

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

January 18, 2000 LB 750

restaurant industry responded. Now if...I asked one senator who is in support of this bill, who says that, well, where I go they smoke a lot. Well, did you ask the owner to make it a nonsmoking restaurant? How hard is that? Did that owner say, no, I'm not going to do that; I'll only do it if the state of Nebraska forces me by threat of criminal prosecution? You know, has that happened? I don't think so. I'd like to hear some stories about consumers that said we're not going to eat there unless you make it smoke-free, and the restaurant owner saying, jeez, I don't care. That hasn't happened yet. If...you know the free marketplace, frankly, should be allowed to work before we take away these property rights. You have the ability not to go into a restaurant that allows smoking. I mean I appreciate Senator Thompson's concern about, you know, her, you know, constant struggle against smokers. There have been several tax increases that she's proposed over time. And I understand that and her heart is in the right place. But, you know, is this still a free country or not? If it was such a bad thing, then those restaurants that choose to have smoking areas would no longer be in business, no one would use them. And I heard reference that we regulate motor vehicles. I hope Senator Thompson isn't thinking about introducing a bill to ban smoking in your own automobile. That's privately owned as well, and that's certainly a confined space. Maybe we ought to have a law that says you can't smoke in your car if you have a passenger with you. I mean, how far do you want to go on this thing? And I know the great state of California, and I know the great of Utah...

SENATOR CUDABACK: One minute.

SENATOR HILGERT: ..have gone forward to this. Well, you know maybe we ought to follow lockstep in what the state of California does to or for its people, but maybe not. But I would certainly like the opportunity for the restaurateurs to be contacted by these people and asked the simple question, will you make it smoke-free? In fact, we have...look at all the evidence that says it's actually a good thing for the restaurant industry. If it's a good thing for the restaurant industry, they will seize and take that up and make their restaurants smoke-free, then it will be harder and harder to find a smoke...a restaurant that allows smoking. So I do think that we