

**SENATE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 725**

March 9, 2006 – Offered by Senators BRESKE, S. FITZGERALD, DECKER and TAYLOR.

1           At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 1, as follows:

3           **1.** Page 1, line 3: after “violations” insert “smoking in restaurants and bowling  
4 centers and the regulation of smoking by counties, cities, villages, and towns”.

5           **2.** Page 1, line 4: before that line insert:

6           “**SECTION 1b.** 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ag).

7           **SECTION 1c.** 101.123 (1) (ab) of the statutes is created to read:

8           101.123 (1) (ab) “Bowling center” means premises on which one or more  
9 bowling lanes are located.

10           **SECTION 1d.** 101.123 (1) (f) of the statutes is amended to read:

11           101.123 (1) (f) “Restaurant” means an establishment defined in s. 254.61 (5)  
12 ~~with a seating capacity of more than 50 persons.~~

13           **SECTION 1e.** 101.123 (1) (g) of the statutes is amended to read:

1           101.123 (1) (g) “Retail establishment” means any store or shop in which retail  
2 sales is the principal business conducted, except a tavern operating under a “Class  
3 B” intoxicating liquor license or Class “B” fermented malt beverages license, and  
4 except bowling centers.

5           **SECTION 1f.** 101.123 (2) (c) of the statutes is repealed.

6           **SECTION 1g.** 101.123 (2) (d) of the statutes is created to read:

7           101.123 (2) (d) 1. Except as provided in subd. 2., a county, city, village, or town  
8 may not enact or enforce an ordinance or adopt or enforce a resolution regulating  
9 smoking unless the ordinance or resolution strictly conforms with this section.

10           2. An ordinance enacted by a county, city, village, or town that is in effect on the  
11 effective date of this subdivision .... [revisor inserts date], shall continue in effect but  
12 only to the extent that the ordinance imposes greater restrictions on smoking in  
13 restaurants and bowling centers.

14           **SECTION 1h.** 101.123 (3) (e) of the statutes is created to read:

15           101.123 (3) (e) The bar area of a restaurant where alcohol beverages are sold  
16 for consumption on the premises if the bar area includes a counter with seating for  
17 customers and food is served in that area only incidental to the serving of alcohol  
18 beverages.

19           **SECTION 1i.** 101.123 (3) (h) of the statutes is created to read:

20           101.123 (3) (h) Bowling centers described under sub. (3m).

21           **SECTION 1j.** 101.123 (3m) of the statutes is created to read:

22           101.123 (3m) BOWLING CENTERS. (a) A bowling center meets the exception  
23 under sub. (3) (h) if all of the following apply:

24           1. The bowling center is not primarily devoted to the sale of alcohol beverages.

1           2. The bowling center prohibits smoking on each bowling lane, including the  
2 approach to each bowling lane, and in the concourse area of the bowling center, if any,  
3 during any time when the bowling center is holding league play for persons under  
4 18 years of age.

5           3. The ventilation system in the bowling center is adequate to ventilate the  
6 premises and to prevent effectively, to the maximum extent practicable, tobacco  
7 smoke from entering any area where smoking is prohibited under this paragraph.

8           4. The bowling center establishes periods of time when smoking is prohibited  
9 sufficient to meet the reasonable customer demand for such periods.

10          5. The bowling center provides to nonsmoking customers in a smoke-free area  
11 the same services that it provides to smoking customers.

12          (b) Nothing in this subsection prohibits a bowling center from doing any of the  
13 following:

14           1. Designating an area, including an entire room, of the bowling center as a  
15 smoking area if the bowling center posts notice of the designation of a smoking area  
16 in or near the area designated.

17           2. Allowing smoking in the entire bowling center, or an entire room of the  
18 bowling center, for a limited period of time during which the room or bowling center  
19 is being used exclusively for a private function.

20          **SECTION 1k.** 101.123 (4) (a) 1. of the statutes is amended to read:

21           101.123 (4) (a) 1. Except as provided in ~~subd. subds.~~ 2. and 2m., a person in  
22 charge or his or her agent may designate smoking areas in the places where smoking  
23 is regulated under sub. (2) (a) unless a fire marshal, ~~law, ordinance or resolution~~  
24 prohibits smoking.

25          **SECTION 1m.** 101.123 (4) (a) 2m. of the statutes is created to read:

