State Treasurer for credit to the Racing Commission's Cash Fund.

Source:

Laws 1992, LB 718, § 20

~Reissue Revised Statutes of Nebraska

Section 2-1243

Horseracing industry participants; legislative findings.

The Legislature finds that the horseracing industry is an important facet of economic and recreational development in Nebraska. Breeders, owners, and trainers are an important and integral part of the live horseracing industry in Nebraska.

Source:

Laws 1993, LB 471, § 5

~Reissue Revised Statutes of Nebraska

Section 2-1244

Horseracing industry participant, defined.

For purposes of sections 2-1243 to 2-1246, horseracing industry participant shall mean an individual who currently holds a valid license from the State Racing Commission and who owns, trains, cares for, or rides horses stabled at a Nebraska-licensed racetrack for the purpose of horseracing at the live race meeting at such racetrack.

Source:

Laws 1993, LB 471, § 6

~Reissue Revised Statutes of Nebraska

Section 2-1245

Horseracing industry participants; rights.

(1) A horseracing industry participant shall be entitled to reasonable treatment from those licensed to conduct thoroughbred race meets.

(2) Private property belonging to a horseracing industry participant at a racetrack facility shall not unlawfully be converted, seized, damaged, or destroyed by racetrack employees or agents without compensation.

(3) A horseracing industry participant shall not be deemed to forfeit or waive any right to privacy without reasonable cause guaranteed by law by virtue of being licensed by the state, by entry upon licensed horseracing facilities, or by engaging in the sport of horseracing in this state.

(4) A horseracing industry participant may not be excluded from the grounds of any licensed racetrack by track management without a hearing by the stewards at such racetrack unless there are reasonable grounds to believe such participant has committed a felony or is posing a physical danger to himself or herself, to others, or to animals in his or her care or his or her physical presence will bring immediate harm to horseracing. Such hearing shall be held as soon as practicable and shall be given first priority and precedence by the stewards. This subsection shall not apply to the allocation of stalls pursuant to an agreement between the horseracing industry participant and the licensed racetrack.

(5) A horseracing industry participant shall be free from unreasonable searches and seizures of his or her person without probable cause and shall be free from unreasonable searches and seizures of his or her housing, vehicle, papers, and effects.

(6) If a horseracing industry participant has been charged with a violation of a rule of racing which involves a substantial risk of loss or suspension of his or her license or which involves a criminal penalty, he or she shall be entitled to the following protections as a matter of right:

- (a) To remain silent;
- (b) To the benefit of counsel, including the opportunity to confer with counsel in preparation of a defense;
- (c) To a speedy and public hearing;
- (d) To present evidence and to testify in person at his or her hearing;
- (e) To cross-examine the witnesses who testify against him or her; and
- (f) To have prospective witnesses excluded from the hearing room during the hearing.

Nothing in this section shall prevent a horseracing industry participant from knowingly waiving any rights afforded under this subsection.

(7) A horseracing industry participant shall not be required to waive his or her constitutional rights nor the rights granted pursuant to sections 2-1243 to 2-1246 as a condition of pursuing a livelihood in this state or at any licensed thoroughbred horseracing facility.

Source:

Laws 1993, LB 471, § 7

~Reissue Revised Statutes of Nebraska

Section 2-1246

Rules and regulations; sections; how construed.

(1) The State Racing Commission shall adopt and promulgate rules and regulations which provide for dismissal, license revocation or suspension, fines, or other suitable penalties necessary to enforce sections 2-1243 to 2-1245.

(2) Nothing in such sections shall affect in any way the right of any horseracing industry participant to bring any action in any appropriate forum for the violation of any law of this state or any rule of racing.

Source:

~Reissue Revised Statutes of Nebraska

Section 2-1247

Interstate Compact on Licensure of Participants in Horse Racing with Pari-Mutuel Wagering.

The Interstate Compact on Licensure of Participants in Horse Racing with Pari-Mutuel Wagering is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I. PURPOSES

Section 1. Purposes.

