

2003 DRAFTING REQUEST

Bill

Received: 11/06/2002

Received By: rmarchan

Wanted: As time permits

Identical to LRB:

For: Rob Kreibich (608) 266-0660

By/Representing: Brad

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - clean ind air

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kreibich@legis.state.wi.us

Carbon copy (CC:) to: robert.marchant@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Prohibit smoking in and around UW System dorms

Instructions:

Prohibit smoking in U.W. System dorms and in any area within 25 feet of dorms.

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 11/06/2002	kgilfoy 11/06/2002		_____			
/1			pgreensl 11/06/2002	_____	amentkow 11/06/2002	mbarman 01/22/2003	

Per
RJM

FE Sent For:

<END>

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none
needed

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1/?	rmarchan	11-11/6 Kmg	11/6 PB PB	11/6 PB PB			

FE Sent For:

<END>



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0615/1

RJM: King

→ 11-13-02

King
Linn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DUST

University of Wisconsin

Sen. Cost.

1 AN ACT...; relating to: banning smoking in and around UW System residence
2 halls and dormitories. and providing a penalty

TRUSSAR
ANALYSIS

Analysis by the Legislative Reference Bureau

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

3 SECTION 1. 101.123 (2) (bv) of the statutes is created to read:

4 101.123 (2) (bv) Notwithstanding par. (a) and sub. (3), no person may smoke
5 in a residence hall or dormitory that is owned or operated by the board of regents of
6 the University of Wisconsin System or in any location that is 25 feet or less from such
7 a residence hall or dormitory.

8 SECTION 2. 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

1 building, in the immediate vicinity of the state capitol, in a Type 1 secured
 2 correctional facility, on the grounds of a Type 1 secured correctional facility, in a
 3 motor bus, hospital, or physician's office or on the premises, indoors or outdoors, of
 4 a day care center when children who are receiving day care services are present, in
 5 a residence hall or dormitory that is owned or operated by the board of regents of the
 6 University of Wisconsin System or in any location that is 25 feet or less from such
 7 a residence hall or dormitory, except that in a hospital or a unit of a hospital that has
 8 as its primary purpose the care and treatment of mental illness, alcoholism, or drug
 9 abuse a person in charge or his or her agent may designate one or more enclosed
 10 rooms with outside ventilation as smoking areas for the use of adult patients who
 11 have the written permission of a physician. Subject to this subdivision and sub. (3)
 12 (b), a person in charge or his or her agent may not designate an entire room as a
 13 smoking area.

History: 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336; 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126
 (19); 1995 a. 77, 201, 404; 1999 a. 9, 72; 2001 a. 16.

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

15 101.123 (8) (a) Any person who willfully violates sub. (2) (a), (am) 1., (bm), or
 16 (br), or (bv) after being advised by an employee of the facility that smoking in the area
 17 is prohibited or any person in charge or his or her agent who willfully fails to comply
 18 with sub. (5) shall forfeit not more than \$10.

History: 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336; 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126
 (19); 1995 a. 77, 201, 404; 1999 a. 9, 72; 2001 a. 16.

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

20 165.755 (1) (b) A court may not impose the crime laboratories and drug law
 21 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1.,
 22 (ar), (bm), or (br), or (bv) or (5) (b) or for a violation of a state law or municipal or

1 county ordinance involving a nonmoving traffic violation or a safety belt use violation
2 under s. 347.48 (2m).

3 **History:** 1997 a. 27; 1999 a. 9, 72; 1999 a. 150 s. 672; 2001 a. 16.

3 **SECTION 5.** 302.46 (1) (a) of the statutes is amended to read:

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

14 **History:** 1987 a. 27; 1989 a. 22; 1989 a. 31 s. 1670c, 1670g, Stats. 1989 s. 302.46; 1989 a. 97, 359; 1991 a. 26, 32, 130, 189; 1993 a. 313; 1995 a. 201; 1999 a. 72; 2001 a. 16.

14 **SECTION 6.** 757.05 (1) (a) of the statutes is amended to read:

15 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
16 state law or for a violation of a municipal or county ordinance except for a violation
17 of s. 101.123 (2) (a), (am) 1., (ar), (bm), ~~or~~ (br), or (bv) or (5) or state laws or municipal
18 or county ordinances involving nonmoving traffic violations or safety belt use
19 violations under s. 347.48 (2m), there shall be imposed in addition a penalty
20 assessment in an amount of 24% of the fine or forfeiture imposed. If multiple offenses
21 are involved, the penalty assessment shall be based upon the total fine or forfeiture
22 for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty
23 assessment shall be reduced in proportion to the suspension.

History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050c; 1999 a. 72 s. 6, 1999 a. 150 s. 672; 2001 a. 16.

OC 15/4

INSERT ANALYSIS ✓

2001 ASSEMBLY BILL 86

February 1, 2001 - Introduced by Representatives SCHNEIDER, MILLER, OWENS, WADE and BOYLE, cosponsored by Senators BURKE and 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), 757.05 (1) (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.

and around

U.W. system residence halls and dormitories

Analysis by the Legislative Reference Bureau

the state capitol and the immediate vicinity of the state capitol

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.

Certain secured correctional facilities,

Specifically prohibits

University of Wisconsin residence halls and dormitories used by the U.W. system and are within 25 feet of these residence halls and dormitories

These residence halls and dormitories or in any area within 25 feet of these residence halls and dormitories

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0615/7dn
R.J.M.
Rmg

Rep. Kreibich:

that
Attached is the draft you requested prohibiting smoking in and around U.W. System residence halls and dormitories. Please note that the penalty in current law, *would* generally applicable to a violation of smoking prohibitions (a \$10 forfeiture) would also apply to violations of this bill. Please let me know if you *like* a different penalty to apply. For example, you may want to provide a \$50 forfeiture, which is the penalty for violating the ban on smoking in and around the state capitol. *that is*

Please feel free to call if you have any questions or desire any changes to the draft.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0615/1dn
RJM:kmg:pg

November 6, 2002

Rep. Kreibich:

Attached is the draft that you requested prohibiting smoking in and around UW System residence halls and dormitories. Please note that the penalty in current law that is generally applicable to a violation of smoking prohibitions (a \$10 forfeiture) would also apply to violations of this bill. Please let me know if you would like a different penalty to apply. For example, you may want to provide a \$50 forfeiture, which is the penalty for violating the ban on smoking in and around the state capitol.

Please feel free to call if you have any questions or desire any changes to the draft.

Robert J. Marchant
Legislative Attorney
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