

March 17, 1992

LB 130

PRESIDENT MOUL: Thank you, Senator Will. Senator Schimek, followed by Senators Chambers, Wesely and Nelson.

SENATOR SCHIMEK: Yes, Madam President and members of the body, thank you. Senator Will, I guess I would have to differ with you and with Senator Hall and oppose this amendment. What this bill does is sets a minimum floor. That's...that's all it does. It doesn't go the whole way. If a local subdivision would like to go one step further than we did, or two steps further than we did, and outlaw vending machines in the local bars, I have...I don't see why we shouldn't allow that. I think enforcement's maybe going to be a problem anyway and if they want to...if they want to do that, I don't see why we shouldn't. There are cities all over this country who have ordinances, even in spite of the fact that in some states, in most states, there are no state laws, they go one step further. I mean, I don't get the argument. If you look at the sales tax issue, for instance, we have a state sales tax but that doesn't mean that we don't allow the local subdivisions to have a local sales tax, we do. But over and beyond the arguments about local control and about the local subdivisions being able to do what they see fit is the question of enforcement. And I have been told by the City of Omaha that enforcement will be, at best, difficult if not probably undoable if we pass this amendment. And the reason I say that is, is because it's the local subdivisions who go in and see that these vending machines have the stamp and all of that kind of thing. And they make the rules on how to enforce it and so forth. If we pass this amendment, the local subdivisions may not have those enforcement powers. So I would urge you to oppose this amendment of Senator Hall's. Thank you.

PRESIDENT MOUL: Thank you, Senator Schimek. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, some locales are less under the control and influence of the tobacco industry. Such being the case, they can more freely adopt ordinances that are in the best interest of their children. On the floor of this Legislature, the tobacco industry reigns supreme and there is no question about that whatsoever. If a locality is concerned about the welfare of its children and wants to show a greater concern than we who are more rentable than they, they should be allowed to do it. And, Senator Moore, I didn't say people are owned, sometimes the industry just rents senators for a particular purpose and after