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FLOOR DEBATE

April 12, 2005 LB 480

Committee amendments to LB 480.

SENATOR BOURNE: Thank you, Mr. President, members. I will go through what the amendment does. And I am going to take it to a vote. One might say this is a barometer. I don't know. Again, the amendment defines what a retail tobacco business is, and says that a cigar store or a store that sells cigarettes would not be under the Clean Indoor Air Act. It does say that a city that adopts...excuse me, a city of the primary class that adopts an ordinance that's more stringent than the state law can't share in tobacco revenue proceeds. And one thing I did neglect to mention is that that money then is put into the Rural Development Cash Fund. And you know, we had some debate about, well, this is a backwards stick and carrot, and...or carrot and stick. And I don't think that's the case. I think that we should craft a policy that provides smoke...a smoke-free environment to those who desire it. And I think what we have today--and this is not a slight against Senator Thompson or anyone else who has worked on this legislation--is we have a cobbled-up mess as it relates to what the Clean Indoor Air Act is. And again, I'm not criticizing Senator Thompson. Actually, LB 480 adds some clarity to it. We have a number of businesses that are under the Clean Indoor Air Act that don't even realize they are, or are violating the law and don't realize it. I told you about a constituent who owned a bowling alley, and there was an issue there, and then we come to find out that they're already under the act. Again, with all respect to Senator Thompson, we don't understand if it applies to bars that have kitchens, or bars that have kitchens that serve food. What is incidental? Is popcorn preparation? Is pizza beyond an incidental preparation, such that it would require a bar to be...or it would basically say a bar is a restaurant? My point is, is that I think this is an area that is very confusing. I do think this amendment adds some clarity to it. I would suggest that you look at the amendment, you pay attention to what it does. It just says the Clean Indoor Air Act is the law of the land. It retains communities' local control, but there is a price. And I think that a consistent policy in this regard is appropriate. I think it's an appropriate state conduct. We've done it before. I'm certain we'll do it again. The federal government does it. I would urge you, if you're