

April 2, 1979

LB 344

SENATOR SIMON: You would have no objections then to saying that the Department of Health shall notify all restaurants and any restaurant that is not notified, they would be exempt from this?

SENATOR STONEY: Senator Simon, I think that we can generally accept the fact if they are given the responsibility to promulgate the rules and regulations, adopt these rules and regulations prior to the enactment of the bill when it becomes effective that that will be a part of adoption of those rules and notification to everyone here in the state that is a restaurant that serves food that must have a permit through the Health Department to operate as such, so I am sure it would really be counterproductive.

SENATOR SIMON: I guess what I am saying, Senator Stoney, and you haven't alleviated all of my fears and I will offer the amendment. I think it is a little bit better perhaps for your concerns than Senator Maresh, but if the Department of Health does not notify every restaurant, I am not convinced that they are going to be able to notify every single restaurant, number one. Number two, if for any reason they do not notify a restaurant then the restaurant's livelihood is still affected and I do not understand...well I know what would happen if a restaurant does not put in its application until a later period of time and how often is the Department of Health going to act on these requests, so a small restaurant in the month of January or perhaps even longer would be compelled when they would have gotten a waiver, there wouldn't have been any question about it, it would be a small restaurant, would have gotten the waiver but through reasons because they were not notified or because the restaurant was just built or was just changed, they would fall into this little crack and I cannot support that bill as written now. I will go ahead and give you a vote on General File but I am going to offer...

SENATOR NICHOL PRESIDING

SENATOR NICHOL: One minute.

SENATOR SIMON: ...an amendment on that. I think that this amendment goes along with some of the concerns that Senator Maresh has. I'm not quite as adamant about having it written into the law as leaving the flexibility of rules and regulations but I can tell you that there are going to be circumstances where people are not going to be able to be notified and it certainly is not...I don't think it is