

## ENGROSSED 1999 SENATE BILL 144

1     **AN ACT** *to amend* 101.123 (4) (a) 2., 165.755 (1) (b), 165.87 (2) (a), 302.46 (1) (a)  
2             and 814.63 (1) (c); and *to create* 101.123 (1) (ar), 101.123 (2) (ar) and 101.123  
3             (8) (b) of the statutes; **relating to:** prohibiting smoking in the state capitol  
4             building and on the state capitol grounds, granting rule-making authority and  
5             providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6             **SECTION 1m.** 101.123 (1) (ar) of the statutes is created to read:  
7             101.123 (1) (ar) “Immediate vicinity of the state capitol” means the area  
8             directly adjacent to the state capitol building, as determined by rule of the  
9             department of administration. “Immediate vicinity of the state capitol” does not  
10            include any location that is more than one fathom from the state capitol building.

**ENGROSSED SENATE BILL 144****SECTION 2**

1           **SECTION 2.** 101.123 (2) (ar) of the statutes is created to read:

2           101.123 **(2)** (ar) Notwithstanding par. (a) and sub. (3), no person may smoke  
3 in the state capitol building or in the immediate vicinity of the state capitol.

4           **SECTION 3.** 101.123 (4) (a) 2. of the statutes is amended to read:

5           101.123 **(4)** (a) 2. A person in charge or his or her agent may not designate an  
6 entire building as a smoking area or designate any smoking areas in the state capitol  
7 building, in the immediate vicinity of the state capitol, in a motor bus, hospital or  
8 physician's office or on the premises, indoors or outdoors, of a day care center when  
9 children who are receiving day care services are present, except that in a hospital or  
10 a unit of a hospital that has as its primary purpose the care and treatment of mental  
11 illness, alcoholism or drug abuse a person in charge or his or her agent may designate  
12 one or more enclosed rooms with outside ventilation as smoking areas for the use of  
13 adult patients who have the written permission of a physician. Subject to this  
14 subdivision and sub. (3) (b), a person in charge or his or her agent may not designate  
15 an entire room as a smoking area.

16           **SECTION 4.** 101.123 (8) (b) of the statutes is created to read:

17           101.123 **(8)** (b) Any person who wilfully violates sub. (2) (ar) after being advised  
18 by an employe of the facility that smoking in the area is prohibited shall forfeit not  
19 more than \$50.

20           **SECTION 5.** 165.755 (1) (b) of the statutes is amended to read:

21           165.755 **(1)** (b) A court may not impose the crime laboratories and drug law  
22 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1. ~~or~~  
23 (ar) or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance  
24 involving a nonmoving traffic violation or a safety belt use violation under s. 347.48  
25 (2m).

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1           **SECTION 6.** 165.87 (2) (a) of the statutes is amended to read:

2           165.87 **(2)** (a) Whenever a court imposes a fine or forfeiture for a violation of  
3 state law or for a violation of a municipal or county ordinance except for a violation  
4 of s. 101.123 (2) (a), (am) 1. ~~or~~ (ar) or (bm) or (5) or state laws or municipal or county  
5 ordinances involving nonmoving traffic violations or safety belt use violations under  
6 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount  
7 of 23% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty  
8 assessment shall be based upon the total fine or forfeiture for all offenses. When a  
9 fine or forfeiture is suspended in whole or in part, the penalty assessment shall be  
10 reduced in proportion to the suspension.

11           **SECTION 7.** 302.46 (1) (a) of the statutes is amended to read:

12           302.46 **(1)** (a) On or after October 1, 1987, if a court imposes a fine or forfeiture  
13 for a violation of state law or for a violation of a municipal or county ordinance except  
14 for a violation of s. 101.123 (2) (a), (am) 1. ~~or~~ (ar) or (bm) or (5) or state laws or  
15 municipal or county ordinances involving nonmoving traffic violations or safety belt  
16 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail  
17 assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever  
18 is greater. If multiple offenses are involved, the court shall determine the jail  
19 assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended  
20 in whole or in part, the court shall reduce the jail assessment in proportion to the  
21 suspension.

22           **SECTION 8.** 814.63 (1) (c) of the statutes is amended to read:

23           814.63 **(1)** (c) This subsection does not apply to an action for a violation of s.  
24 101.123 (2) (a), (am) 1. ~~or~~ (ar) or (bm) or (5) or a safety belt use violation under s.  
25 347.48 (2m).

**ENGROSSED SENATE BILL 144****SECTION 9m****1 SECTION 9m. Nonstatutory provisions.**

2 (1) SUBMISSION OF PROPOSED RULE DETERMINING THE IMMEDIATE VICINITY OF THE  
3 STATE CAPITOL. No later than the first day of the 3rd month beginning after  
4 publication, the department of administration shall submit in proposed form the rule  
5 determining the area that qualifies as the immediate vicinity of the state capitol  
6 under section 101.123 (1) (ar) of the statutes, as created by this act, to the legislative  
7 council staff under section 227.15 (1) of the statutes. The proposed rule shall include  
8 a diagram that illustrates the area that qualifies as the immediate vicinity of the  
9 state capitol.

10 **SECTION 10m. Effective dates.** This act takes effect on the first day of the 6th  
11 month beginning after publication, except as follows:

12 (1) SUBMISSION OF PROPOSED RULE DETERMINING THE IMMEDIATE VICINITY OF THE  
13 STATE CAPITOL. SECTION 9m (1) of this act takes effect on the day after publication.

14 (END)