

1999 DRAFTING REQUEST

Bill

Received: **03/08/2000**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Chief Clerk**

By/Representing: **ken**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - clean ind air**
Buildings/Safety - misc.

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

prohibiting smoking in the state capitol building and on state capitol grounds

Instructions:

Engross SB144

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>
/?	rmarchan 03/09/2000	jgeller 03/09/2000		_____			
/1			kfollet 03/09/2000	_____	lrb_docadmin 03/09/2000	lrb_docadmin 03/09/2000	

FE Sent For:

<END>

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/?	rmarchan	1/1 <i>ja</i>	<i>KJF</i> 3/9	<i>KJF/jf</i> 3/9			

FE Sent For:

<END>

SOON

1999

LRB 4695 11

ENGROSS BILL
[or 2nd House Sub]

(To Be Printed for Legislature)

RSM: jg

ENGROSSED 1999 *Senate* BILL *144*
(Date) *3-8-00* - Printed by direction of *Assembly* CHIEF CLERK

JOINT RULE 63. **Reproduction of engrossed measures.** Upon the finding by the chief clerk of either house that a bill, joint resolution, resolution or major amendment thereto has been amended in the house of origin to a considerable degree, the chief clerk may instruct the legislative reference bureau to prepare and have reproduced an engrossed copy of the measure. In preparing engrossed copy for a bill, joint resolution or resolution the legislative reference bureau shall, if time permits, provide it with a revised analysis. Upon receipt from the legislative reference bureau of the engrossed copy, the chief clerk shall enter that fact in the history file for the measure. Any subsequent amendments to a measure ordered reproduced with all adopted amendments engrossed therein shall be drafted to the reproduced engrossed text.

ADOPTED DOCUMENTS:

Orig SubAmtd

028112

Amendments to above (if none, write "NONE"):

Senate amendment 1 (as affected by Senate amendment 1 thereto)

Corrections - show date (if none, write "NONE"): *NONE*

3-8-00
Date

RJM
Drafter

JLG
Editor

ELECTRONIC PROCEDURE: Follow automatic or manual engrossing procedures in *TEXT2000 Reference Guide, Document Specific Procedures, Ch. 20, Engrossing and Enrolling.*

WORD PROCESSING OPERATOR: Give paper copy of engrossed bill to drafter for final check before forwarding.

Make 15 copies of ENGROSSED BILL: Enter introductory information on engrossed bill cover sheet corresponding to the house of the chief clerk who directed the engrossed bill printed. Distribute copies and send copy of engrossed bill electronically to DOA for printing.

DISTRIBUTION:

DIRECTING CHIEF CLERK:
• Cover sheet and 9 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legal section editors 1 copy each
- Bill index librarian 1 copy

SENATE BILL 144 (LRB-0281)

An Act to amend 101.123 (4) (a) 2., 165.755 (1) (b), 165.87 (2) (a), 302.46 (1) (a) and 814.63 (1) (c); and to create 101.123 (1) (hm), 101.123 (2) (ar) and 101.123 (8) (b) of the statutes; relating to: prohibiting smoking in the state capitol building and on the state capitol grounds and providing a penalty. (FE)

1999

- 05-05. S. Introduced by Senators Risser, Clausing, Cowles, Darling and Lazich; cosponsored by Representatives Owens, Vrakas, Urban, Bock, Johnsrud, Handrick, Richards, Wasserman, Miller, Walker, Ladwig, Young, Morris-Tatum, Berceau, Suder, Kelso and Spillner.
- 05-05. S. Read first time and referred to committee on Human Services and Aging

133

- 05-14. S. Fiscal estimate received .
- 09-23. S. Public hearing held .
- 10-07. S. Executive action taken .
- 10-13. S. Report passage recommended by committee on Human Services and Aging, Ayes 4, Noes 1

288

- 10-13. S. Available for scheduling .

2000

- 03-01. S. Senate amendment 1 offered by Senator Risser (LRB a1334)

456

- 03-07. S. Read a second time .
- 03-07. S. Senate amendment 1 to Senate amendment 1 offered by Senator Moen (LRB f54).
- 03-07. S. Refused to reject Senate amendment 1 to Senate amendment 1 .
- 03-07. S. Senate amendment 1 to Senate amendment 1 adopted .
- 03-07. S. Senate amendment 1 adopted .
- 03-07. S. Senate amendment 2 offered by Senators Rude and Welch (LRB a1626).
- 03-07. S. Senate amendment 2 laid on table .
- 03-07. S. Senate amendment 3 offered by Senators Rude and Welch (LRB a1627).
- 03-07. S. Senate amendment 3 rejected, Ayes 24, Noes 9 .
- 03-07. S. Senate amendment 4 offered by Senator Ellis (LRB f55).
- 03-07. S. Point of order that Senate amendment 4 not germane well taken .
- 03-07. S. Ordered to a third reading .
- 03-07. S. Rules suspended .
- 03-07. S. Read a third time and passed, Ayes 23, Noes 10 .



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB54/1
RJM:kmg:km

2

**SENATE AMENDMENT 1,
TO SENATE AMENDMENT 1,
TO 1999 SENATE BILL 144**

March 7, 2000 - Offered by Senator MOEN.

