

April 18, 1980

LB 933, 939

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor vote aye, those opposed vote no, LB 933. Record the vote.

ASSISTANT CLERK: Senator Kelly voting aye. Senator Fitzgerald voting aye.

SPEAKER MARVEL: Have you all voted?

ASSISTANT CLERK: Senator Labeledz voting aye. Record vote read. (See page 1998, Legislative Journal.) The vote is 40 ayes, 7 nays, 1 present and not voting, 1 excused and not voting.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 939.

CLERK: Mr. President, I have a motion on the desk. Senator Marsh moves to return LB 939 to Select File for specific amendment, the amendment being to strike the enacting clause.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I believe each of you has received a letter from the Department of Justice addressed to me. It was hand delivered this morning. At that time I was asking a question about an amendment to 968. In my absence sections from 968 were added as an amendment to 939 and I am quoting from the letter from the Department of Justice which reads, and I quote, "The Legislature shall not pass local or special laws in any of the following cases, that is to say: Granting to any corporation, association or individual any special or exclusive privileges, immunity or franchises whatsoever. By statute, organizations conducting horse races in Nebraska must be either State Board of Agriculture, a county society for the improvement of agriculture or a corporation or association organized and carried on for these civic purposes. It is our view that each of these entities is an organization or corporation or a society as contemplated, thus, the central question is their classification. Viewed in this light, the exclusion of these organizations conducting horse races in Nebraska from the operation of the Unclaimed Property Act is constitutionally suspect." Constitutionally suspect. Conflicts with an already existing statute allowing these organizations and corporations a limited portion of wagering