

AMENDMENTS TO LB 395

(Amendments to AM585)

Introduced by Johnson, 37

1 1. Strike section 16 and insert the following new
2 sections:

3 Sec. 16. (1) In any city of the metropolitan class which
4 had an ordinance in effect on January 1, 2007, prohibiting smoking
5 in certain public places, the provisions of such ordinance shall
6 supersede the other provisions of the Nebraska Clean Indoor Air Act
7 enacted by this legislative bill until June 1, 2009, except that
8 the governing body of such city may, prior to such date, (a) repeal
9 such ordinance and become subject to such act at an earlier time or
10 (b) adopt a new ordinance pursuant to section 17 of this act.

11 (2) In any other city or village, any ordinance with
12 respect to smoking regulation which was not adopted under section
13 17 of this act shall become invalid on June 1, 2008.

14 Sec. 17. (1) On and after September 1, 2007, the
15 governing body of any city, village, or county, or the voters
16 of any city, village, or unincorporated area of any county as
17 provided in subsection (2) of this section, may adopt a nonsmoking
18 ordinance or resolution that is less stringent than or more
19 stringent than the Nebraska Clean Indoor Air Act enacted by this
20 legislative bill, except that such ordinance or resolution shall
21 not be less stringent than sections 71-5707 to 71-5709 as such
22 sections existed prior to September 1, 2007.

1 (2) A proposed ordinance or resolution may be placed on
2 the ballot for the voters of the city, village, or unincorporated
3 area of the county (a) by a majority vote of the governing body
4 of such city, village, or county, (b) by initiative under sections
5 18-2501 to 18-2538, or (c) by petition meeting the requirements
6 of and subject to sections 32-628 to 32-630 and signed by at
7 least five percent of the registered voters residing in the
8 unincorporated area of such county on the day such petitions are
9 filed for verification. The election shall be conducted as provided
10 in sections 32-556 to 32-559.

11 (3) Any ordinance or resolution adopted by the governing
12 body of any city, village, or county under subsection (1) of this
13 section without being submitted to the voters under subsection (2)
14 of this section shall take effect ninety days after its adoption
15 unless, within such ninety-day period, such governing body receives
16 a petition signed by at least five percent of the registered
17 voters residing in such city, village, or unincorporated area of
18 such county on the date the ordinance or resolution was adopted
19 requesting that such ordinance or resolution be repealed. Upon
20 verification of the signatures on such petition, the ordinance or
21 resolution shall be repealed.

22 (4) A copy of any ordinance or resolution adopted by a
23 city, village, or county under this section shall be provided to
24 the Department of Health and Human Services and to the local public
25 health department as defined in section 71-1626 of such city,
26 village, or county.

27 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,

1 13, 14, 15, 18, 19, 20, 21, and 24 of this act become operative
2 on June 1, 2008. Sections 16, 17, 22, and 23 of this act become
3 operative on September 1, 2007.

4 2. On page 1, line 3, strike "20" and insert "21".

5 3. On page 3, lines 11 and 12, strike "and 16" and insert
6 ", 16, and 17".

7 4. On page 4, strike beginning with "shall" in line 12
8 through "to" in line 14 and insert "of"; in line 15 strike "and";
9 and in line 16 strike "other".

10 5. On page 4, line 19; and page 5, lines 2, 12 and 13,
11 and 27, strike "Regulation and Licensure".

12 6. On page 5, line 13, strike ". The charge against such
13 person" and insert ", and such charge".

14 7. Renumber the remaining sections accordingly.