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LB 152

SENATOR HOAGLAND: Let me say two things, Senator Dworak, in response to that. First of all, when you are dividing between gambling one and gambling two, you have got to draw the line somewhere and the committee amendments...the committee decided to draw that line at \$1,000 a day. All right, now that is arbitrary but any criminal statute is going to have some arbitrariness in it. Now let me tell you what we are trying to get at. I distributed yesterday Ed Warren's memorandum clarifying his thoughts on this particular subject. He is the United States Attorney and he was not speaking for the Department of Justice but he was speaking for himself personally and he said that it is extremely important for law enforcement officers in this state, and this opinion has been concurred with by the Chiefs of Police in Omaha and Lincoln, by the Lancaster County Attorney's office, it is extremely important to have felony backup somewhere so that the prosecutors have the authority and have the ability to move against big-time gambling operations should that need exist and that is what we are trying to do. We are trying to give them that authority and that power in reserve so they can move in against the big-time operators if they have to.

SENATOR DWORAK: Thank you, Senator Hoagland. Senator Hoagland, I appreciate what you are trying to do and I am not totally unsympathetic but I think your amendment has a lot to be desired. I am kind of caught between a rock and a hard spot because I think Senator DeCamp initially has let all the horses out of the barn. I think Senator Hoagland is trying to put some of them back in but he hasn't got them quite all rounded up. I wonder maybe if we ought to just not do anything with the law and keep it on the books as it is which it is clear. I know the penalties are serious but I think we have got two hastily thought out matters here that neither one of them are really attempting to solve the problem and maybe we should keep the statute as it is which is clear that gambling is illegal, it is a felony and live with that another year until we have had time to go to work on it and correct it accordingly.

SPEAKER MARVEL: Senator Duis.

SENATOR DUIS: Mr. President, I need to ask Senator Hoagland a question. Would you mind returning please? Senator Hoagland, I want to enlarge a little on what Senator Dworak was getting at here because I don't think I understand what you mean. Now Senator Dworak says you could have \$900 every day, 365 days a year. Now how does this work, say,