

February 14, 1995 LB 121

understand what you're asking but if my understanding of what you're saying is that we're already limiting smoking in certain areas, I would say, yes, however, that those designated areas, if you will look on the designated cans, as long as you move the ash tray to another location you're in a designated area, and that those designated areas are spread out throughout this and other buildings. And so it really doesn't have the intended effect and that's part of the problem that I'm hearing from state workers.

SENATOR BEUTLER: Okay, but the Clean Indoor Air Act would apply to the Capitol Building, for example. Right?

SENATOR PREISTER: It would apply to all public places.

SENATOR BEUTLER: Okay. And the prohibition in the Clean Indoor Air Act is that no person shall smoke in a public place or at a public meeting except in a designated smoking area, and then there's a penalty provided for that. Now, if your bill goes into effect and smoking is prohibited in the Capitol Building, you will have two violations if you're not in a designated smoking area. You will have a violation of your bill and you will have a violation of the Clean Indoor Air Act also. Is that correct?

SENATOR PREISTER: I don't believe that the Clean Indoor Air Act's violation does anything though, so I don't think there would be anything there that would be any real penalty.

SENATOR BEUTLER: Well, but the Clean Indoor Air Act provides for a Class V misdemeanor penalty which I think is the same penalty you provide for in your bill and that's part of the intent I wanted to get to. If a...if a person is in a situation where he has violated both acts, can he then be prosecuted for two classified misdemeanors on the same offense?

SENATOR PREISTER: I would think that it would be the same thing and it would be one offense.

SENATOR BEUTLER: Okay, I think that raises a real question though because separate violations of separate statutes are separate offenses under the law and perhaps we need to look at that. In any event, I was interested in the fact that the Clean Indoor Air Act doesn't provide for additional penalties for subsequent violations...