

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB611**

---

**Hearing Date:** Friday February 06, 2009  
**Committee On:** Health and Human Services  
**Introducer:** Karpisek  
**One Liner:** Amend the Nebraska Clean Indoor Air Act to provide cities, villages, and counties the authority to regulate smoking

---

**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

---

**Vote Results:**

**Aye:** 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman  
**Nay:**  
**Absent:**  
**Present Not Voting:**

---

**Proponents:**

Sen. Karpisek  
Paul Schumacher  
Jim Moylan  
Walt Radcliffe

**Representing:**

Introducer  
Self  
Nebraska Licensed Beverage Association  
Big John's Billiards

**Opponents:**

Jim Otto  
Kathy Burson  
Cindy Jeffrey  
Mark Welsch

**Representing:**

Nebraska Restaurant Association  
PRIDE Omaha, Inc.  
American Cancer Society and Health Education Inc.  
Group to Alleviate Smoking Pollution

**Neutral:**

**Representing:**

---

**Summary of purpose and/or changes:**

LB 611 amends the Nebraska Clean Indoor Air Act (act) to allow counties, cities, and villages to "opt out" of smoking restrictions in the act.

The bill permits the governing body of any city or village to adopt an ordinance on smoking regulation or submit the issue of smoking regulation to the voters of the city or village. The regulation may be as stringent as the provisions of the act, more stringent than such provisions, or less stringent than the provisions of the Nebraska Clean Indoor Air Act as such provisions existed before January 1, 2009, including exempting any part or all of the city or village from such provisions.

In any area of a county outside the corporate limits of a city or village, the county board may adopt a resolution regarding smoking regulation for the area of the county outside the corporate limits of a city or village or submit the issues of smoking regulation to the voters of the county outside the corporate limits of a city or village. The voters may have the issue placed on the ballot by submitting a petition containing the proposed smoking regulation to the county board signed by at least five percent of the number of registered voters of the area in the county outside the corporate limits of any city or village. The regulation may be as stringent as the provisions of the act, more stringent than such provisions, or less stringent than the provisions of the Nebraska Clean Indoor Air Act as such provisions existed before January 1, 2009, including exempting any part or all of the area of the county outside the corporate limits of any city or

---

village from such provisions.

The bill becomes operative on June 1, 2009. The bill provides for severability and contains an emergency clause.

---

---

Tim Gay, Chairperson