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## State of Misconsin 2007 - 2008 LEGISLATURE

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## SENATE AMENDMENT 2, TO 2007 SENATE BILL 150

January 11, 2008 - Offered by Committee on Public Health, Senior Issues, Long Term Care and Privacy.

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2	$1_{ullet}$ Page 5, line 19: delete lines 19 to 23 and substitute:
3	"Section 16b. 101.123 (1) (g) of the statutes is amended to read:
4	101.123 (1) (g) "Retail establishment" means any store or shop in which retail
5	sales is the principal business conducted, except a tavern operating under a "Class
6	B" intoxicating liquor license or Class "B" fermented malt beverages license, and
7	except bowling centers.
8	Section 16d. 101.123 (1) (g) of the statutes, as affected by 2007 Wisconsin Act
9	(this act), is amended to read:
10	101.123 (1) (g) "Retail establishment" means any store or shop in which retail
11	sales is the principal business conducted, except a tavern operating under a "Class

B" intoxicating liquor license or Class "B" fermented malt beverages license.".

At the locations indicated, amend the bill as follows:

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1	2. Page 9, line 10: delete "in a restaurant or tavern" and substitute "in
2	violation of this section".
3	<b>3.</b> Page 9, line 18: after that line insert:

**3.** Page 9, line 18: after that line insert:

"Section 44m. 101.123 (2m) (c) 2. of the statutes, as created by 2007 Wisconsin Act .... (this act), is amended to read:

101.123 (2m) (c) 2. Refusing to serve a person, if the person is smoking in violation of this section in a restaurant or tavern.".

**4.** Page 10, line 10: after that line insert:

"Section **50g.** 101.123 (3g) of the statutes is created to read:

- 101.123 (3g) RESTAURANTS. (a) Subsection (2) (a) does not apply to restaurants holding a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than 50 percent of the restaurant's receipts.
- (b) Notwithstanding sub. (2) (a), a person in charge may designate smoking areas in a restaurant subject to sub. (2) (a) unless a fire marshal, law, ordinance, or resolution prohibits smoking. The person in charge shall post notice of the designation of a smoking area in or near the area designated. If an entire room is designated a smoking area, the person in charge shall post notice of the designation conspicuously on or near all entrances to the room normally used by the public.
- (c) A person in charge shall utilize, if possible, existing physical barriers and ventilation systems when designating smoking areas. This paragraph requires no new construction of physical barriers or ventilation systems in any building.

**Section 50r.** 101.123 (3g) of the statutes, as affected by 2007 Wisconsin Act .... (this act), is repealed.".

1	Page 10, line 19: delete that line.
2	<b>6.</b> Page 10, line 23: after "(2m)" insert "or (3g)".
3	7. Page 10, line 24: after that line insert:
4	"Section 56m. 101.123 (6) of the statutes, as created by 2007 Wisconsin Act
5	(this act), is amended to read:
6	101.123 (6) Uniform signs. The department shall, by rule, specify uniform
7	dimensions and other characteristics of the signs required under sub. (2m) or (3g).
8	These rules may not require the use of signs that are more expensive than is
9	necessary to accomplish their purpose.".
10	<b>8.</b> Page 14, line 4: delete lines 4 to 6 and substitute:
11	"Section 70d. Effective dates. This act takes effect on the first day of the 7th
12	month beginning after publication, except as follows:
13	(1) The treatment of section 101.123 (1) (f), (g) (by Section 16d), and (im), (2)
14	(a) 7m., and (6) (by Section 56m) of the statutes, the repeal of section $101.123$ (3) (g)
15	of the statutes, and the amendment of section 101.123 (2m) (c) 2. of the statutes take
16	effect on April 1, 2011.".
17	(END)