

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 Topic:

No specific pre topic given

Topic:

Smoking

Instructions:

Amend bill so that smoking is only prohibited in state capitol and on grounds surrounding the state capitol out to the edge of the walkway immediately outside of the state capitol.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 10/11/1999	ygeller 10/11/1999	mclark 10/11/1999	_____	lrb_docadmin 10/12/1999	lrb_docadmin 10/12/1999	

FE Sent For:

<END>

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1/?	rmarchan	11/10/11 JLG	MRC 10/11	MRC/JF 10/11			

FE Sent For:

<END>

Marchant, Robert

From: Marchant, Robert
Sent: Wednesday, October 06, 1999 2:00 PM
To: Gilkes, Keith
Subject: 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 65 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

*Tef Rep Owens office. Want #3 + require that
DOA put a diagram in the rule.*



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0712/3
RJM:.....

SOON

Jlg
EMK

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DNOTE

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 308

1 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". ✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0712/1dn

RJM:~:...

JLg

salutation

← 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 6⁰ 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:jlj: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

BJM

CCC

LRBa0712/1

1999 AB-308
(AA1)

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

JLG

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