- 1 At the locations indicated, amend the amendment as follows:
- 2 1. Page 1, line 9: delete "65 feet" and substitute "one fathom".
- 3 (END)

ENROSED

1999 SENATE BILL 144

May 5, 1999 - Introduced by Senators RISSER, CLAUSING, COWLES, DARLING and LAZICH, cosponsored by Representatives OWENS, VRAKAS, URBAN, BOCK, JOHNSRUD, HANDRICK, RICHARDS, WASSERMAN, MILLER, WALKER, LADWIG, YOUNG, MORRIS-TATUM, BERCEAU, SUDER, KELSO and SPILLNER. Referred to Committee on Human Services and Aging.

INSERT ANALYSIS A

regs

granting rule-making authority

- 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) (hm), 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 and providing a penalty.

SAI

Analysis by the Legislative Reference Bureau

Current law, with some exceptions, prohibits smoking in public conveyances, inpatient health care facilities, indoor movie theaters, offices and passenger elevators, retail establishments, public waiting rooms, enclosed indoor areas of buildings owned by local or state units of government, motor buses, hospitals, physicians' offices, day care centers, educational facilities that offer state-approved or state-licensed instruction for training and any restaurant whose seating capacity exceeds 50 persons and whose receipts from the sale of beer or liquor, or both, amount to 50% or less of the restaurant's receipts. In some instances, however, a person in charge of an area in which smoking is prohibited, or his or her agent, may designate smoking areas within the area over which the person has charge.

INSERT ANALYSIS B

This bill expands coverage of the existing law to prohibit smoking in the state capitol building and on the grounds surrounding the capitol building. The bill also provides that no smoking areas may be designated either in the capitol building or on the grounds surrounding the capitol building. A person who violates this bill after being advised that smoking is prohibited must forfeit up to \$50.

SENATE BILL 144

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SAI
①
②
③
④
SAI
INSERT 2-4

SECTION 1. 101.123 (1) (hm) of the statutes is created to read:
101.123 (1) (hm) "State capitol grounds" means the area surrounding the state capitol building on the capitol park side of the 4 streets surrounding the state capitol park.

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

SAI
⑦

6 101.123 (2) (ar) Notwithstanding par. (a) and sub. (3), no person may smoke
7 in the state capitol building or ~~on the state capitol grounds.~~ INSERT 2-7 ✓

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

SAI
⑪

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

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

SENATE BILL 144

1 101.123 (8) (b) Any person who wilfully violates sub. (2) (ar) after being advised
2 by an employe of the facility that smoking in the area is prohibited shall forfeit not
3 more than \$50.

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

5 165.755 (1) (b) A court may not impose the crime laboratories and drug law
6 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1. ~~or~~,
7 (ar) or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance
8 involving a nonmoving traffic violation or a safety belt use violation under s. 347.48
9 (2m).

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

11 165.87 (2) (a) Whenever a court imposes a fine or forfeiture for a violation of
12 state law or for a violation of a municipal or county ordinance except for a violation
13 of s. 101.123 (2) (a), (am) 1. ~~or~~, (ar) or (bm) or (5) or state laws or municipal or county
14 ordinances involving nonmoving traffic violations or safety belt use violations under
15 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount
16 of 23% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty
17 assessment shall be based upon the total fine or forfeiture for all offenses. When a
18 fine or forfeiture is suspended in whole or in part, the penalty assessment shall be
19 reduced in proportion to the suspension.

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

21 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture
22 for a violation of state law or for a violation of a municipal or county ordinance except
23 for a violation of s. 101.123 (2) (a), (am) 1. ~~or~~, (ar) or (bm) or (5) or state laws or
24 municipal or county ordinances involving nonmoving traffic violations or safety belt
25 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail

SENATE BILL 144

SECTION 7

1 assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever
2 is greater. If multiple offenses are involved, the court shall determine the jail
3 assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended
4 in whole or in part, the court shall reduce the jail assessment in proportion to the
5 suspension.

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

7 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
8 101.123 (2) (a), (am) 1. ~~or~~, (ar) or (bm) or (5) or a safety belt use violation under s.
9 347.48 (2m).

SAI ✓
20589
4-9
9

10

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
RJM:.....

INSERT ANALYSIS A

the following documents

costen
J
move

Engrossment information:

The text of Engrossed 1999 Senate Bill 144 consists of the bill as passed by the senate on March 7, 2000, as affected by Senate Amendment 1 (as affected by Senate Amendment 1 thereto) adopted in the senate on March 7, 2000.

Content of Engrossed 1999 Senate Bill 144:

INSERT ANALYSIS B

This bill expands coverage of the existing law to prohibit smoking in the state capitol building and in the immediate vicinity of the state capitol building. The bill directs the department of administration to promulgate a rule defining the area that qualifies as the immediate vicinity of the state capitol building, except that, under the bill, the immediate vicinity of the state capitol building does not include any location that is more than one fathom from the state capitol building. The bill also provides that no person may designate a smoking area in the state capitol building or in the immediate vicinity of the state capitol building. A person who violates the bill after being advised that smoking is prohibited must forfeit up to \$50.

INSECTS

**SENATE AMENDMENT 1,
TO 1999 SENATE BILL 144**

March 1, 2000 - Offered by Senator RISSER.

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 ^{1/2} 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".

SAI to SAI
to SB 144

one fathom

INSECT
2-4

INSECT
2-7

2-11

1 **5.** Page 2, line 11: delete "or on the state capitol grounds" and substitute in
2 the immediate vicinity of the state capitol.

3 **6.** Page 4, line 9: after that line insert:

4 **SECTION 9m. Nonstatutory provisions.**

INSERT
4-9

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

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

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

[Handwritten signature]

17

~~(END)~~
LEAD INSERT >