

Legislature, I submit to you that if Senator Wesely could verify what he has said, that I would be willing to withdraw my support of this bill, nowhere in the United States has LB 991 been declared unconstitutional. Now you may say, well the recent decision in Papillion for example, where they were enjoined. Ladies and gentlemen, they adopted a five year old Indiana law. I called Indiana last week and now Indiana is now doing what we are doing here in the State of Nebraska and it is going to be passed there into law within two weeks. Senator Wesely said that he supported this bill. He supported not to suspend the rules for the introduction of this bill. If you will check the record you will find that he was misinforming the Legislature within the last five minutes and I am sorry to say that Dr. Sughrue from Creighton University has declared this bill unconstitutional and, Senator Cullan, I believe that is where you got your constitutional information. I think it is unfortunate that those of you attorneys in this Legislature are reluctant to send the message to our youth across this state that these head shops are bad. I...

PRESIDENT: Senator Venditte, your time is up. Senator Beutler, you are speaking to a point of personal privilege. I will recognize you for that purpose. What is the point?

SENATOR BEUTLER: Point of personal privilege, Mr. Speaker, is that Senator Venditte indicated that I had not been forthright and truthful with regard to the Parma, Ohio, decision and I would like to clarify that point.

PRESIDENT: Well I think you have a right to explain why you are, all right.

SENATOR BEUTLER: I would like to read from the ordinance in Parma, Ohio, the provision that was declared unconstitutional. It reads as follows: "Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of tobacco products." I would like to read that same provision to you as it appears in the bill that we are about to pass. "Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of tobacco products." There is not one word of difference. I think Senator Venditte stands to be corrected.

PRESIDENT: Now, gentlemen, I think we are going to cut off all further discussion at this point and go on to the speakers that are on. Senator Marsh, I think we will continue. Senator Marsh, proceed.