The purposes of this compact are to:

1. Establish uniform requirements among the party states for the licensing of participants in live horse racing with pari-mutuel wagering, and ensure that all such participants who are licensed pursuant to this compact meet a uniform minimum standard of honesty and integrity.
2. Facilitate the growth of the horse racing industry in each party state and nationwide by simplifying the process for licensing participants in live racing, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts live horse racing with pari-mutuel wagering.
3. Authorize the Nebraska State Racing Commission to participate in this compact.
4. Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and nongovernmental persons to carry out the purposes of this compact.
5. Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investigation and other state and local law enforcement agencies.

ARTICLE II. DEFINITIONS

Section 2. Definitions.

"Compact committee" means the organization of officials from the party states that is authorized and empowered by this compact to carry out the purposes of this compact.

"Official" means the appointed, elected, designated or otherwise duly selected member of a racing commission or the equivalent thereof in a party state who represents that party state as a member of the compact committee.

"Participants in live racing" means participants in live horse racing with pari-mutuel wagering in the party states.

"Party state" means each state that has enacted this compact.

"State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico and each territory or possession of the United States.

ARTICLE III. ENTRY INTO FORCE, ELIGIBLE PARTIES AND WITHDRAWAL

Section 3. Entry into force.

This compact shall come into force when enacted by any four (4) states. Thereafter, this compact shall become effective as to any other state upon both (i) that state's enactment of this compact and (ii) the affirmative vote of a majority of the officials on the compact committee as provided in Section 8.

Section 4. States eligible to join compact.

Any state that has adopted or authorized horse racing with pari-mutuel wagering shall be eligible to become party to this compact.

Section 5. Withdrawal from compact and impact thereof on force and effect of compact.

Any party state may withdraw from this compact by enacting a statute repealing this compact, but no such withdrawal shall become effective until the head of the executive branch of the withdrawing state has given notice in writing of such withdrawal to the head of the executive branch of all other party states. If as a result of withdrawals participation in this compact decreases to less than three (3) party states, this compact no longer shall be in force and effect unless and until there are at least three (3) or more party states again participating in this compact.

ARTICLE IV. COMPACT COMMITTEE

Section 6. Compact committee established.

There is hereby created an interstate governmental entity to be known as the "compact committee," which shall be comprised of one (1) official from the racing commission or its equivalent in each party state. The Nebraska State Racing Commission shall designate one of its members to represent the State of Nebraska as the compact committee official. A compact committee official shall be appointed, serve and be subject to removal in accordance with the laws of the party state he represents. Pursuant to the laws of his party state, each official shall have the assistance of his state's racing commission or the equivalent thereof in considering issues related to licensing of participants in live racing and in fulfilling his responsibilities as the representative from his state to the compact committee. If an official representing the State of Nebraska is unable to perform any duty in connection with the powers and duties of the compact committee, the Nebraska State Racing Commission shall designate another of its members or its executive secretary as an alternate who shall serve and represent the State of Nebraska as its official on the compact committee until the commission determines that the original representative official is able once again to perform the duties as that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the Nebraska State Racing Commission to the compact committee as the committee's bylaws may provide.

Section 7. Powers and duties of compact committee.

In order to carry out the purposes of this compact, the compact committee is hereby granted the power and duty to:

1. Determine which categories of participants in live racing, including but not limited to owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians, and farriers, should be licensed by the committee, and establish the requirements for the initial licensure of applicants in each such category, the term of the license for each category, and the requirements for renewal of licenses in each category. Provided, however, that with regard to requests for criminal history record information on each applicant for a license, and with regard to the effect of a criminal record on the issuance or renewal of a license, the compact committee shall determine for each category of participants in live racing which licensure requirements for that category are, in its judgment, the most restrictive licensure requirements of any party state for that category and shall adopt licensure requirements for that category that are, in its judgment, comparable to those most restrictive requirements.

2. Investigate applicants for a license from the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, necessary to determine whether a license should be issued under the licensure requirements established by the committee as provided in paragraph 1 above. Only officials on, and employees of, the compact committee may receive and review such criminal history record information, and those officials and employees may use that information only for the purposes of this compact. No such official or employee may disclose or disseminate such information to any person or entity other than another official on or employee of the compact committee. The fingerprints of each applicant for a license from the compact committee shall be taken by the compact committee, its employees, or its designee and, pursuant to Public Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau, or to the Association of Racing Commissioners, International, an association of state officials regulating pari-mutuel wagering designated by the Attorney General of the United States, for submission to the Federal Bureau of Investigation for a criminal history record check. Such fingerprints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.

