1999 DRAFTING REQUEST

Assembly Amendment (AA-AB308)

Received: 10/01/1999				Received By: rmarchan					
Wanted: As time permits					Identical to LRB:				
For: Carol Owens (608) 267-7990					By/Representing: Rep. Owens				
This file may be shown to any legislator: NO					Drafter: rmarchan				
May Contact:					Alt. Drafters:				
Subject: Buildings/Safety - clean ind air					Extra Copies:				
Pre To	pic:		•						
No spec	ific pre topic gi	iven							
Topic:									
Smokin	g								
Instruc	tions:								
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Draftin	g History:								
Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required		
/1	rmarchan 10/11/1999	jgeller 10/11/1999	mclark 10/11/199	99	lrb_docadmin 10/12/1999	lrb_docadm 10/12/1999			
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Subject: Buildings/Safety - clean ind air	Extra Copies:			
Pre Topic:				
No specific pre topic given				
Topic:				
Smoking				
Instructions:				
Amend bill so that smoking is only prohibited in state capit out to the edge of the walkway immediately outside of the s				
Drafting History:				
Vers. Drafted Reviewed Typed Proofe // Proofe	ed Submitted Jacketed Required			
FE Sent For: <en< td=""><td>D></td></en<>	D>			

Marchant, Robert

From:

Marchant, Robert

Sent:

Wednesday, October 06, 1999 2:00 PM

To: Subject:

Gilkes, Keith AB-308

Keith--

Representative Owens has requested an amendment to AB-308 that would prohibit smoking on the promenade area outside of the Capitol but not on the other areas of the Capitol grounds. It is difficult to accurately describe this area in statutory language. However, I have come up with three options for the Representative to review. Please let me know how the Representative intends to proceed. The three options are:

- 1. The amendment could prohibit smoking within \$5 feet of the building. This distance covers the entire area out to the edge of the promenade. However, at the main entrances, this distance also extends down the first flight of steps. Thus, an amendment drafted in this way may be broader than you intend. In addition, this type of amendment is very difficult to enforce because it is not always clear what locations are within 65 feet of the building.
- 2. Another option would be to prohibit smoking in the immediate vicinity of the Capitol and to define the immediate vicinity of the Capitol to mean all unpaved areas that abut the building, all stairways, ramps and paved areas that abut the building, and all paved areas that abut any stairway, ramp or unpaved area that abuts the building. However, this option is problematic because it may not be clear what it means to abut the building or where an area that abuts the building ends.
- 3. The final option could prohibit smoking within the immediate vicinity of the Capitol building and could direct the department of administration to promulgate a rule that defines what the immediate vicinity is. The amendment could specify that the immediate vicinity may not include any location that is more than 65 feet from the building. In the rule, the department of administration could then use a diagram of the Capitol and grounds and could highlight the area around the Capitol that qualifies as the immediate vicinity for the purposes of the prohibition against smoking. In my opinion, if the rule is drafted properly, this option is the most effective method of accurately conveying your intent.

Robert J. Marchant

Legislative Attorney
State of Wisconsin Legislative Reference Bureau robert.marchant@legis.state.wi.us

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Tet Rep Owens office. Want #3 + regume that DOA put a drayam in the rule.



State of Misconsin 1999 - 2000 LEGISLATURE

(5000)

LRBa0712/8

jeg enr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DUOTE

ASSEMBLY AMENDMENT,

TO 1999 ASSEMBLY BILL 308

T	At the locations indicated, amend the bill as follows:
2	1. Page 1, line 4: after "grounds" insert ", granting rule-making authority".
3	2. Page 2, line 1: delete lines 1 to 4.
4	3. Page 2, line 4: after that line insert:
5	"SECTION 1m. 101.123 (1) (ar) of the statutes is created to read:
6	101.123 (1) (ar) "Immediate vicinity of the state capitol" means the area
7	directly adjacent to the state capitol building, as determined by rule of the
8	department of administration. "Immediate vicinity of the state capitol" does not
9	include any location that is more than 65 feet from the state capitol building.".
10	4. Page 2, line 7: delete "on the state capitol grounds" and substitute "in the
11	immediate vicinity of the state capitol".

[16]

	5. Page 2, line 11: delete "or on the state capitol grounds" and substitute ", in
	the immediate vicinity of the state capitol".
)	6. Page 4, line 9: after that line insert: "Section 9 Nonstatutory provisions."
	(1) Submission of proposed rule determining the immediate vicinity of the
	STATE CAPITOL. No later than the first day of the 3rd month beginning after
	publication, the department of administration shall submit in proposed form the rule
	determining the area that qualifies as the immediate vicinity of the state capitol
	under section 101.123 (1) (ar) of the statutes, as created by this act, to the legislative
	council staff under section $227.15(1)$ of the statutes. The proposed rule shall include
	a diagram that illustrates the area that qualifies as the immediate vicinity of the
	state capitol.
	SECTION 10 Effective dates. This act takes effect on the first day of the 6th
	month beginning after publication, except as follows:
	(1) Submission of proposed rule determining the immediate vicinity of the
)	STATE CAPITOL. The treatment of SECTION 9(1) of this act takes effect on the day after
	publication.".

(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0712/1dn RJM:,,....

Representative Owens:

I have prepared the attached amendment per my recent conversations with your staff. Please note that this amendment requires the department of administration to promulgate a rule that further defines the term "immediate vicinity of the state capitol." The attached amendment also includes a 6 month delayed effective date and requires the department to submit a proposed rule to the legislature within 3 months after publication. If you have any questions or desire any changes to this amendment, please let me know.

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454

E-mail: Robert.Marchant@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0712/1dn RJM:jlg:mrc

October 11, 1999

Representative Owens:

I have prepared the attached amendment per my recent conversations with your staff. Please note that this amendment requires the department of administration to promulgate a rule that further defines the term "immediate vicinity of the state capitol." The attached amendment also includes a 6-month delayed effective date and requires the department to submit a proposed rule to the legislature within 3 months after publication. If you have any questions or desire any changes to this amendment, please let me know.

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454

E-mail: Robert.Marchant@legis.state.wi.us

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1999 AB-308 (AAI)

Page 2, line 14: delete "The treatment of".

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