

down that long road of maybe defeat of the race tracks and maybe not. I want to read for you the words of a central Nebraska breeder in Nebraska, because he can say it better than I can. Because of the lack of populous, getting people to attend live racing wherever possible must be emphasized in order to capitalize on the fun, the excitement and entertainment of live horse racing. The preservation of revenues generated from admission, concession, motel, restaurant, gasoline, shopping receipts associated with live racing should be the underlying focus of any legislative proposals relative to the racing industry in Nebraska, not increased access to wagering outlets only. Additionally, as a Nebraska breeder, marketing for investment dollars in our product is very important to our success and the future viability of the racing industry in Nebraska. Off-site wagering outlets and the telephonic wagering will definitely not attract new investors to the racing industry nor create additional interest or enthusiasm for the sport of owning a race horse. I look at this, when I know as the amendments helps the bill, I look at this as again spreading gambling when you can go to the telephone and simply place a bet that it is just another enticement. Also, as Senator Schellpeper mentioned earlier in the discussion, both myself and he requested a opinion of the Attorney General. I think it's very unwise for this body to pass legislation that we have been told, and I know in all cases that doesn't hold up, but that the bill is unconstitutional. I might quote from a little bit, the Legislature's power to define terms is limited because the Legislature may not, under the guise of definition, 1) abrogate or contradict an express constitutional provision or establish a definition which is unreasonable or arbitrary. See Natural Gas Pipeline Company and the State Board of Equalization. Finally, in the light of the foregoing, while we determined it's permissible for the Legislature to authorize simulcast wagering on horse races within the confines of a licensed race track enclosure, under the Nebraska Constitution... That isn't the part that I wanted to read. Under such authority, it could be argued that the Legislature's definition of LB 718, as amended, providing that wagers placed through teleracing facilities or by telephonic wagering are deemed to be placed and accepted within a licensed race track enclosure might satisfy the requirements of Article III, Section 24, if no wager may be said to exist until it's accepted and received at the race track. In view of the restrictive language of our Constitution, as well as our prior opinions concluding the constitutional requirement that parimutuel wagering on the results of horse races be conducted