

INITIATIVE PETITION

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

For Sec of State Use Only

Enact a statute which establishes an annual tax on gross gaming revenue generated by authorized operators of games of chance at permitted racetrack locations and directs the distribution of tax receipts from such gaming tax.

To the Honorable John Gale, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of _____, respectfully demand that the following proposed law shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 8th day of November 2016, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of _____ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

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

	Date	SIGNATURE	PRINTED NAME	Date of Birth	ADDRESS (Street name & number)	CITY OR VILLAGE	Zip Code
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

STATE OF NEBRASKA)
) ss. _____, (name of circulator) being first duly sworn, deposes and says that he or she
 COUNTY OF _____) name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

Circulator

Address

City, State, Zip

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

(Seal)

Notary Public

Proposed Statutory Language

A BILL

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

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

Section 1. For purposes of this act:

(1) Authorized operator means a person or entity authorized to operate games of chance at permitted racetrack locations;

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

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

(4) Gross gaming revenue means the dollar amount won by an authorized operator from operation of all games of chance at a permitted racetrack location as computed pursuant to applicable statutes, rules, and regulations less the amount of all federal taxes, other than income taxes, imposed on the operation of such games of chance;

(5) Permitted racetrack location means a racetrack, or an associated facility within two thousand five hundred yards of a racetrack, located at least partially within a city of the first, primary, or metropolitan class; and

(6) Racetrack means a premises at which licensed live horseracing is conducted and simulcast in accordance with 15 U.S.C. 3004, as such section existed on September 1, 2015.

Section 2. An annual gaming tax is imposed on gross gaming revenue generated by authorized operators at permitted racetrack locations from the operation of all games of chance equal to twenty percent of such gross gaming revenue. Of the gaming tax so imposed, seventy-five percent shall be remitted to the State Treasurer for credit to the General Fund and twenty-five percent shall be remitted to the county treasurer to be evenly distributed for credit to the city and county where such permitted racetrack location is located.

STATUTORY INITIATIVE _____

OBJECT STATEMENT

The object of this petition is to enact a statute which allows all games of chance and gaming devices at permitted racetrack locations within cities of the first, primary, or metropolitan classes and within unincorporated areas of counties in Nebraska, establishes an annual tax on gross gaming revenue generated by authorized operators of games of chance at such permitted racetrack locations, directs the distribution of tax receipts from such gaming tax, and establishes a one-time license fee on each authorized operator per permitted racetrack location.

BALLOT QUESTION

Shall a statute be enacted which: (1) allows all games of chance and gaming devices at permitted racetrack locations within cities of the first, primary, or metropolitan classes and within unincorporated areas of counties in Nebraska; (2) establishes an annual tax on gross gaming revenue generated at such permitted racetrack locations of 20% of gross gaming revenue; (3) distributes 75% of gaming tax revenues to the State and 25% to the local governmental entities where such permitted racetrack location is located; and (4) establishes a one-million dollar license fee on each operator per permitted racetrack location?

TEXT OF STATUTORY INITIATIVE

A BILL

FOR AN ACT relating to gaming; to authorize games of chance as prescribed; to provide a state license fee and tax on gaming as prescribed; and to define terms.

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

Section 1. Notwithstanding any other provision of law, and to the full extent permitted by the Constitution of Nebraska, including amendments to the Constitution of Nebraska adopted along with the enactment of this initiative measure, the operation of games of chance is permitted under this act only at permitted racetrack locations, only subject to authorizing parameters, and only by authorized operators.

Section 2. For the purposes of this act:

(1) Authorized operator means a person or entity authorized to operate games of chance at permitted racetrack locations;

(2) Dollar amount won means the amount which is equal to the total dollar amount wagered by players of such games of chance less the total dollar amount returned to such players;

(3) Games of chance means any games which have the elements of chance, prize, and wager, including any wager to a slot machine, table game, counter game, or card game. Games of chance shall not include any game the operation of which at a casino is prohibited by the laws of the United States;

(4) Gaming device means an electronic, mechanical, or other device, which plays a game of chance when activated by a player using currency, tokens, or other value;

(5) Gross gaming revenue means the dollar amount won by an authorized operator from operation of all games of chance at a permitted racetrack location as computed pursuant to applicable rules and regulations less the amount of all federal taxes, other than income taxes, imposed under the operation of such game of chance;

(6) Limited gaming device means an electronic gaming device which (a) offers games of chance, (b) does not dispense currency or tokens, and (c) does not have a cash winnings hopper, mechanical or simulated spinning reels, or side handle;

(7) Permitted racetrack location means a racetrack, or associated facility within two thousand five hundred yards of a racetrack, located at least partially within a city of the first, primary, or metropolitan class, or entirely within an unincorporated area of a county; and

(8) Racetrack means a premises at which licensed live horseracing is conducted and simulcast in accordance with 15 U.S.C. § 3004, as such act existed on September 1, 2015.

Section 3. For purposes of this act, authorizing parameters are as follows:

(1) The operation of games of chance at a permitted racetrack location may be authorized only when in a city of the first, primary, or metropolitan class, when the permitted racetrack location is located therein, or by a county when the permitted racetrack location is located in an unincorporated area;

(2) Gaming devices, limited gaming devices and all other games of chance may be operated at permitted racetrack locations.

Section 4. There shall be an annual gaming tax imposed by the State of Nebraska on gross gaming revenue generated by authorized operators at permitted racetrack locations from the operation of all games of chance equal to twenty percent of the gross gaming revenue thereof. Of the gaming tax so imposed, seventy-five percent thereof shall be payable to the General Fund and twenty-five percent thereof shall be payable to the local governmental entities where such permitted racetrack location is located.

Section 5. There shall be a one-time license fee imposed by the State of Nebraska of one million dollars imposed on each authorized operator per permitted racetrack location. All of such gaming license fees so imposed shall be payable to the regulatory agency responsible for regulating such authorized operators of games of chance.