

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

April 23, 2003 LB 759

SENATOR BRAHEAR: Mr. Speaker, members of the body, I certainly have not had the time that I would require to be able to speak with any more authority than I'm going to, and I'm trying to make it soft and general, Senator Janssen, but I hear...I hear Senator Beutler, Senator Erdman, Senator Schimek, raising issues. And as is our style, I want to give notice that I've at least got enough cases back here that are close that I think we may be doing something that is governed by constitutional law or doing something which is prohibited. One thing I can say specifically is, to the extent you include radio advertising, the whole field seems to be preempted by federal regulation and there is a specific United States Supreme Court case that says with regard to what you can and can't do with regard to radio stations advertising casinos which are legal in one jurisdiction and illegal in another. So it's not like the federal government hasn't spoken on the subject, and I believe may have preempted it. With regard to the First Amendment issue, and I heard what Senator Chambers said, but I'm saying I would need more time to develop it, but one thing I don't need more time to develop is what you're attempting to...how we're attempting to define it. And, Senator Janssen, to lay this out and then I'll ask you to respond, as I understand it, one of the qualifiers here, is we're talking about a casino means any establishment conducting games of chance which are illegal. Then we say time or space to sell or promote the activities of a casino. One of the activities of the casinos in Council Bluffs even I know, and I've never been there, is that they run restaurants and they advertise about their selling. Eating is not illegal in Nebraska. It's not illegal in Iowa. And I'm assuming that they could still advertise their restaurants but they couldn't advertise their gambling under this definition. I'm trying to illustrate that I...I don't want to lose your support for this bill. I'm not going to lay down and die about this amendment, but I want to send the signal. I think there is some issues here and I think we ought to talk about it and be prepared to refine it, at least, on Select File, as we may do with one or two other aspects of this bill. And I would yield the rest of my time to you.

SPEAKER BROMM: Senator Janssen, you have two minutes and 15 seconds.