3. Issue licenses to, and renew the licenses of, participants in live racing listed in paragraph 1 of this section who are found by the committee to have met the licensure and renewal requirements established by the committee. The compact committee shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that it will not be able to process his application further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and to be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established pursuant to paragraph 1 of this section.

4. Enter into contracts or agreements with governmental agencies and with nongovernmental persons to provide personal services for its activities and such other services as may be necessary to effectuate the purposes of this compact.

5. Create, appoint, and abolish those offices, employments, and positions,

including an executive director, as it deems necessary for the purposes of this compact, prescribe their powers, duties and qualifications, hire persons to fill those offices, employments and positions, and provide for the removal, term, tenure, compensation, fringe benefits, retirement benefits and other conditions of employment of its officers, employees and other positions.

6. Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation or other entity.

7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or in other similar manner, in furtherance of the purposes of this compact.

8. Charge a fee to each applicant for an initial license or renewal of a license.

9. Receive other funds through gifts, grants and appropriations.

Section 8. Voting requirements.

A. Each official shall be entitled to one (1) vote on the compact committee.

B. All action taken by the compact committee with regard to the addition of party states as provided in Section 3, the licensure of participants in live racing, and the receipt and disbursement of funds shall require a majority vote of the total number of officials (or their alternates) on the committee. All other action by the compact committee shall require a majority vote of those officials (or their alternates) present and voting.

C. No action of the compact committee may be taken unless a quorum is present. A majority of the officials (or their alternates) on the compact committee shall constitute a quorum.

Section 9. Administration and management.

A. The compact committee shall elect annually from among its members a chairman, a vice-chairman, and a secretary/treasurer.

B. The compact committee shall adopt bylaws for the conduct of its business by a two-thirds vote of the total number of officials (or their alternates) on the committee at that time and shall have the power by the same vote to amend and rescind these bylaws. The committee shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto with the secretary of state or equivalent agency of each of the party

states.

C. The compact committee may delegate the day-to-day management and administration of its duties and responsibilities to an executive director and his support staff.

D. Employees of the compact committee shall be considered governmental employees.

Section 10. Immunity from liability for performance of official responsibilities and duties.

No official of a party state or employee of the compact committee shall be held personally liable for any good faith act or omission that occurs during the performance and within the scope of his responsibilities and duties under this compact.

ARTICLE V. RIGHTS AND RESPONSIBILITIES OF EACH PARTY STATE

Section 11. Rights and responsibilities of each party state.

A. By enacting this compact, each party state:

1. Agrees (i) to accept the decisions of the compact committee regarding the issuance of compact committee licenses to participants in live racing pursuant to the committee's licensure requirements, and (ii) to reimburse or otherwise pay the expenses of its official representative on the compact committee or his alternate.

2. Agrees not to treat a notification to an applicant by the compact committee under paragraph 3 of Section 7 that the compact committee will not be able to process his application further as the denial of a license, or to penalize such applicant in any other way based solely on such a decision by the compact committee.

3. Reserves the right (i) to charge a fee for the use of a compact committee license in that state, (ii) to apply its own standards in determining whether, on the facts of a particular case, a compact committee license should be suspended or revoked, (iii) to apply its own standards in determining licensure eligibility, under the laws of that party state, for categories of participants in live racing that the compact committee determines not to license and for individual participants in live racing who do not meet the licensure requirements of the compact committee, and (iv) to establish its own licensure standards for the licensure of non-racing employees at horse racetracks and employees at separate satellite wagering

facilities. Any party state that suspends or revokes a compact committee license shall, through its racing commission or the equivalent thereof or otherwise, promptly notify the compact committee of that suspension or revocation.

B. No party state shall be held liable for the debts or other financial obligations incurred by the compact committee.

ARTICLE VI. CONSTRUCTION AND SEVERABILITY

Section 12. Construction and severability.

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable, and, if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or the applicability of this compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If all or some portion of this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Source:

Laws 2001, LB 295, § 1

~Revised Statutes Cumulative Supplement, 2006