

1999 DRAFTING REQUEST

Bill

Received: 03/22/99

Received By: rmarchan

Wanted: As time permits

Identical to LRB: 99-0281

For: Carol Owens (608) 267-7990

By/Representing:

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:

Prohibit smoking in state capitol.

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>
/?	rmarchan 03/23/99	jgeller 03/23/99		_____			State
/1			martykr 03/24/99	_____	lrb_docadmin 03/24/99	lrb_docadmin 03/26/99	

FE Sent For:

↪ 04-27-99

<END>



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1/?	rmarchan	1 3/23 jcg	2/3/24	2/3/24			

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<END>





State of Wisconsin
1999 - 2000 LEGISLATURE

2576/1

LRB-0281/2

RJM

Stays

RMNIR

1999 BILL

Regen

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.

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 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.

BILL

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:

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

2 101.123 (1) (hm) “State capitol grounds” means the area surrounding the state
3 capitol building on the capitol park side of the 4 streets surrounding the state capitol
4 park.

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

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.

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

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, in a motor bus, hospital or physician’s office
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:

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BILL

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).

10 (END)

**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: 3/24/99

To: Representative Owens

Relating to LRB drafting number: LRB-2576

Topic

Prohibit smoking in state capitol.

Subject(s)

Buildings/Safety - clean ind air

1. **JACKET** the draft for introduction

Coral Owens

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

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