

February 20, 1990

LB 39, 290, 339, 618, 688, 771, 899  
900, 941, 980A, 982, 990, 1009, 1032  
1041, 1066, 1073, 1080, 1173, 1195, 1195A  
1200, 1219, 1236, 1240  
LR 257

SPEAKER BARRETT: Any discussion? If not, shall the committee amendments be adopted? All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill as amended. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I think the bill, as explained, as I mentioned, the amendment became the bill, and that is what we're dealing with now. I think I've explained that, some of the other senators, I think, have also discussed that. What I'd do is just be available to answer questions.

SPEAKER BARRETT: Any discussion? Any questions? If not, those in favor of the advancement of the bill to E & R initial please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 688.

SPEAKER BARRETT: LB 688 is advanced. Matters for the record, please.

CLERK: Mr. President, the Speaker announces selection of Speaker priority bills that include LB 39, LB 290, LB 339, LB 618, LB 771, LB 899, LB 900, LB 941, LB 982, LB 1009, LB 1032, LB 1041, LB 1066, LB 1073, LB 1173, LB 1195, LB 1200, LB 1219, LB 1236, and LB 1240.

Mr. President, new A bills, (Read LB 980A and LB 1195A by title for the first time. See page 867 of the Legislative Journal.)

A reminder, Mr. President, the Urban Affairs Committee will meet in Exec Session at three o'clock this afternoon. Revenue Committee will hold an Exec Session at one-twenty in the Senate Lounge; Revenue, one-twenty in the Senate Lounge, Mr. President. Senator Haberman has amend...or would like to add his name to LB 1080 and to LB 990 as co-introducer.

Mr. President, new resolution offered by Senator Chambers. (Read brief synopsis of LR 257. See pages 867-68 of the

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to a new day in a new week in the life of the Second Session of the 91st Legislature. Opening prayer this morning by our own Senator Roger Wehrbein. Senator Wehrbein.

SENATOR WEHRBEIN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Senator Wehrbein. Roll call.

CLERK: I have a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Are there reports, announcements or messages?

CLERK: Only one item, Mr. President, and that is that LR 259 is ready for your signature. That's all that I have.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 259. The Chair is also pleased to announce that Senator Hannibal would like to acknowledge the fact that the doctor of the day is Moe Mellion from Omaha, on behalf of the Nebraska Academy of Family Physicians. Please welcome Dr. Mellion who is seated in the rear of the Chamber. Dr. Mellion. Also, Senator Scofield has some guests under our north balcony. We have 18 students from Chadron State College political science class with their instructor. Would you people please stand and be recognized. Thank you, we're very pleased to have you visit with us today. Mr. Clerk, let's proceed to Item 5 on the agenda, LR 257.

CLERK: Mr. President, 257 was a resolution offered by Senator Chambers. It is found on page 867 of the Legislative Journal. It asks the Legislature to join the national administration and others in condemning the questionable tactic of targeting high-risk, vulnerable groups for the purpose of luring them into nicotine addiction with its attendant personal deleterious, I'm not saying that right, results and public health problems, that the Legislature strongly urges R.J.R. to permanently abandon

its targeting practices, and that the Clerk be directed to send a copy of the resolution to Secretary Louis Sullivan.

SPEAKER BARRETT: The Chair recognizes the member from the 11th District, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a resolution which I brought because I'm particularly concerned about what R.J. Reynolds is doing, what other tobacco companies may be contemplating doing, depending on what the public reaction is to the R.J. Reynolds scheme. This is a program whereby R.J. Reynolds is going to put out or intended to put out a new cigarette called Dakota. It would be directed toward relatively young, white females, described by the company as virile females, who watch soap operas, are minimally educated, are very vulnerable and manipulable. This is being done because the cigarette industry has been steadily losing customers. Last year...well, in the year 1987-88 they dropped in sales by 2 percent; '88 and '89 the drop was 6 percent. So they are trying to replace these people who are giving up smoking. The statistics and studies have indicated that the better educated, the higher a person's income, the more likely it is that they will cease smoking. The tobacco industry has decided that there are vulnerable groups which are good targets. Not too long ago black people represented such a group. But the Secretary of Health and Human Services spearheaded a protest which was joined in by public health officials, different organizations, so that new brand, called Uptown, which was to be targeted toward black people, was withdrawn. Shortly thereafter 200 pages of information relative to what R.J. Reynolds is doing with this Dakota brand wound up in the hands of the Washington Post. That newspaper published information about it. There was an uproar throughout the country, which pleases me greatly because it indicates that the public is starting not only to acknowledge that cigarette smoking is harmful, but that it needs to take a position to try to minimize the effects of this smoking. When people sell cigarettes, they are really trading in death. As has been pointed out repeatedly, cigarettes, other tobacco products are the only legal product which when used as intended result in serious injury, serious health problems and death. One hundred and twenty-five thousand women a year die from the effects of smoking. And smoking has replaced breast cancer as the greatest killer of young women. During those years between 18 and 24, many of these women will become pregnant and the bad effects of tobacco can affect the children

