

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 14, 2004 LR 209

its own, it shouldn't go. Thank you.

SPEAKER BROMM: Thank you, Senator Pederson. Senator Redfield.

SENATOR REDFIELD: Thank you, Mr. Speaker, members of the body. I would like to read to you from Article I of the Revised Statutes, Section 2-101. It says the board may, at its discretion, hold or dispense with holding of the fair in any year. Let me read that again. The board may, at its discretion, hold or dispense with the holding of the fair in any year. LR 209 guarantees funding. It does not guarantee that the fair will be held. Thank you.

SPEAKER BROMM: Thank you, Senator Redfield. Senator Raikes.

SENATOR RAIKES: Thank you, Mr. President and members. I was just reacting a little bit to comments that I've heard a number of times. Senator Landis just mentioned them, and that there was a deal, so to speak, I guess, between the Legislature and the people of the state, if that makes any sense, in terms of the lottery proposal on how if we had a lottery this is the way the money would be used. And as you all know, there is absolutely nothing in the constitution about either education or environment at the moment. There's nothing in there. It simply says that the Legislature may establish a lottery to be operated and regulated by the state of Nebraska and the proceeds shall be appropriated by the Legislature for purposes of maintaining...establishing and maintaining a lottery and as directed by the Legislature, period. There's nothing in there about either education or environment. Now I think the defense of the argument I'm referring to is, well, yes, but there was a statute passed before the constitutional amendment which indicated that that's the way the money would be used. But I think it's important that that was not put in the constitution. And if people were observant enough to have recognized the fact that the statute was passed, then I think they were probably observant enough to notice that it was not in the constitution. It was a statute. And there is flexibility provided by a statute as compared to constitutional language. And in fact we have taken advantage of that. In recent years, as you well know, the part of the lottery money that had once been directed