

court in Douglas County and they will be proceeding towards litigation because they feel it is unconstitutional for the State of Nebraska to take the money from the cities and give it to the horsemen, but it's our hope that we can rectify the situation with this legislation. Again, I'll add the bill probably should have been vetoed last year and it probably wasn't the work on fighting the bill last year that there should have been because there was a belief that this bill was going to be vetoed. But we're faced this year with having to decide how we're going to deal with nearly a million dollars every year that will be going to the tracks and horse breeders throughout the state. Now I might also add that the horsemen have not received one cent so far. This has not been used to bolster the industry up to this point because the money has been held in escrow. So it really isn't relevant as to this money being used as the argument has been used on amendments on LB 1061 that the money has been given in the past and they need it to help keep the industry afloat. This has not been the case. The money has not been given to them and for that reason I feel it's a good year, it's a good time to return the money back to the cities. If the horse racing industry is to survive, it should survive without subsidization. That's right, Senator. Senator Robak said she agreed with me on this one, so I feel confident that this amendment can be adopted and I urge its adoption by the body. Thank you.

PRESIDENT MOUL: Thank you, Senator Abboud. Mr. Clerk, amendment on the desk.

CLERK: Madam President, Senator Moore would move to amend Senator Abboud's amendment. (Moore amendment appears on page 1765 of the Legislative Journal.)

PRESIDENT MOUL: Senator Moore.

SENATOR MOORE: Madam President, members, it's not often the body has a second chance to do something and this amendment is kind of a second chance in some ways. You remember last year when this body developed the keno statutes that we presently have and developed the tax rates, at that time I offered an amendment to increase from 2 to 4 percent the amount of the gross proceeds, the percentage that would go to the state. And that failed by about two votes and we had 23 votes if I remember right. This amendment, quite simply, in conjunction with Senator Abboud's amendment, and I guess if you believe in Senator