that will be born. There is such a heavy addiction rate, with cigarettes, that you have people such as William Bennett, the Secretary of Education, who is known as the drug czar, totally unable, incapable of shaking his cigarette addiction. So what we're dealing with here is probably the most addictive drug in this country, maybe with the exception of alcohol. But George Will, Sunday, wrote an editorial on the subject, and the headline in the Omaha World-Herald was, "Tobacco Firms Draw a Bead". Not too long ago Senator Hefner and I are joined to present a successful amendment to a bill. Senator Hefner, I never thought that George Will and I would see eye to eye on an issue of such importance as this, but I'd like to read just a couple of portions of his article. "While you read this column, three American's will die of smoking-related illnesses. Not surprising, considering that in 1986 the Surgeon General reported, among other horrific things, benzene concentrations in cigarettes up to 2,000 times greater than the amounts that caused Perrier water to be pulled from markets worldwide. What is surprising, and will flabbergast future generations, is that public policy is so flaccid regarding the nation's foremost cause of preventable death." Then he goes on to bring us to what he calls "Today's subject is cigarettes, and the task, not exactly chivalric, is one of protecting 'virile females.' They have various attributes, but the one most lovely to R.J. Reynolds Tobacco Company is that they are minimally educated." He goes on to talk about how cigarettes are targeted not only toward this group, but to underage youngsters and that it...a tiny percentage...let me see if I can find it, "Cigarette advertising plays upon teenagers' desire for autonomy and anxiety of social acceptance and sexual allure. If just 3 percent of cigarette sales are to underage children, that market segment spends \$1 billion giving the companies \$150 million in profits." He ends with this paragraph, "Targeted marketing, a common tactic, is now considered disgusting when the targeted group is picked because it is badly educated and informed, and hence manipulable, and the product being marketed is injurious. But senior executives who set the tobacco companies' marketing strategies do not have daughters who fit the virile female image. One wonders: Do the executives' daughters smoke? If so, are the executives pleased? If so, are they not strange parents?" One other comment, I don't think any appeal to profits can justify this kind of targeting. During the sixties there was an antidrug song sung by a group called the Temptations, and it started by saying, junk man, and a junk man is a drug dealer, junk man standing on

the corner, selling death, no conscience has he. In the name of God won't somebody stop him; it's a matter of life and death you see. But cigarettes, cigarettes kill more people than the combined effects of heroine, crack, speed, marijuana, all the street drugs. With that being the case, the least the Legislature can do, and I'm sure will do, is go on record in support of those efforts by the national administration and others to do what they can to, first of all, end the market targeting and, secondly, to support the administration in its efforts to put a dent in the sale and consumption of cigarettes. I think what had been said is that more people are killed a year by cigarettes than were killed during World War II. Those statistics might just sound like numbers, but I have known several individuals who died from cancer that was smoking related. And, as in most instances, people will say that they have to die of something, but when the disease strikes, there is a different attitude that they adopt. Usually, and they say it's like this with any fatal illness when somebody realizes that they have it, there is a great amount of anger and a denial. Then pretty soon they go into a type of depression, ultimately there is an acceptance of this as being one of those things that cannot be avoided. If young people continue to see cigarettes associated with the people who are attractive physically, successful athletically and in affairs of the heart, it is not strange that they will be lured into trying this product which will addict them and ultimately can lead to their death. So I'm hoping that this resolution will be adopted and it may help send a message to the tobacco industry.

SPEAKER BARRETT: Thank you. Discussion of the resolution offered by Senator Chambers? Senator Crosby, Senator Nelson to follow.

