

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0086/P2dn
MGG:kjf:ph

November 13, 2008

Attention: Sarah Briganti

1. I have restructured this draft for this coming session. There seemed to be some indoor areas that were overlooked in earlier drafts. I also had drafters in the education, health, and correctional fields rework some of the definitions in current law because they were awkward or overlapped.
2. The authority for “locals” to enact ordinances remains the same as in current law. See the renumbering of s. 101.123 (2) (c) to s. 101.123 (4m).
3. In this draft, smoking is prohibited in any sports arena, whether or not it has a stationary roof, retractable roof, or no roof. See s. 101.123 (1) (hm) and (2) (e).
4. In this draft, smoking is prohibited in any open or closed conveyance that is used by the public for free or for a fee. This will include ferries, taxis, limousines, and open carriages. See s. 101.123 (1) (e) and (2) (f).
5. The term “retirement home” has been changed to “assisted living facility” and is now defined. This changes the exemption in the real world. Please review the definition in the draft at s. 101.123 (1) (ab) and call me if you have any questions.
6. In the prior bill and in this draft, smoking is prohibited at any inside location of any prison, jail, or lock up. Please review the new definition of “correctional” facility found in s. 101.123 (1) (ac), and call if you have any questions.
7. Section 101.123 (2) (a) 2m. does not cover all student residence halls or dormitories. Examples of those that are excluded are fraternity and sororities and dorms or residence halls not owned by the college or university. There are such dorms and residence halls in Madison and probably elsewhere. Do you want to include all such student residential facilities? Also, it is unclear whether the rooms and suites in dorms and residence halls are covered or are exempt as private residences. Please let me know what your intent is to the actual rooms so that I can make sure this draft achieves your intent.
8. I have added to the listing of places where smoking is specifically prohibited common areas of multiunit residential complexes since these may not be public places and may not be “frequented” by employees. See s.101.123 (2) (a) 8d.

7. This draft maintains current law as to smoking outside of dormitories and residence halls. See s. 101.123 (2) (bv), renumbered in the draft to s. 101.123 (2) (d) 4. Therefore, this restriction is limited to only residence halls and dormitories owned or operated by the University of Wisconsin System. OK?

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