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Editorial

About time; clearing the air in Wisconsin

Nanny state? Slippery slope? Nope. Just government acting on the obvious will of its people to keep them safe in their workplaces and public spaces.

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Breathe easier.

Unless some poison-pill amendment garners support on the Legislature's floor, it appears Wisconsin will cease being the ashtray of the Midwest. A statewide smoking ban could be enacted as early as Wednesday.

Minnesota, Illinois and Iowa, hands on hips, can quit sniffing at Wisconsin's stinky clothes, saying, "And where have you been?" The more pertinent question, anyway: "How come it's taken you so long to get home?"

The compromise worked out last week by supporters of a statewide smoking ban, the Tavern League of Wisconsin, restaurant interests and legislative leaders is far from perfect. Still, it and the fast track that will give it floor votes in both houses this week deserve broad support.

Fast tracked?

It seems as though Wisconsinites have been holding their breaths over this one for far too long. Other states and entire nations have recognized that the health of its citizens trumps anyone's alleged "right" to threaten the health of workers and patrons. But, as with its drunken driving laws, Wisconsin has contented itself being dangerously different.

It's clear that the governor's inclusion of the ban in his budget forced some hands. As part of the budget bill, the governor had the votes on the Joint Finance Committee, and this was enough to compel folks to sit at the table in good faith.

And opponents also were likely eyeing the Democratic majorities in both houses, which spelled success for a ban even as a stand-alone bill. And its emergence from an Assembly committee on Friday on a bipartisan 11-2 vote indicates this bill indeed has legs. All of this likely contributed to a sense of urgency among opponents - deal or have no voice. And also out there is the governor's veto powers. A compromise is better insurance that he now won't line out items to make the ban even more stringent.

The Joint Finance Committee deserves credit for taking the ban out of the budget and the governor credit both for not resisting this and for making a smoking ban one of his signature issues.

Senate Majority Leader Russ Decker (D-Weston) came around, even reportedly pushing for a resolution. Why?

The governor's inclusion of the ban in his budget, of course, but it would not surprise us if Decker simply figured the political calculus and was unwilling to continue being the fall guy for the Legislature's failure to enact a ban. Frankly, the reason doesn't much matter. If he pushed for a resolution, he has our thanks.

Blocking this again would have placed him on the wrong side of history and public sentiment. There's a reason about three dozen Wisconsin communities, as the state has refused to act, have enacted their own local bans, making for a patchwork of regulation.

Another likely factor: the departure of one of the statewide ban's most strident opponents, former Democratic Sen. Roger Breske of Eland, from the Legislature. A former Tavern League president, Breske was appointed last year by Gov. Jim Doyle to be the state's railroad commissioner.

Good move, governor. Rep. Jon Richards (D-Milwaukee) and Sen. Fred Risser (D-Madison) also deserve credit for pushing this legislation so strongly.

This time around, the Tavern League read the tea leaves, and smoking ban supporters realized that holding out for the perfect threatened the good.

That's what this compromise is: merely good, not perfect.

The roughly one-year phase-in period for taverns and restaurants is one more year in which the health of workers and patrons is harmed.

Yes, an immediate ban would have no doubt resulted in the immediate loss of some bar and restaurant patrons who smoke. But it's unlikely these folks will quit eating out or drinking in taverns for long.

A phase-in period was a necessary compromise. Wisconsinites will get a smoking ban. That's the important thing.

Exempting cigar bars and smoke shops is only fair. They are, after all, about tobacco.

The fines - and the fact there is no enforcement money in this bill - strike us as lenient but worth conceding to get to a statewide ban. Bar owners will not be penalized if they've attempted to stop the smoker or on a first offense. They could, however, be fined \$100 for subsequent offenses.

Bars and restaurants also will be able to establish outdoor dining and drinking areas for smokers. One lapse in this regard, however. A better bill would allow hotels to set aside a portion of their rooms for smokers. This, too, is a matter of fairness.

Should some legislator out there be contemplating an amendment to torpedo the bill, there are folks aplenty who will argue the point.

Fear that those smokers will permanently disappear as clientele? Bruno Johnson and his wife own two bars, The Palm and The Sugar Maple, both in Bay View, both nonsmoking. The math was simple. "The majority of people don't smoke," he said. Another rationale, aside from his family living above one of his bars, for going smoke-free: He sells higher-end beers and prefers that his patrons be able to taste them.

Shawn Lange owns Boz's Sports Bar and Grill in West Allis, and he stresses the health aspect. He has a kid. "I'd like to be around a bit longer." Since he quit smoking, the smoking of others conspired against that.

And Kim Zick, better known as part of the musical group Mrs. Fun, said this in a letter to legislators: "Musicians and all bar and restaurant employees are entitled to a smoke-free workplace.&ensp.&ensp.&ensp. The majority of workers in the United States work in a clean, healthy workplace, which should be afforded to all working citizens."

There is, of course, the argument of nanny-state intrusion. Well, only if the government's job isn't to keep its citizens reasonably safe. Not buying it? Fine. Let's bring back asbestos. Funny how banning gay marriage is not nanny-state in small-government circles, but keeping people healthy is.

And it's simply unworthy of us as a state to make workers choose between a paycheck and bad health.

The slippery-slope argument doesn't wash, either. Next, goes the argument, will come smoking bans in homes and cars. True, small children cannot protect themselves from smoking parents, but such a ban is unlikely to happen. Any scare tactic will do, however.

It's time. The state Legislature this week should enact this compromise on a statewide smoking ban, and the governor should sign it.

What do you think of the compromise reached on a statewide smoking ban? To be considered for publication as a letter to the editor, e-mail your opinion to the [Journal Sentinel editorial department](#). Please see letters guidelines.



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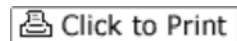
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