

**NOTICE OF RULE-MAKING HEARING
NEBRASKA RACING and GAMING COMMISSION**

Notice is hereby given that the Nebraska State Racing and Gaming Commission will hold a rule-making hearing on December 17, 2021 at 9:30 a.m., to be held at Nebraska Innovation Campus 2021 Transformation Dr, Lincoln, NE 68508

The purpose of this hearing is to take testimony and evidence about adoption, amendments, and additions of Nebraska Administrative Code Title 294, entitled Rules and Regulations Governing Horse Racing in Nebraska. This action is proposed to implement Neb. Rev. Stat. §§ 2-1203 consistent with the authority granted by the law and with constitutionality. The subject matter and scope of the rule-making action is:

Proposed Amendments to Nebraska Rules of Racing

- Rule 24.001.01-Clearification of Breed Registrar
- Rule 24.002.01 - Clarification of Breed Registrar
- Rule 24.002.02 - Clarification of Breed Registrar
- Rule 24.002.03 - Clarification of Breed Registrar
- Rule 24.003.01 - Clarification of Breed Registrar
- Rule 24.003.02- Eliminates notarized to allow for online registry
- Rule 24.003.03- Clarification of Breed Registrar
- Rule 24.004.04- Make rule consistent with Statute
- Rule 24.004.05 - Clarification of Breed Registrar
- Rule 24.004.06 - Clarification of Breed Registrar
- Rule 24.005.01B - Clarification of Breed Registrar
- Rule 24.005.01C- Clarification of Breed Registrar
- Rule 24.005.02B - Language Clarification
- Rule 24.005.03A- Clarification of Breed Registrar. Allow agent to stamp foal papers
- Rule 24.006 - Clarification of Breed Registrar
- Rule 24.008- Clarification of Breed Registrar
- Rule 24.009 - Clarification of Breed Registrar. In addition, add Gaming
- Rule 24.010 - Clarification of Breed Registrar. In addition, add Gaming
- Rule 25.006 – Rule Update
- Rule 25.006.01- New Rule expand the proper distance markings in Quarter Horse racing

The rules listed in this hearing notice have substantive changes. During this rule make process numerous rules were changed pursuant to Governor Pete Rickett's executive order 17-04. In addition, punctuation, spelling, grammar, and numbering where change in several rules. A complete list can be obtained at <http://racingcommission.nebraska.gov>

The rule-making hearing is being conducted under and by virtue of the provisions of Nebraska Revised Statutes, Section 84-907, and R.R.S. which provisions require that copies of the proposed rules or rule changes and the description of fiscal impact are available for public examination at the Office of the Nebraska Racing and Gaming Commission 5903 Walker Avenue, Lincoln Nebraska 68507.

All interested persons are invited to attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments prior to the hearing, which will be made part of the hearing record at the time of hearing if received by the Nebraska Racing and Gaming Commission on or before December 10, 2021 at 5:00 p.m. If auxiliary aids or reasonable

accommodations are needed to participate in the hearing, please call Diane Van Deun at 402-471-4155 no later than December 3, 2020.

A copy of the Proposed Amendments to Nebraska Rules of Racing may be obtained at the Racing Commission website: <http://racingcommission.nebraska.gov> or by calling 402-471-4155.

DATED this 1st day of November 1, 2021 Lincoln, Nebraska.

Tom Sage, Executive Director

FISCAL IMPACT STATEMENT

Agency: Nebraska Racing and Gaming Commission	
Title: 294	Prepared by: Tom Sage
Chapters: 24 and 25	Date Prepared: October 15, 2021
Subject: Rule Changes	Telephone: 402-471-4155

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(x)	(x)	(x)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Chapter 24 - NEBRASKA-BRED RULES

24.001 REGISTRATION FORMS

24.001.01 Nebraska-bred registration application forms furnished by the ~~official~~ Nebraska Thoroughbred or Quarter Horse 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 Nebraska Thoroughbred or Quarter Horse registry ~~shall~~ will have been approved by the Nebraska State Racing and Gaming 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~~ Nebraska Thoroughbred or Quarter Horse 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~~ will 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~~ will 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~~ Nebraska Thoroughbred or Quarter Horse registrar ~~shall~~ will 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~~ Nebraska Thoroughbred or Quarter Horse 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~~ will 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~~ will 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~~ Nebraska Thoroughbred or Quarter Horse 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 invalidates 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~~ Nebraska Thoroughbred or Quarter Horse registry before the next mare is covered

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) (c). 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~~ will include the ownership of the mare; address of the owner(s), name and age of mare, Jockey Club or American Quarter Horse Association Certificate of Foal Registration number, and date mare enters Nebraska,

destination in Nebraska, and reason for entering Nebraska. This report ~~shall~~ will be provided to the ~~official~~ Nebraska Thoroughbred or Quarter Horse registrar within three days of the date the mare enters Nebraska if the mare left the State for medical or sale purpose. If the mare is purchased at a sale, the mare must be registered with the Nebraska Thoroughbred or Quarter Horse registry and in Nebraska for thirty days immediately prior to foaling.

