

April 2, 1979

LB 344

SPEAKER MARVEL: The motion is unanimous consent request to withdraw the motion. Hearing none, so ordered. Senator Maresh, do you have a...? The Clerk will read Senator Maresh's amendment.

CLERK: (Read Maresh amendment found on page 1239 of the Legislative Journal.)

SENATOR MARESH: Mr. Speaker, I think we need to spell this out in law so all these small restaurants won't have to come to the Department of Health for an exclusion and this would be a real small place, probably eighteen by twenty feet, just a hole in the wall that sometimes we see in rural areas where they probably have only two people working and I think with the provision that the place would have to be posted that smoking is allowed, the danger of somebody eating at a place like that would be very remote. So I move that this amendment be adopted.

SPEAKER MARVEL: Senator Stoney, do you wish to speak to the Maresh amendment?

SENATOR STONEY: Mr. Speaker, members of the Legislature, I respectfully arise in opposition to Senator Maresh's proposal and I think if you will consider the point that Senator Wesely had formerly made, this issue that Senator Maresh addresses is one that can much better be established through rule and regulation than through establishment in statute or statutorily. So for that reason I rise in opposition to that particular amendment. I would say again that everyone that has a concern that has an interest will be provided through the procedure of public hearing to indicate what objections they might have, what concerns they might have for their own establishment and again I would refer to section 11 in the bill itself which provides for a system of waiver and it sounds like what Senator Maresh is concerned with could very simply be handled through the waiver process, through petition of the Department of Health. So I again I respectfully rise in opposition to that amendment.

SPEAKER MARVEL: Senator Simon, do you wish to speak to the Maresh amendment?

SENATOR SIMON: Yes, I do. I have a couple of questions for Senator Stoney please if he will yield.

SENATOR STONEY: Yes, Senator Simon.