

provides veto power over this whole issue of providing telephonic wagering to the tracks so that in situations where you're outside its primary territory, such as Ak-Sar-Ben infringing upon Fonner's...Fonner Park's territory, all the track have to basically agree upon how we're going to set up this system, and if they do not agree then obviously the commission will not approve this. Now, many of the tracks have been in discussion about this and feel that it is fair that we, as a collective group, work to hopefully come up with a collective decision on how we want to establish this off-track betting or telephonic wagering system in Nebraska. That's number one--veto power for the tracks. Number two, it also provides veto power to the parties involved, such as the owners and trainers of the thoroughbreds that are racing at these tracks, the industry itself, again trying to collectively bring all the groups together so that we can set up the best telephonic system that is possible in the state, that everybody is working on the same wave length and basically agreeing on how we're going to move forward with the horse racing industry of Nebraska. That is all the amendment does. It provides some checks and balances, if you will, to the system so that we have the tracks and, in this case, the thoroughbred horse racing folks, the trainers, the owners, also agreeing upon how this system is going to work. I would move for the adoption of the amendment.

PRESIDENT MOUL: Thank you, Senator Johnson. Senator Schellpeper, do you wish to address this amendment?

SENATOR SCHELLPEPER: Thank you, Madam Chairman and members. I rise to support this amendment also. I think if you will check I asked for an Attorney General's Opinion on the bill and he said, in its present form, it is probably unconstitutional, but I think the only way to really know for sure is to probably implement the committee amendments along with this amendment, which I think protects all the other tracks, and then have it tested in our court system and I think this is what they plan to do. It's probably a way that's going to be the long way around to get to what we're really trying to accomplish, but with the opinion that we have at the present time it's the only thing that we can do because the Attorney General has said it's unconstitutional in its present form, but I think that can be dealt with through the court system. But this amendment I think treats every track and protects every track to make sure that one track does not try to dominate the others and that's why I