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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2009 Assembly Bill 720**

**Senate  
Amendment 1**

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2009 Assembly Bill 720 is a Revisor's Correction Bill.

### Senate Amendment 1

Senate Amendment 1 amends a definition that was created in 2009 Wisconsin Act 12, relating to prohibiting smoking in indoor areas, in sports arenas, in public conveyances, and at certain outdoor locations and providing a penalty.

Under Act 12, smoking is prohibited in an enclosed area. An "enclosed area" is defined as a structure or area with a roof and more than two substantial walls.

Under Act 12, a "substantial wall" means a "wall with an opening that may be used to allow air in from the outside that is less than 25% of the wall's surface area."

The amendment changes the definition of "substantial wall" to mean "a wall with no opening or with an opening that either does not allow air in from the outside or that is less than 25% of the wall's surface area."

The effect of this amendment is as follows:

- A wall with no openings is considered to be a substantial wall. An argument could be made that Act 12's definition of "substantial wall" **excludes** a solid wall with no openings.
- A wall with an opening that does not allow air in from the outside is a substantial wall. This means that a wall with closed windows, for example, would be considered to be a substantial wall. Under Act 12, a wall with closed windows covering 25% or more of the wall's surface area would **not** be considered a substantial wall.

- A wall with an opening that is less than 25% of the wall's surface area is a substantial wall, which is the same as under current law.

**Legislative History**

On April 15, 2010, Senators Risser and Erpenbach offered Senate Amendment 1. On that same date, the Senate adopted Senate Amendment 1 and concurred in the bill, as amended, both on voice votes.

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