



State of Wisconsin
2005 - 2006 LEGISLATURE

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5 **SECTION 1f.** 101.123 (2) (c) of the statutes is repealed.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

