

April 2, 1979

LB 344

Senator Fowler. Yes. As long as all legislators are taking their seats we can accept call in votes.

CLERK: Senator Wesely voting no; Senator Newell voting no.

SPEAKER MARVEL: Senator Johnson. Senator Johnson, would you record your presence please? Senator Maresh, you lack nine votes and there are eight who haven't voted. What is your pleasure?

SENATOR MARESH: Roll call vote, Mr. Speaker.

SPEAKER MARVEL: Do you want to proceed with a roll call? There are eight absent. The Clerk will call the roll.

CLERK: (Read roll call vote found on pages 1239-1240 of the Legislative Journal.) 18 ayes, 21 nays, Mr. President, on the motion to adopt.

SPEAKER MARVEL: Motion lost. The Call is raised. Senator Haberman, do you wish to speak to the bill?

SENATOR HABERMAN: Mr. President, fellow legislators, I would like to read into the record the following facts that a federal district judge cited the U.S. Constitution in dismissing a lawsuit seeking to prohibit smoking and the sale of cigarettes at the New Orleans Superdome. "It was affirmed by the fifth circuit court of appeals and United States Supreme Court denied review." The federal judge cited the Constitution and says it is unconstitutional to pass a bill like this. Some of the policemen in the states that have this kind of a bill, in New York it says I would like to know who is going to enforce it because law enforcements won't have time. We have enough problems with criminals and traffic without worrying about smokers and nonsmokers. Another one says we're not going to go out and look for smokers to arrest. We have enough problems catching holdup men and burglars and another one said, I don't want you to pass some sort of legislation that weakens our power to enforce. I would hate to think that someone was injured and something destroyed because we couldn't get a police officer to the scene while I was arresting someone for smoking in the grocery section of a store. I think this issue should be settled by manners and not by law. Sure we can pass a law, you can't smoke here and you can't smoke there, but what good is it going to do? What good is it going to do? We keep adding laws and laws and laws and the people