

said he would take that opinion into consideration too. I haven't talked to him about that opinion but I sent him my analysis of it. And for those of you who read it, it dealt only with the issue of horse track betting. The first case they cited was one where the Supreme Court said that horse track betting by the parimutuel method is a lottery. Since the Constitution specifically outlawed lotteries, you could not have parimutuel betting. Ak-Sar-Ben had attempted to implement such parimutuel betting without authorization because the Legislature had formed a racing commission to regulate horse racing. But the Legislature in establishing the racing commission said it was only for the purpose of having races to promote horse breeding in Nebraska. After that Supreme Court decision came down, Ak-Sar-Ben and others got busy and persuaded the people to adopt a constitutional provision allowing horse track betting by the parimutuel method within the race track enclosure conducted by a licensee. So there were the three requirements. It had to be inside the enclosure. It had to be the parimutuel method and it had to be by a licensee. There were a group of individuals who felt that with the enactment of that constitutional amendment approving parimutuel betting that such betting could be engaged in away from the track. That matter went to court when the Attorney General took action against this betting. Omaha was actually taxing these betting establishments. When the matter went before the Supreme Court, the court said that the constitutional amendment and the legislative enactment pursuant to that amendment authorizing parimutuel betting at the race track did not at the same time authorize such betting away from the track. The Constitution set the perimeters in which this must occur. That would be within the race track enclosure by a licensee.

SPEAKER NICHOL: One minute.

SENATOR CHAMBERS: The betting away from the track not being able to meet those requirements, was considered to be in violation of the Constitution as not having been specifically authorized. There was not a case that the Attorney General's office cited that dealt with sports wagering which is entirely different from parimutuel wagering. The Constitution does not give a blanket prohibition against gambling, it prohibits lotteries, games of chance, except those that are exempted such as parimutuel betting, church gambling, school gambling and so forth. But