

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 611

Introduced by Karpisek, 32.

Read first time January 21, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Clean Indoor Act; to amend
2 section 71-5716, Revised Statutes Cumulative Supplement,
3 2008; to provide cities, villages, and counties with the
4 authority to adopt ordinances or resolutions regarding
5 smoking regulation; to provide an operative date; to
6 provide severability; to repeal the original section; and
7 to declare an emergency.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5716, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 71-5716 Sections 71-5716 to 71-5734 and section 2 of this
4 act shall be known and may be cited as the Nebraska Clean Indoor
5 Air Act.

6 Sec. 2. (1)(a) In any city or village:

7 (i) The governing body of the city or village may adopt
8 an ordinance on smoking regulation as described in subdivision (b)
9 of this subsection; or

10 (ii) The governing body of the city or village, or the
11 voters of the city or village pursuant to sections 18-2501 to
12 18-2537, may submit the issue of smoking regulation to the voters
13 at an election called for such purpose.

14 (b) The smoking regulation under subdivision (a)(i) or
15 (ii) of this subsection may be as stringent as the provisions
16 of the Nebraska Clean Indoor Air Act, more stringent than such
17 provisions, or less stringent than the provisions of the Nebraska
18 Clean Indoor Air Act as such provisions existed before January 1,
19 2009, including exempting any part or all of the city or village
20 from such provisions.

21 (2)(a) In any area of a county outside the corporate
22 limits of a city or village:

23 (i) The county board may adopt a resolution regarding
24 smoking regulation as described in subdivision (b) of this
25 subsection for the area of the county outside the corporate

1 limits of a city or village; or

2 (ii) The county board or the voters of the area of
3 the county outside the corporate limits of a city or village may
4 submit the issue of smoking regulation to the voters of such area
5 at an election called for such purpose. The voters may have the
6 issue placed on the ballot by submitting a petition containing the
7 proposed smoking regulation to the county board signed by at least
8 five percent of the number of registered voters of the area in the
9 county outside the corporate limits of any city or village.

10 (b) The smoking regulation under subdivision (a)(i) or
11 (ii) of this subsection may be as stringent as the provisions of
12 the act, more stringent than such provisions, or less stringent
13 than the provisions of the Nebraska Clean Indoor Air Act as such
14 provisions existed before January 1, 2009, including exempting any
15 part or all of the area of the county outside the corporate limits
16 of any city or village from such provisions.

17 Sec. 3. This act becomes operative on June 1, 2009.

18 Sec. 4. If any section in this act or any part of any
19 section is declared invalid or unconstitutional, the declaration
20 shall not affect the validity or constitutionality of the remaining
21 portions.

22 Sec. 5. Original section 71-5716, Revised Statutes
23 Cumulative Supplement, 2008, is repealed.

24 Sec. 6. Since an emergency exists, this act takes effect
25 when passed and approved according to law.