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all these outfits which are the ones we are trying to restrict in terms of how they can deal with these employees. I would like to ask Senator Preister a question.

SENATOR WILL: Senator Preister, would you respond?

SENATOR PREISTER: Thank you, Honorable President. Yes, I will.

SENATOR CHAMBERS: Senator Preister, are you still in general disagreement with the bill and what it purports to do?

SENATOR PREISTER: Senator Chambers, I'm thinking right now about the firefighters in Omaha and the Chief there trying to make sure that he has firefighters that are able to perform their duty and to do that he has established a policy where he doesn't want any firefighters to smoke. That's a for-profit...well, it shouldn't be a for-profit but they are making their living. That might qualify under what Senator Hall is suggesting, but it's certainly not a nonprofit or a 501C3. That's an example of another organization. There could be other organizations that would fall outside of the parameters of what is being amended out, and that's my concern.

SENATOR CHAMBERS: Senator Preister, is it only the firefighters that you're concerned about? You're saying that you want the Fire Chief to be able to ban smoking among firefighters. Is that correct?

SENATOR PREISTER: I think he should have that right, considering the need for full lung capacity in the job that they do, yes.

SENATOR CHAMBERS: Do you think there could be a showing made that smoking impacts negatively on the ability of this person to do his or her job?

SENATOR PREISTER: That case could be made.

SENATOR CHAMBERS: If it could not be made then where is the concern? If it cannot be shown that smoking impacts negatively on how the person does the job, of what business is it to the Fire Chief if they smoke? That...I'm not arguing that it does not have a negative impact, but if it does not then would the Fire Chief have a right to tell these people, you cannot smoke?