

SENATOR HALL: Senator Schmit, I would not think that you would even consider anything like that. But, Senator Schmit, I do have a couple questions on the Final Reading copy of the bill on page 13. We deal with the issue between line 7 and 13 of the provision in the bill when you discussed it both on General and Select File, the issue of a track having to be in operation for at least 90 days, 90 percent of the days that they are given, in order to function for simulcast purposes. And, again, this is on page 13 of LB 591, the Final Reading copy, and it's lines 7 through 13 that spell out the reasons for which they could, I guess, fall outside that 90 percent rule and there it reads if the commission determines that such racetrack was unable to conduct live racing on the required number of days due to factors beyond its control including, but not limited to, fire, earthquake, tornado, or other natural disaster. My questions are this, just to establish some intent because we do give broad authority to the commission to determine here, what is (a) a definition of a disaster; what is other, I guess, natural disasters? What is, you know, the factors beyond its control and what kind of things fall under that, that those parameters are set in that language?

SENATOR SCHMIT: Well, Senator, I'm sure that you could get 49 different definitions of disaster from the members of this body, but basically it means that Webster's definition of disaster which means anything that causes great harm, damage, calamity, misfortune, anything of that nature, anything that would fit the Webster definition of disaster.

SENATOR HALL: So in other words we're not...my point is, is that we're not talking about something as simple as inability, for example, because of construction, because of icy roads, because of snow, things like that, that are...would fall under the category of natural disaster, in my opinion, a blizzard, but are not something all that uncommon in May in Nebraska.

SENATOR SCHMIT: Normally, no. A blizzard, a snowstorm that'd close the roads would not be considered a disaster. I suppose the Racing Commission could, in a rare circumstance, make that determination if, in their discretion, that type of a storm was of disaster proportions and we have seen a few of those in the last 40 or 50 years, but normally, with the equipment we have today, and the facilities we have, an ordinary snowstorm or blizzard would not be considered a disaster.