

counsel may be correct in stating that there is a possibility, but I thought if it ever is challenged that, and if anybody reviews the record, it shouldn't appear as though there is not a logical basis for the Johnson amendment. So I just wanted to get that in the record. I support the Smith-Hall amendment.

PRESIDENT MOUL: Thank you, Senator Withem. Senator Smith.

SENATOR SMITH: Is there anyone else? So this will be closing?

PRESIDENT MOUL: Yes.

SENATOR SMITH: Okay. Thank you, Madam President, I would just add a little bit to what Senator Withem was talking about here and clarify and make very sure that the concern might be the fact that what you're doing is talking about where you have a local option lottery being conducted at a track in a county. That is only so in some counties, but not in all others and yet the money is all collected and distributed back to all the tracks. See, that's the concern. So we just wanted to be sure because we weren't positive that there might be a legitimate argument here somewhere down the line by someone. With that, I just simply offer the severability clause, and along with Senator Hall, the E clause and ask for your support. Thank you.

PRESIDENT MOUL: Thank you, Senator Smith. We will now vote on the Smith amendment. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 28 ayes, 0 nays on adoption of the amendment, Madam President.

PRESIDENT MOUL: The amendment is adopted. Is there further amendments?

CLERK: Senator Moore would move to amend the bill. (Moore amendment appears on page 2697 of the Legislative Journal.)

PRESIDENT MOUL: Senator Moore.

SENATOR MOORE: Madam President and members, this amendment, I passed out an explanation to. I have not passed out the amendment. It simply changes a word from a two to a four and it simply is...raises the state collected tax collected on local lotteries by 2 percent, from two to four, of gross proceeds.