

as per Nebraska statutes 2-1207 and 2-1208.01, the amendment is not compatible with the intent of national uniform disposition of unclaimed property act. How can our Legislature pass or even adopt an amendment allowing something that is specifically limited by another statute without repealing the specific limitations. I read to you from 2-1208.01, pari-mutuel wagering tax rate. "The first one million dollars shall not be taxed and any amount in excess of one million dollars shall be taxed at a rate of five percent." I point up for your information when we are talking about horseracing in 2-1207, "Under such system the licensee may receive wagers of money from any person present at such race on any horse in a race selected by such persons to run first in such a race. The person so wagering shall acquire and 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." This doesn't say the racetrack acquires, it says the person. "As each race is run, the licensee may deduct from the total sum wagered on all horses as first winners respectively; at thoroughbred race meets, fifteen percent of the total plus the odd cents; at races other than thoroughbred race meets, not less than fifteen nor more than eighteen percent of the total. The licensee may likewise receive such wagers on horses selected to run second, third or both." It does not say that if someone does not collect that that should be a bonus to the racetrack. I understand that the language saying constitutionally suspect is the strongest language coming from the Department of Justice. Mr. Speaker, I want this legislative body to be aware of the amendments that was added by Senator Schmit for special interest at the expense of school children of the State of Nebraska. Right now our state law says that unclaimed property shall go into a permanent school fund. One of the comments made in a public hearing by one of the members, one of the attorneys, representing the racing interest was that they couldn't really identify who had the tickets, particularly not after seven years because they only kept that available for a year. Perhaps the law should be changed to say that at the end of one year unclaimed winners should go to the State of Nebraska. We end by accepting that kind of an amendment, we are in a problem area. We are in a situation where a high powered lobby says the school children don't need it. We want to get our greedy hands on some extra money that does not legally belong to us at the expense of those who rightfully should have it given to them. We have set by state law what the various racetracks can take as their money. When you adopted the amendment to LB 939 you said, oh, we really didn't mean it. The Department of Justice says this is