

June 5, 1991

LB 849

LR 24

the debate, one of the main reasons given by those who opposed the A bill advancing was that it simply wasn't needed at this time because it is something that, number one, is contingent upon the approval of a constitutional amendment and, number two, is almost two years down the line. The argument was that the constitutional amendment, if it does pass in 1992, we can then come in very quickly thereafter in the 1993 session and, at that point, appropriate money to start up the lottery and, for that reason, I didn't press the A bill and was not concerned that it didn't advance, but I would ask your indulgence, whether or not you favor the enabling legislation, I would ask your indulgence in suspending the rules so we can read the bill. Thank you.

PRESIDENT MOUL: Thank you, Senator Will. Does anyone else wish to speak to this motion? Seeing none, we will now vote on the motion to suspend the rules. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Madam President, on the motion to suspend the rules.

PRESIDENT MOUL: Rules are suspended.

CLERK: Madam President, Senator Schmit would move to return the bill for a specific amendment. (See FA221 as found on page 2909 of the Legislative Journal.)

PRESIDENT MOUL: Senator Schmit.

SENATOR SCHMIT: Mr. President (sic) and members, I want to make this statement for the record because I believe it is important that I point out that I believe this morning when we enacted 24CA that the language of that constitutional amendment, as proposed, is in conflict with the language of LB 849. I wanted to say this for the record and I think that at this time the bill, LB 849, may in fact be meaningless. Law, as you know, that we are passing, can have no validity or legality broader than the constitutional amendment which itself authorizes a state lottery. We should have no question about that. I believe if you have read the bill carefully, you'll conclude that it is more broad and purports to authorize conduct which the proposed constitutional amendment itself forbids. For example, it has been repeatedly stated that one of the proposed activities for this state is to participate in Lotto America. I