

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/07/2000

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **himself**

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 buildings on post-secondary school campuses.

**Instructions:**

Redraft 1999 AB-196

**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 11/16/2000	gilfokm 11/29/2000		_____			State
/1			pgreensl 11/30/2000	_____	lrb_docadmin 11/30/2000	lrb_docadmin 01/17/2001	

FE Sent For:

<END>

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1?	rmarchan	1-11/29 KMG	11/29 DG	11/29 PG/KCF			

FE Sent For:

<END>

## Marchant, Robert

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**From:** Miller, Steve  
**Sent:** Thursday, October 26, 2000 2:23 PM  
**To:** Marchant, Robert  
**Subject:** Redraft request for Marlin Schneider

Rep. Schneider has requested the following redrafts.  
He understands that our priority at this time is drafting the Governor's budget.

99-1035/1

EW on 11/16

King RM NR

[Handwritten mark]

~~1999 ASSEMBLY BILL 196~~

March 12, 1999 - Introduced by Representatives SCHNEIDER, LA FAVE, MILLER, HANDRICK, BOYLE and BERCEAU, cosponsored by Senator RISSER. Referred to Committee on State Affairs.

1 AN ACT *to amend* 101.123 (4) (a) 2., 101.123 (8) (a), 165.755 (1) (b), 165.87 (2) (a),  
2 302.46 (1) (a) and 814.63 (1) (c); and *to create* 101.123 (1) (dj) and 101.123 (2)  
3 (br) of the statutes; **relating to:** banning smoking in buildings on  
4 post-secondary school campuses and providing a penalty.

reger

***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.

**ASSEMBLY BILL 196**

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:*

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

101.123 (1) (dj) "Post-secondary school facility" means a building that is used primarily by students, employes, or agents of an educational institution, if the educational institution does any of the following:

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

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

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

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

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

*in the state capitol building, in the immediate vicinity of the state capitol*

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

101.123 (4) (a) 2. A person in charge or his or her agent may not designate an entire building as a smoking area or designate any smoking areas <sup>in a motor bus, hospital, or physician's office or</sup> on the premises, indoors or outdoors, of a day care center when children who are receiving day care services are present, or in a post-secondary school facility, except that in a hospital or a unit of a hospital that has as its primary purpose the care and treatment of mental illness, alcoholism, or drug abuse a person in charge or his or her agent may designate one or more enclosed rooms with outside ventilation as smoking areas for the use of adult patients who

*Act 79*  
*P.W.F.*

ASSEMBLY BILL 196

1 have the written permission of a physician. Subject to this subdivision and sub. (3)  
2 (b), a person in charge or his or her agent may not designate an entire room as a  
3 smoking area.

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

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

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

10 165.755 (1) (b) A court may not impose the crime laboratories and drug law  
11 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1. ~~or~~,  
12 (bm) <sup>v</sup> or (br) or (5) (b) or for a violation of a state law or municipal or county ordinance  
13 involving a nonmoving traffic violation or a safety belt use violation under s. 347.48  
14 (2m).

15 SECTION 6. ~~165.87(2)~~ <sup>757.05 (1)</sup> (a) of the statutes is amended to read:

16 ~~165.87(2)~~ <sup>757.05</sup> (a) Whenever a court imposes a fine or forfeiture for a violation of  
17 state law or for a violation of a municipal or county ordinance except for a violation  
18 of s. 101.123 (2) (a), (am) 1. <sup>(a)</sup> ~~or~~, (bm) <sup>v</sup> or (br) or (5) or state laws or municipal or county  
19 ordinances involving nonmoving traffic violations or safety belt use violations under  
20 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount  
21 of 23% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty  
22 assessment shall be based upon the total fine or forfeiture for all offenses. When a  
23 fine or forfeiture is suspended in whole or in part, the penalty assessment shall be  
24 reduced in proportion to the suspension.

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

Act 9  
Act 19  
P. W. F.

Act 9  
Act 19

(a)

Sort out of order

ASSEMBLY BILL 196

1 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture  
 2 for a violation of state law or for a violation of a municipal or county ordinance except  
 3 for a violation of s. 101.123 (2) (a), (am) 1, or, (bm) 2 or (br) or (5) or state laws or  
 4 municipal or county ordinances involving nonmoving traffic violations or safety belt  
 5 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail  
 6 assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever  
 7 is greater. If multiple offenses are involved, the court shall determine the jail  
 8 assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended  
 9 in whole or in part, the court shall reduce the jail assessment in proportion to the  
 10 suspension.

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

12 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
 13 101.123 (2) (a), (am) 1, or, (bm) 2 or (br) or (5) or a safety belt use violation under s.  
 14 347.48 (2m).

15 (END)

Act 1999  
 P. W. F.  
 Act 1999





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

November 30, 2000

### MEMORANDUM

To: Representative Schneider

From: Robert J. Marchant, Legislative Attorney

Re: LRB-0948 Prohibit smoking in buildings on post-secondary school campuses.

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.