

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

April 12, 2005 LB 480

relates to its smoking policy. And this amendment tries to create that uniformity through a stick and carrot approach, similar to what the federal government does, and it says that you localities, whether it be any, the primary class, and of course if Senator Erdman's amendment is adopted, the metropolitan class and, again, I support that amendment. I simply had a drafting error as it related to how far it went. If you want to have exercise...if you want to exercise local control and you want to adopt a policy where there's no smoking in your community, you're free to do that, but the state has an overriding interest in a uniform policy. I don't believe that having smoking in the city and then you can go to a small pocket in the center of the city is a good policy for the state of Nebraska. So I think consistency should be the goal here and that is the spirit of this amendment; is not, again, I want to clarify, because I did receive an e-mail from a constituent who is also opposed to government acting in this regard, meaning a statewide ban. It should be left up to communities and that's what I support. And this individual was listening to talk radio and she said that I...that the talk on talk radio was that I had introduced this to be punitive. That's not the case. I think we just need to be consistent in how we do this. The federal government, again, does it through highway money, and I'm sure if any of us thought of it, if Senator Jensen thought about it, I'm sure that they do the same thing as it relates to Medicaid. The federal government says if you want to...if you want to receive Medicaid funds, we want uniformity, and every state has to treat an individual that makes a certain amount of money the same way. Now, of course, there are waivers. The federal government gives waivers on some of these things. But, in large part, the federal government has recognized that there should be a consistent policy as it relates to highways, and they award highway money in that regard. They've said there should be a consistent policy, federal policy, in Medicaid dollars and how those are allocated to the states, and so they've established a set of uniform principles that states have to follow if they want to share in that proceeds. So again, I don't think this is unusual. I don't know of another example where the state...

SENATOR CUDABACK: One minute.