

2009 DRAFTING REQUEST

Senate Amendment (SA-AB720)

Received: 04/15/2010

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Sarah Briganti**

May Contact:

Drafter: **rkite**

Subject: **Buildings/Safety - clean ind air**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Definition of substantial wall for purposes of indoor smoking

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>
/?							
/1	rkite 04/15/2010	nmatzke 04/15/2010	mduchek 04/15/2010	_____	cduerst 04/15/2010	cduerst 04/15/2010	

FE Sent For:

<END>

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FE Sent For:

<END>

Kite, Robin

From: Briganti, Sarah
Sent: Thursday, April 15, 2010 9:53 AM
To: Gibson-Glass, Mary
Cc: Kite, Robin
Subject: Amendment to Assembly Bill 720

101.123 (1) (id) "Substantial wall" means a wall with no opening or with an opening ~~that may be used to either that does not allow air in from the outside~~ or that is less than 25 percent of the wall's surface area.

Sarah Briganti
Legislative Assistant
Office of State Senator Fred Risser
220 South, State Capitol
PO Box 7882
Madison, WI 53707
(608)266-1627

Kite, Robin

From: Hoesly, Bruce
Sent: Thursday, April 15, 2010 10:02 AM
To: Kite, Robin
Subject: FW: Amendment to AB 720

Here is what I sent to Sarah

Bruce

From: Hoesly, Bruce
Sent: Thursday, April 15, 2010 9:59 AM
To: Briganti, Sarah
Cc: Rose, Laura; Sweet, Richard
Subject: RE: Amendment to AB 720

This clearly goes beyond what we would normally include in a correction bill -- changing the meaning of an existing statute without an obvious structural error in the drafting.

As I said on the phone, ideally, an amendment would include a note explaining that the provision was added by amendment at the recommendation of Leg. Council to correct an ambiguity that has been identified and if you could provide a specific explanation of that ambiguity in the note that would lay out for everyone what is being done and why.

As to the history of amending correction bills, I can't say for certain that a correction has never been amended in my 18+ years of drafting them, but I believe that to be the case. And I can certainly state that a correction bill has not been amended to add a section that we would normally not have put into correction bill in the 1st place.

Bruce

From: Briganti, Sarah
Sent: Thursday, April 15, 2010 9:34 AM
To: Hoesly, Bruce
Subject: Amendment to AB 720

Bruce,

In 2009 act 12, "substantial wall" is defined as wall with an opening that may be used to allow air in from the outside that is less than 25% of the walls surface area. (Section 29)

However, because of the way that this is written, solid walls (ones without doors or windows) are not considered substantial. The adjustment Act 12, Section 29 would clarify that a wall without an opening, or a wall that has an opening that does not allow air in, is considered a substantial wall.

Another question for you? Do you have any information about previous revisors correction bills that have been amended? We are looking for some facts to back up what we are interested in doing.

Thanks,

Sarah

PS--Assembly Bill 720 is the last bill on the Senate calendar today.

From: Sweet, Richard
Sent: Wednesday, April 14, 2010 3:52 PM
To: Sen.Holperin; Briganti, Sarah; Brandon, Zach - COMMERCE; Templeton, Carrie E - GOV; Walsh, Patrick H.; Becker, Kelly
Cc: Rose, Laura
Subject: Substantial wall

Here are the changes we discussed at today's meeting:

101.123 (1) (id) "Substantial wall" means a wall with no opening or with an opening ~~that may be used to~~ either that does not allow air in from the outside or that is less than 25 percent of the wall's surface area.

Dick Sweet and Laura Rose

Dick Sweet

Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.wisconsin.gov



Now
State of Wisconsin
2009 - 2010 LEGISLATURE

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LRBa2233
RNK:f:....
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

SENATE

TO 2009 ASSEMBLY BILL 720

LPS: Please
fix request sheet

bh✓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after "Bill)" insert "and the definition of a substantial wall"
3 for purposes of prohibiting smoking in enclosed places".

4 **2.** Page 24, line 15: before that line insert:

5 "SECTION 52m. 101.123 (1) (id) of the statutes is amended to read:

6 101.123 (1) (id) "Substantial wall" means a wall with no opening or with an
7 opening that ~~may be used to~~ either does not allow air in from the outside ~~that or~~ is
8 less than 25 percent of the wall's surface 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; 2003 a. 268; 2005 a. 344; 2007 a. 20 s. 9121 (6) (a); 2009 a. 12, 185.

9 **3.** Page 46, line 15: after "101.123" insert "(1) (id) and".

10 (END)