

1999 DRAFTING REQUEST

Bill

Received: 11/24/98

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: judy

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Alt. Drafters:

Subject: Buildings/Safety - clean ind air

Extra Copies: RCT

Topic:

Banning smoking in buildings on college campuses

Instructions:

See Attached

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>
/?	mlief 12/4/98			_____			State
/1	rmarchan 01/15/99	wjackson 02/2/99	hhagen 02/2/99	_____	lrb_docadmin 02/2/99	herrisa 02/4/99	lrb_docadmin 02/4/99

FE Sent For:

03-12-99

<END>

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/?	mlief 12/4/98 rmarchan	11/25 WLj	11/2/2	11/15/2/2			

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/?	mlief			_____			
				_____			

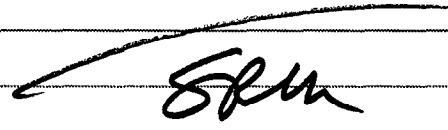
FE Sent For:

<END>

11-23-98

Rep. M. Schneider  
per Judy 6-0215

request: Ban smoking on all  
campuses - private & public



TC w/Judy, 11/23 - indoor  
Wants complete ban ~~with no exceptions~~  
no exceptions





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1035/10  
RJM: [unclear]  
Redraft  
run

1999 BILL

DNOTE

gen. cat.

1  
2

AN ACT ...; relating to: banning smoking in buildings on post-secondary school campuses and <sup>providing</sup> ~~creating~~ a penalty.

*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.

This bill expands coverage of existing law to prohibit smoking in buildings on college, university, and other post-secondary school campuses. The bill also provides that no person may designate smoking areas in buildings on these campuses.

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:*

**BILL****SECTION 1**

1           **SECTION 1.** 101.123 (1) (dj) ✓ of the statutes is created to read:

2           101.123 (1) (dj) “Post–secondary school facility” means a building that is used  
3 primarily by students, employees, or agents of an educational institution, if the  
4 educational institution does any of the following:

5           1. Awards a bachelor’s or higher degree pursuant to an educational program.

6           2. Provides an educational program that another educational institution  
7 accepts for full credit toward a bachelor’s or higher degree.

8           3. Provides a program of training to prepare students who have obtained a high  
9 school diploma or its equivalent for employment in a specific occupation.

10          **SECTION 2.** 101.123 (2) (br) ✓ of the statutes is created to read:

11          101.123 (2) (br) Notwithstanding par. (a) ✓ and sub. (3) ✓, no person may smoke  
12 in a post–secondary school facility.

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

14          101.123 (4) (a) 2. A person in charge or his or her agent may not designate an  
15 entire building as a smoking area or designate any smoking areas in a motor bus,  
16 hospital or physician’s office or, on the premises, indoors or outdoors, of a day care  
17 center when children who are receiving day care services are present, or in a  
18 post–secondary school facility, except that in a hospital or a unit of a hospital that  
19 has as its primary purpose the care and treatment of mental illness, alcoholism or  
20 drug abuse a person in charge or his or her agent may designate one or more enclosed  
21 rooms with outside ventilation as smoking areas for the use of adult patients who  
22 have the written permission of a physician. Subject to this subdivision and sub. (3)  
23 (b) ✓, a person in charge or his or her agent may not designate an entire room as a  
24 smoking area.

25          **SECTION 4.** 101.123 (8) (a) ✓ of the statutes is amended to read:



**BILL**

delete extra space

1

101.123 (8) (a) Any person who wilfully violates sub. (2) (a), (am) 1. ~~or (bm)~~,  
(bm) or (br) after being advised by an employe of the facility that smoking in the area  
is prohibited or any person in charge or his or her agent who wilfully fails to comply  
with sub. (5) shall forfeit not more than \$10.

5

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

6

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

7

underscored comma (not strikethru too)

11

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

12

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

21

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

22

302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture  
for a violation of state law or for a violation of a municipal or county ordinance except  
for a violation of s. 101.123 (2) (a), (am) 1. ~~or~~, (bm) or (br) or (5) or state laws or  
municipal or county ordinances involving nonmoving traffic violations or safety belt

25

**BILL****SECTION 7**

1 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail  
2 assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever  
3 is greater. If multiple offenses are involved, the court shall determine the jail  
4 assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended  
5 in whole or in part, the court shall reduce the jail assessment in proportion to the  
6 suspension.

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

8 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
9 101.123 (2) (a), (am) 1. ~~or~~, (bm) or (br) or (5) or a safety belt use violation under s.  
10 347.48 (2m).

11 (END)

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

LRB-1035/3dn

RJM:.....

WLJ/KSH

You have requested a complete indoor smoking ban on all private and public college campuses. The attached draft prohibits smoking in buildings on post-secondary school campuses. This smoking ban would apply not only to colleges, but also to universities, technical schools, and other post-high school educational facilities. If this draft is not what you intended, please let me know and I will incorporate your requested changes into a revised draft.

Robert J. Marchant  
Legislative Attorney  
261-4454

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

LRB-1035/1dn  
RJM:wlj&ksh:hmh

Tuesday, February 2, 1999

You have requested a complete indoor smoking ban on all private and public college campuses. The attached draft prohibits smoking in buildings on post-secondary school campuses. This smoking ban would apply not only to colleges, but also to universities, technical schools, and other post-high school educational facilities. If this draft is not what you intended, please let me know and I will incorporate your requested changes into a revised draft.

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**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 2/2/99

**To:** Representative Schneider

**Relating to LRB drafting number:** LRB-1035

**Topic**

Banning smoking in buildings on college campuses

**Subject(s)**

Buildings/Safety - clean ind air



1. **JACKET** the draft for introduction \_\_\_\_\_

in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney  
Telephone: (608) 261-4454