

February 13, 1995 LB 121

SENATOR CROSBY: Senator Preister.

SENATOR BEUTLER: That the Department of Corrections could make the decision to allow them to smoke in the workplace? I mean I don't know what their actual policies are. I'm trying to look at it from the point of view of what they would be empowered to do under this bill. And a related question, would it also empower those who control the student residences, not only to exempt them because they are residential, but to exempt also the offices and the workplaces that may exist within those residential halls? Those are related questions, so I guess I would ask them both to you at once.

SENATOR PREISTER: Thank you, Honorable President. Senator Beutler, yes, I will answer those questions and the language is permissive as I'm sure you read. In line 19 it says "may" be exempt. That doesn't mean that they have to be exempt and it is possible I suppose that you could read into that that they could then establish a policy where they might allow it in work sites. I don't see that as happening, but I say that it could be read that way.

SENATOR BEUTLER: Okay, thank you, Senator. And I guess it's the possibility of things that I want to avoid and if this exemption then allows for exemption from the work place as well as exemption from the residence, I guess I dislike it even more than I did when I understood that it only exempted a residence. You know the argument, Senator Landis says that he believes the operating principle should be that individuals should not be harmed at a place that they cannot escape from and it seems to me that there is some confusion in his logic in that if that's his operating principle, he ought to be in favor of the amendment. And finally, there is the stated and unstated argument of the security needs of the Department of Corrections. I hear that from time to time, but I don't believe that that justifies the continuing of addictions if addictions are what we are trying to avoid anymore than we would continence in the Department of Corrections the continuance of a drug habit or an alcohol habit. I see no reason why they ought not be treated the same and we don't allow drugs in the prison or alcohol to my knowledge, at least not legally, and we ought to have the same attitude towards smoking. Thank you.

SPEAKER WITHEM PRESIDING