

February 13, 1995 LB 121

SPEAKER WITHEM: The amendment is not adopted. The call is raised. Any further items on LB 121?

CLERK: Senator Beutler would move to amend with AMO378. (Beutler amendment appears on page 721 of the Legislative Journal.)

SPEAKER WITHEM: Senator Beutler.

SENATOR BFUTLER: Mr. Speaker, members of the Legislature, AMO378 has been passed out to you and essentially what the amendment would do would be to delete from the list of possible exemptions the Department of Corrections. As you know, in the bill in Section 2 there are a number of exemptions listed and the Department of Corrections is one of those exemptions. I'm frankly not quite sure why we have exemptions at all or why you would exempt residences if that's what is intended because I would submit to you that probably as between work and residences, a lot more time is spent in residences than at work. But more specifically, the Department of Corrections situation is interesting and I want to tell you one position I do not want to be in when I go back to face my constituents. I do not want to be in a position where somehow by virtue of legislation that we have passed, folks incarcerated in the Department of Corrections have more privileges or rights than individuals who are outside of the institutions participating in our daily life and have never committed a crime. And in this regard you are setting up a situation where that could occur because you've allowed the university and the state colleges to make whatever rules they want and corrections to make whatever rules they want and it's not improbable that it may turn out that smoking would be banned at state colleges and banned at the university but not banned at corrections. And then I will once again have to explain to my constituents why it is that prisoners have more rights than the common citizens and I don't want to do that and I want to give you a choice of not having to do that and so I'm simply suggesting to you that that be deleted and it's kind of an interesting situation because the nonsmokers in corrections who are there, not by their own choice, albeit by their own actions, are people that are being forced to inhale this smoke and they don't have the choice of leaving the place so there are a number of interesting arguments in this situation, but I'm telling you the reason why I'm introducing the amendment and would like to so state that the primary reason is that I do not want to create differences.