

those who die of old age. The only people who get busted for illegal gambling in this state are those who violate somebody's local code. I want to say one more thing in regard, while I'm up here, to the amendment that was offered by Senator Beutler. Is Senator Beutler here? If not, I want to just say this. I concur with what Senator Withem has said. First of all, this sort of an amendment uses the language "notwithstanding any other provision of the Constitution". I'm not handicapped by being a lawyer but I know enough about the law to know that when you...when you address the Constitution in this manner you must absolutely be specific as to what you prohibit and what you amend and what you strike. You cannot say, "notwithstanding anything else". It won't work that way. This, in itself, would not be constitutional because it does not specify those parts that you are striking. And, in fact, what would happen would be that the public would know that it was not specific and, therefore, would reject out of hand the amendment. Secondly, in regard to the Commonwealth depositors, earlier this week we had a vote here on a tort claim for the depositors. If, in fact, the Commonwealth depositors are legally entitled to be reimbursed, and I believe they are,...

SPEAKER BAACK: One minute.

SENATOR SCHMIT: ...then we ought to do it up front without any subterfuge, without any sleight of hand. If they are not entitled to reimbursement, then we ought not to do it by sleight of hand or any underhanded technique. We ought not to do it. If we owe it to them, and I think we do, then we ought to do it that way. If we do not owe it to them, we ought to say, we're sorry but it's not going...you're not owed that money by the state and, therefore, we're not going to tie it to some kind of chicanery, ladies and gentlemen, which will not work if it, even by some rare chance, made it into the Constitution and eventually became a part of our Constitution. So, ladies and gentlemen, I agree with Senator Withem, if you're going to do it, make it out there so that the enabling legislation can handle whatever you want to do and address it at that time.

SPEAKER BAACK: Time.

SENATOR SCHMIT: But to place this in the Constitution guarantees those individuals who want to operate illegal equipment a free hand and that ought to be the last thing we do.