SENATOR CROSBY: Thank you, Mr. Speaker and members. I'll have to admit yesterday when I read the George Will column I thought that we had come to a full turn when he and I and Senator Chambers all agree about something. Right, Senator Chambers? I was pleased when I read this resolution, because when this story came out about this marketing idea, I could not believe that any kind of responsible business would put out a marketing plan so completely demeaning to women. Here they are targeting young women who are 18 or so, with this brand named Dakota. It could just as well be named Nebraska. I guess Nebraska doesn't sound as cool as Dakota. I haven't decided. But I've never smoked. I should come in that just a little, I'll be like Senator

Morrissey this morning and confess something out of my past. I did smoke once. A friend of mine and I, who worked at the newspaper, we were 18-years old, and in those days you went to the movies and it looked so cool for the women to be holding a cigarette. We thought that looked really neat. So we thought, well, we better find out how to do it and learn to smoke. So we spent a whole evening, we got about 10 or 12 different kinds of cigarettes, because we wanted to decide which brand was the right one to smoke. We smoked one of each. I was so sick the next day, I never touched another cigarette. Wasn't I lucky. Other people are not so lucky. I was foolish and got paid in a hurry and found out that wasn't the thing to do. But when you start marketing and targeting, I couldn't believe these two, the Uptown and Dakota cigarettes, and aimed at certain people, the least...the most vulnerable people in our society, that's who they were targeting. Cigarettes are expensive; along with the harmful effects, they're expensive. They're out making minimum pay, low-paying jobs, at jobs that are not easy and that lead nowhere, so the cigarette would be something that they could feel like they were in the swim with. Again, I say, it's just so completely demeaning to women, I am so pleased to be a part of this resolution, I'm going to vote for it, I hope everybody does. Thank you.

SPEAKER BARRETT: Thank you. Senator Nelson, followed by Senators Dierks and Goodrich.

SENATOR NELSON: Mr. Speaker, members of the body, I, too, am very much in support of this resolution. Last Sunday Senator McFarland and myself, along with three other people, had the opportunity to go to Creighton University and judge an oratorical speech contest. With that, I believe there were 16 colleges, from Hastings College, Wesleyan, Creighton, Wayne and so on, and it was their top two students from each of these colleges. And then they had had various sessions the previous days and had brought it down to the six top students. It was our job to judge the contest and the two winners went on to the national level. One of the speakers, and I think he took third place, but...And, incidentally, when you get at that professional and that class of students, it's very difficult to judge the top two out of those very, very fine college students. But I wished that I had it available, and I tried to get it before today but I wasn't...and so I'm going strictly from memory. But a student from Wayne State College, his talk was on the tactics of the tobacco companies, very, very impressive.

And one of the things was what they're doing in our third world countries, and he was very, very forceful in his speech how the tobacco companies had supported our Clayton Yeutter and had given a very, very fine fund-raiser for him and so on because of his going on down into the third world countries and promoting tobacco for them. It really made you stop and think along these very same lines that we are and how much harm that we're doing, and yet our own Secretary of State was doing those things in other countries simply for the dollar. I, as I say, I wish that I had it available in front of me, and I'm going strictly by memory right now. But also when we talk about targeting the one that Senator Chambers is talking about, South Dakota, remember the Virginia Slims, sounded good and sounded big and sophisticated to smoke. I think that all of us need to get a little bit tougher and do our homework on this issue, because it is very disgusting and very degrading. And, with that, I certainly support this resolution.

SPEAKER BARRETT: The gentleman from Ewing, Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body. I'm rising, of course, to support this resolution. One of the things that's always amazed me was that our nation could actually provide incentives to the tobacco industry, funding incentives to help promote an industry that actually provides a toxin that in the end ends up killing our citizens. I've just never been able to figure that one out. That's always been just a real puzzle. We had considerable debate, you know, a year ago with the smokeless tobacco bill. And I'm thankful for the support that this body gave me with that legislation, because I think it sent a message to some people across this nation that we are not going to stand for Nebraska...stand by and allow Nebraska's citizens to be poisoned with this tobacco. I think it would be to our advantage in this legislative body to stand behind this resolution 100 percent. I certainly see merit in the resolution, and I think it's time that Nebraska sends another message out that we support this type of legislation that we're not about to allow the poisoning of our citizens through indiscriminate advertising. Thank you.

SPEAKER BARRETT: Senator Goodrich, please.

SENATOR GOODRICH: Mr. President, members of the body, I'd just like to rise and say that I think there's a slight problem with this resolution, and that is that you're directing it to the



R.J. Reynolds Company. Now, granted, R.J. Reynolds happens to be the one that is promoting the Dakota cigarette, in fact, this is the second targeted market that they...program that they've come up with. However, when you pass a resolution like this, targeted only at R.J. Reynolds, then you're leaving the rest of the tobacco companies at liberty to do everything they want to do. Well, I would suggest that a better way to word this thing would have been to say just any tobacco company, not R.J. Reynolds. It's for that reason that I don't intend to vote for the bill...for the resolution, rather. Thank you.

SPEAKER BARRETT: Thank you. Other discussion on the resolution? Seeing none, Senator Chambers, would you care to close.

