

can read those provisos. So I think that the general law that we have which will be applicable in this situation is good, is better than what is written here and that we should rely upon the general law. Okay, the third part of the amendment, and this is the one that really I hope you will pay attention to because it is a consequential public policy matter. If you would turn to page 23 of the bill, on page 23 of the bill if you would look at line 18, I am deleting that whole paragraph and what that paragraph says is as follows: The tax commissioner and his or her agents or employees, when directed to do so by the tax commissioner or any peace officer of this state, shall not in any way be responsible in any court for the seizure or confiscation of any pickle card or lottery or raffle ticket pursuant to this section. What that is doing, in my opinion, is giving carte blanche to the tax department and the tax commissioner to seize property and never be responsible for seizing that property if they do so in an intentional way or for the purpose of harassing a private citizen. Now you'll notice back on page 22 of the bill that they have given authority in this bill to seize property without a warrant, without a warrant. Now that is a bit of an extraordinary procedure in our state anyway, and if you want to do that, fine, we've done that before at least, but I don't think you should say that acting without a warrant they can do anything they please and not be held accountable for it. So what my amendment does, it strikes the language "in any way" so that the sentence would read like this, that the tax commissioner, et cetera, et cetera, shall not be responsible for negligence, for negligence in any court for the seizure or confiscation of any pickle or lottery or raffle ticket. I think that is probably what the introducers intended in the first instance. That is, if a police officer makes an honest mistake and was simply somewhat negligent in determining the facts, okay, no lawsuit, no action will be found against him. But on the other hand if once in a while in our history, you know these guys come around that do things that think they are a god unto themselves and do what they damn well please and I don't think you should write into the statutes something that says you can do what you please and not be held accountable for it. So that's how I would modify that particular provision. I would ask for the adoption of the amendment.

PRESIDENT: Senator Hefner, do you wish to comment on the motion of Senator Beutler?