

February 14, 1995 LB 121

of years ago in Omaha, some of the top firms in that city revealed that 69 percent of Omaha's leading employers have a complete smoking ban already. I would also say that currently of our 26 code agencies, 20 of them already have a total ban in their areas. The other six have a restricted smoking policy. We have noncode agencies and the majority of those also have a ban. We're not taking a very large step. The various agencies have already said that we recognize that our employees have a right to clean air that allows them to breathe freely for those who suffer from asthma and other breathing difficulties that they have a right to clean and fresh and pure air. We had a testifier who is a state employee and part of her testimony stated that our agency policy, in essence, prohibits smoking except in offices with doors which can be closed. We have one individual who smokes and has such an office. That office is directly opposite my work space and every time the door opens the smoke pours into the adjacent area. I cannot move my office because my job duties dictate my location. The smoker cannot move because of the same reason. Filing a formal complaint would be awkward, given my duties and position and how they relate to those of the smoker. I would...it would also create discord in the workplace where none exists now. Smoking policies are a way of life these days. By passing LB 121, you would not be setting any precedence, indeed, you would only be clarifying policies which are already in effect and assisting the large number of state employees who are caught in similar Catch 22s. To adopt Senator Bohlke's amendment is to take away any authority of this bill and to say to our 17,000 plus public employees and if the surveys are correct, 80 percent of the folks in Nebraska don't smoke, so we're saying that approximately 15,000 of our state employees are, in some fashion, likely to be exposed to the secondhand smoke. We're saying to them that you're only protected in cars, we're not really going to protect you anywhere else, and that then we allow ourselves open to the consequences of that and the litigation that is likely to result from that. Thank you very much.

PRESIDENT ROBAK: Thank you, Senator Preister. Senator Landis.

SENATOR LANDIS: This is an interesting argument. The argument is if you don't ban it, you are not protecting anyone. And I would phrase the argument this way, those of us who oppose this measure, and I'm one of them, would agree to the principle that trapped employees do not deserve to be trapped and that they