

March 16, 1973

(Start of Belt #10)

CLERK: There are Committee amendments, Mr. President, by Senator Luedtke's Judiciary Committee.

PRESIDENT: Senator Luedtke.

SENATOR LUEDTKE: I move the adoption of the Committee amendments. This was...these were technical amendments offered by, I believe, Senator...one of the individuals appearing for Senator Warner's bill which deals with coin-operated machines on mechanical gains and it had reference to the application of the element of skill, reward, etc. and that such replay should not be considered money or property. It had to strike part of it and then reinsert "with" so that the thing would read correctly and I think Senator Warner in explaining the bill can show you why this was necessary.

PRESIDENT: Is there any further discussion of the Committee amendments? Senator Luedtke, I am sorry...temporarily distracted. Did you...

SENATOR LUEDTKE: ...Committee amendments, that's all.

PRESIDENT: Is there any further discussion of the Committee amendments. All those in favor of the Committee amendments please say aye. All those opposed say no. So ordered. The Committee amendments are adopted.

CLERK: Mr. President, there is now an amendment offered by the introducer, Senator Warner, to add the emergency clause.

PRESIDENT: The chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move the adoption of the Emergency clause. Perhaps I should explain the bill a little bit at the same time so that...essentially, as some of you know the Nebraska laws have been interpreted in such a way that some of the amusement type pinball machines are considered gambling. At the present time, there has been some attempt in some areas of the state enforce it as such. What the bill does is clarify very precisely that amusement type pinball machines are not gambling as consistent with, in its identification with what is used by the federal government for the purpose of licensing gambling machines. I can point in the letter from the Justice Department, the federal Justice Department, in which they indicate they have had no...encountered no difficulty in finding Legislative criteria, which will be the same as is in this bill, to identify and classify gambling type coin-operated mechanical devices. Neither has the Department encountered any difficulty in the light of legislative guidelines in distinguishing amusement type pinball machines from the machines designed primarily for use in gambling. The way this is done is within the bill with restriction of fifteen free replay games with the requirement that the free games cannot be discharged from the machine but that they must be played out and secondly,... thirdly, there is no written record, permanent record, directly with the machine that keeps a tab on the number of replays and then, it is further protected in the bill to make sure that it ties in further with the Federal definition. I think most of us recognize that these types of coin-operated machines are for amusement purposes. They are frequently used and enjoyed by many people and since the present law is being interpreted as restrictive as it is, it seems appropriate that the Emergency clause be attached so that this condition can be corrected.

PRESIDENT: Senator Warner is moving that the Emergency clause be attached to LB 360. Is there need for discussion of that motion? The question is shall the amendment be adopted. All those in favor, please say aye. Those opposed say not. So ordered. The amendment is adopted and the Emergency clause is added.