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~~ Nebraska Thoroughbred or Quarter Horse.

Late fees ~~shall~~ will be established by the commission, and ~~shall~~ will 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~~ will be two classifications for Nebraska-bred foals, which ~~shall~~ will 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~~ Nebraska Thoroughbred or Quarter Horse 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.~~ (b e) be sired by a stallion that was at the time of conception properly registered with the official registry (see 24.003), ~~(c d)~~ the annual stallion Report of Mares Bred must be on file with the official registrar, and ~~(d e)~~ the Annual Broodmare Report for the mare must be on file with the Nebraska Thoroughbred or Quarter Horse registrar. When these requirements are met, the official registrar ~~shall~~ will 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 Nebraska Thoroughbred or Quarter Horse registrar, (b) the Stallion Report for a Class "B" Nebraska-bred foal must be on file with the Nebraska Thoroughbred or Quarter Horse 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~~ Nebraska Thoroughbred or Quarter Horse 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~~ Nebraska Thoroughbred or Quarter Horse registrar a Breeder's Certificate Application and the certification fee. The appropriate form ~~shall~~ will be provided by the ~~official~~ Nebraska Thoroughbred or Quarter Horse registrar.

24.005.02B The breeder ~~shall~~ will certify on the Breeder's Certificate Application 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~~ Nebraska Thoroughbred or Quarter Horse 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 Racing and Gaming Commission. The Nebraska ~~State~~ Racing and Gaming staff or an agent of the 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~~ will 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 will 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~~ Nebraska Thoroughbred or Quarter Horse registrar ~~shall~~ will recommend in writing to the Nebraska Racing and Gaming Commission that the Nebraska-bred status be revoked if it is determined by a hearing conducted by the board or officers of the Nebraska Thoroughbred or Quarter Horse registry organization that a horse was not eligible to be certified as a Nebraska-bred. ~~Said~~ The recommendation ~~shall~~ will include an explanation of the basis for said recommendation, and a copy ~~shall~~ will be sent by certified mail to the breeder.

24.007 Repealed

24.008 The ~~official~~ Nebraska Thoroughbred or Quarter Horse 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~~ Nebraska Thoroughbred or Quarter Horse registrar may request a hearing before the Nebraska Racing

Gaming Commission within 30 days of notice of said action, finding, or recommendation. (See "Chapter 7 Practice and Procedure Before the Nebraska Racing Commission")

24.010 A pamphlet, website or other communication tools explaining the procedures for registration of mares and stallions, certification of foals, and the basis for classification of Nebraska-bred foals ~~will shall~~ be made available by the ~~official~~ Nebraska Thoroughbred or Quarter Horse registry to all interested parties. All matters contained in said ~~pamphlet~~ communication ~~shall will~~ have been approved by the Nebraska ~~State~~ Racing and Gaming Commission.

Chapter 25 - QUARTER HORSE RACING

25.001 No apprentice jockey allowances ~~shall~~ will be used in Quarter Horse Racing.

25.002 All two year old races for quarter horses ~~shall~~ will be written at 118 lbs.

25.003 No two year old races for quarter horses ~~shall~~ will 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~~ will 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.

~~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.~~

25.006 An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand.

25.006.01 The starting point markers and distance poles must be marked as follows:

- (a) 1/4 poles - Red and white horizontal stripes
- (b) 1/8 poles - Green and white horizontal stripes
- (c) 1/16 poles - Black and white horizontal stripes
- (d) 220 yards - Green and white
- (e) 250 yards - Blue
- (f) 300 yards - Yellow
- (g) 330 yards - Black and white
- (h) 350 yards - Red
- (i) 400 yards - Black
- (j) 440 yards - Red and white
- (k) 550 yards - Black and white horizontal stripes
- (l) 660 yards - Green and white horizontal stripes
- (m) 770 yards - Black and white horizontal stripes
- (n) 870 yards - Blue and white horizontal stripes