

SPEAKER BARRETT: It is withdrawn.

CLERK: Mr. President, Senator Smith would move to amend, Senator, this is the last amendment I have from you on the bill. It is AM1379. (See pages 1668 of the Legislative Journal.)

SPEAKER BARRETT: Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker. This one is a little bit different than some of the others that we were dealing with. It is going to be more controversial. This one would strike the section in the bill that allows cities to regulate county lotteries. This amendment is more than technical, as I said. It is very substantive. It removes Section 49 of the white copy of the bill which allows cities to tax, regulate, control, or prohibit any county lottery...lottery operating within the cities operating limits. I offer this amendment in a neutral capacity. I have been teased about it a little bit and I suppose Senator Haberman is going to speak on that, but I have mixed emotions about this, and I don't know exactly the way I would even support this amendment at this point in time, so when I put my finger on the button, I don't know how it is going to come out at this time, and I am going to follow on the heels of Senator Ron Withem, the other day, and he got by with it very well. So I am trying that same tactic. I do think though the reason that I did introduce it is I think this is an issue that should be discussed by the body and that we should make some kind of a decision openly on this issue. Originally, local lotteries, once established could run anywhere in the state. So, hypothetically, if Adams County had decided to run a lottery, that lottery could extend to communities anywhere if they wanted to put those tickets in that community. And so that is why we have a great concern about this. Cities are given the power to tax, regulate, or prohibit other lotteries wanting to operate in their community. Therefore, if another local subdivision wanted to run a lottery in Hastings, for example, Hastings would have to approve the activity. When Chapter 9 of the state statutes was recodified in 1986, a drafting error put this power of the cities into the wrong article, so no matter how it was removed, the fact still remains that cities now have no control over what lotteries are conducted in their corporate limits. Not only could Beaver Crossing, for example, run their lottery in Omaha, they could run it statewide. LB 767 reinstates, essentially, what was dropped in 1986. This