

April 2, 1979

LB 344

SENATOR SIMON: Senator Stoney, if a restaurant, all right, this bill would go into effect January 1, 1980. If a restaurant for one reason or another is not aware of 344 if it passes and doesn't make an application say, until sometime late in December, what would be the effect then since the Department of Health could not probably act upon that request in the month of December?

SENATOR STONEY: Well I think initially and all I have to guide me is what the State of Minnesota has done and the information that they have provided me with, I'm sure that they would send a letter that would advise the restaurant that a law has been passed and that they would have to be in compliance and I am sure they would give them sufficient time to come into appliance or compliance before they would invoke any sanction of any kind.

SENATOR SIMON: Well I guess I'm not quite as sure as you are about that. I had some of the same concerns that Senator Maresch had. I could go along with the bill as written if you could put in some of those comments which are in the record into law which I think are necessary to protect the small restaurant and certainly I think the waiver system is one that is realistic. It is one that is fair but I guess I don't see how it is going to be handled in all cases if a person is not present... I don't think that they have, that there is any way that they have a list of every single restaurant in Omaha, Senator Stoney, let alone throughout the State of Nebraska and especially when some of these small ones do change hands or if one just gets opened and if somebody just finds out about this law in December, puts in a request, the Department of Health very likely would not be able to act upon that request in the month of December, then what is supposed to happen in the month of January?

SENATOR STONEY: Senator Simon, it would be my understanding and belief that when this bill is passed that the Board of Health or the Department of Health will promulgate the rules and regulations and prior to January 8, 1980, when the law goes into effect, all restaurants would be notified that there is such a law in the State of Nebraska and this I feel could be better handled, the specific situations, through rule and regulation and again I stress, that everyone that would have a concern whether they be a health facility, a restaurant, a public conveyance, would through the system of public hearing, be able to provide their input on these rules and regulations that will be adopted to control this.