

opportunity to see whether they can survive. As I said on General File, I guess they would prefer to see whether or not they could survive based upon track handle and attendance as opposed to 49 senators deciding the fate of quarter horse racing in Nebraska. As I said, I am confident that if 1061 would pass that you will, in effect, bring an end to an era of quarter horse racing in Nebraska and I doubt very much that we'll ever see it started up again in Nebraska, but for those reasons, because there are a number of folks in the area of central Nebraska that would like an opportunity, I'm going to support Senator Lamb's lead on this issue and try and keep the Small Track Fund viable.

PRESIDENT MOUL: Thank you, Senator Johnson. Senator Lamb.

SENATOR LAMB: Thank you, Madam Chair and members. I rise to oppose this part of the amendment, which was divided from the original amendment that Senator Schellpeper had, and Senator Johnson has stated my reasons very well. A point of possible clarification, the Attorney General initially indicated, through an opinion dated last June, that the handle from simulcast would not be included in calculating this fund, this Small Track Fund, and so that's the way it's been and Senator Schellpeper's correct to say that no money, none of that money has gone into that fund because that opinion has recently been reversed by the Nebraska Supreme Court and I'm holding in my hand another opinion from the Attorney General addressed to me which came down after the Supreme Court decision and the last paragraph is the one which we always like to read. It says: Consequently, in light of the Nebraska Supreme Court's decision, we believe Section 2-1208.04 requires racetracks to make contributions to the Track Distribution Fund based on total parimutuel handle, including wagers on simulcast races accepted at the track. So now the industry here, through this amendment, is trying to reverse what the Supreme Court said through legislation and so, if this amendment gets on, then that will...it will be negative for the Small Track Fund, which will negatively affect quarter horse racing. And, know, there's been some talk of mixed racing, quarter horses with thoroughbreds, and that is a real possibility. I think that should be investigated and perhaps during this summer interim hearings that could be done. However, I don't think we should absolutely close the door on quarter horse racing through this amendment this year. Let's let them remain, while we think may be viable for another year, while we explore the possibilities of mixed racing. And so, as