SENATOR CHAMBERS: Briefly, Mr. Chairman and members of the Legislature, I appreciate the support that has been expressed for it. And the reason the resolution deals with R.J. Reynolds is because this is the second time in a row that they have done this, and no other company has come forth in this blatant manner. And what the resolution does, Senator Goodrich, in the final portion of it, is to see that the copy goes to Secretary of Health and Human Services, Louis Sullivan, who has been spearheading the effort to prevent this kind of targeting by whomever. Some of R.J. Reynolds lobbyists, or at least one of them, talked to me also to see if I could kind of pull my horns in a bit on this resolution. So I can understand them doing their job by trying to target some of us, to indicate that the resolution is not properly drawn. But R.J. Reynolds is the company that put its name on this nefarious program, and it's the one that should be identified. One other point, in Friday's World-Herald, and, Senator Crosby, there's another one that I didn't know that I'd be in such agreement with, there was an editorial, the headline of which, "Smoking is a Drag on the U.S.", and it discusses a report put out by the Department of Health and Human Services which reveals the hidden costs of smoking. And it estimates the amount that Americans have to spend for health-related problems, health care and insurance costs and lost time on the job, at more than \$52 billion a year, which would come out to \$221 a person annually. The last paragraph in that editorial says, "Despite medical evidence that smoking is bad for health, some people continue to indulge. That is their privilege in a free society. But the billions of dollars the country spends to take care of smokers' ills is an unnecessary expense. Sullivan is right to call attention to it,



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and nonsmokers have a right to resent it." I do hope that this resolution will receive all of the votes present on the floor, Senator Goodrich said he will not vote for it, so I'll say, with the exception of the one who has expressed opposition to what the resolution attempts to do.

SPEAKER BARRETT: Thank you. You've heard the closing. And the question is the adoption of LR 257. All in favor of that motion please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 257.

SPEAKER BARRETT: LR 257 is adopted. The Chair is pleased to note that Senator Wehrbein has 15 guests in our south balcony from Elmwood High School. Fifteen seniors are visiting with us this morning along with their teacher. Would you people please stand and be welcomed by your Legislature. Thank you. We're pleased to have you with us. Proceeding to the record, Mr. Clerk. Have you anything to read in?

CLERK: Mr. President, I do. Thank you. Some amendments to be printed to LB 708 by Senator Chambers. Enrollment and Review reports LB 1090, LB 1032, LB 1236, LB 164A, LB 313A, and LB 980A to Select File some of which have E & R amendments attached. General Affairs Committee, whose Chair is Senator Smith, reports LR 241CA to General File; LB 736, indefinitely postponed; LB 1100, indefinitely postponed; LB 1159, indefinitely postponed, those signed by Senator Smith. That's all that I have, Mr. President. (See pages 979-80 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Item 6, Mr. Clerk, LB 260 on General File.

CLERK: Mr. President, LB 260 was a bill introduced by Senators Conway, Baack and Schmit. (Read title.) The bill was introduced on January 9, last year, Mr. President, at that time referred to the Revenue Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President. (Standing Committee amendments are on page 724 of the Legislative Journal for the First Session, 1989.)

SPEAKER BARRETT: Senator Hefner, would you please handle the

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SPEAKER BARRETT: Thank you. Senator Weihsing, as the birthday boy, would you care to recess this body until 1:30 p.m.

SENATOR WEIHSING: Mr. President and members of the Legislature, I move that we recess until 1:30 p.m. today.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it. Carried. We're recessed.

RECESS

SPEAKER BARRETT PRESIDING

CLERK: I have a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Have you anything for the record?

CLERK: Mr. President, Enrollment and Review reports LB 81 correctly engrossed, LB 956 correctly engrossed, and LB 1050 correctly engrossed. Mr. President, Senators Lindsay and Morrissey have amendments to LB 315 to be printed. (See pages 985-87 of the Legislative Journal.)

And, finally, LR 257 is ready for your signature, Mr. President.

SPEAKER BARRETT: And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 257. Returning to General File, Mr. Clerk, LB 799.

CLERK: LB 799, Mr. President, introduced by Senator Beyer. (Read title.) The bill was introduced on January 19 last year, at that time referred to Transportation. The bill was advanced to General File, Mr. President. I do have committee amendments pending by Senator Lamb's Transportation Committee. (See page 1078 of the Legislative Journal, First Session.)

SPEAKER BARRETT: The Chair recognizes Senator Beyer for the purpose of introducing the amendments.

SENATOR BEYER: Mr. Speaker, and colleagues, after the hearing on LB 799 in committee, the committee discussed and then come up