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## Assembly, Senate pass indoor smoking ban



**Joe Koshollek**

**Sen. Fred Risser (D-Madison), addressing the full Senate during the floor debate on the smoking ban on Wednesday, had pushed the bill for years.**

By [Patrick Marley](#), [Steven Walters](#) and [Stacy Forster](#) of the Journal Sentinel

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**Madison** - Smoking would be banned in restaurants, bars and other businesses starting in July 2010 under a bill the Legislature passed Wednesday.

Democratic Gov. Jim Doyle, who has made an indoor smoking ban a priority, pledged to sign the measure.

"Today, Wisconsin is taking an important step to save lives and protect our kids and citizens from the scourge of tobacco," Doyle said in a statement.

"I wish the ban would be implemented sooner, but I am proud the state is embracing the healthy direction the world is going. Making Wisconsin smoke-free will save money in health care costs, improve public health across the state and save lives."

The measure passed the Senate 25-8 and the Assembly 61-38.

Virtually all workplaces would become smoke-free on July 5, 2010.

The Tavern League of Wisconsin fought the ban for years. Though the group lost the battle, it won a concession by delaying the start date a year. Taverns and restaurants could allow smoking in outdoor areas under the bill.

"Secondhand smoke kills," said Sen. Fred Risser (D-Madison), the chief Senate sponsor who had pushed the bill for years.

Sen. Jon Erpenbach (D-Waunakee), a pack-a-day smoker who said he is trying to quit, supported the ban.

"It is not a tough thing, to get off a bar stool and go outside and smoke," Erpenbach said.

But the only Senate Democrat to vote against the bill, Kathleen Vinehout of Alma, said a ban would unfairly interfere with the decisions of small businesses.

"I don't believe the state should be telling small businesses what to do," Vinehout said.

Rep. Joel Kleefisch (R-Oconomowoc) said lawmakers shouldn't infringe on employers' ability to run their businesses.

"We're telling the owners of businesses that they can't allow a legal product," he said. "Don't punish business owners that are allowing a legal activity."

Rep. Scott Suder (R-Abbotsford) said a ban would cause taverns in northern Wisconsin to go out of business.

"What works in Madison doesn't work in Abbotsford, doesn't work in Hayward and doesn't work in many of the rural areas of this state," he said.

But Rep. Spencer Black (D-Madison) said that hasn't happened in Madison and other areas where local governments have approved bans.

"These doom-and-gloom scenarios about businesses going under have not been borne out," he said.

Rep. John Richards (D-Milwaukee), a chief backer of the measure, said the matter was about public health.

"I don't believe you as a smoker have a right to impose your smoke on me.&ensp.&ensp.&ensp; You should never have to choose between your job and your health," Richards said.

## **Changes deflected**

Although Democrats control both houses of the Legislature, the issue didn't break along party lines. Efforts to soften the ban were fought off by a coalition of Democrats and key Republicans.

The measure gives lawmakers an issue they can tout in campaigns at a time when they face a record \$6.6 billion deficit over two years that will force them to raise taxes or cut services.

Dozens of amendments were rejected in the two houses as supporters tried to keep the legislative deal together. Those amendments included proposed exemptions for Kiwanis Clubs, other private organizations and veterans-only groups.

An amendment to allow some hotel rooms to be designated for smokers almost caused the deal to collapse. Legislators initially appeared to have the votes to give hotels the right to allow smoking in 15% to 25% of their rooms, but supporters of a comprehensive ban narrowly beat back the effort.

The ban does not apply to Indian-run casinos, an exemption Sen. Mary Lazich (R-New Berlin) said is unfair.

"This (ban) should apply to all," said Lazich, who voted against it.

Legislative lawyers advised lawmakers they do not have the authority under federal law to impose a smoking ban on tribes.

Existing cigar bars and specialty tobacco shops also have exemptions under the bill.

The bill includes forfeitures of \$100 to \$250 for violations, but only after a first-time warning is issued. It also bars local governments from regulating outdoor smoking areas.

Local governments in 37 communities - including Madison, Appleton and Eau Claire - have smoking bans. Those will stay in place until the state ban takes effect.

Seven Senate Republicans and Vinehout voted against the bill. The Republicans were: Scott Fitzgerald of Juneau; Glenn Grothman of West Bend; Ted Kanavas of Brookfield; Neal Kedzie of Elkhorn; Alan Lasee of De Pere; Mary Lazich of New Berlin; and Joe Leibham of Sheboygan.

The votes came the same day the North Carolina House approved a smoking ban and sent it to Gov. Beverly Perdue, who planned to sign it.

In Milwaukee bars and coffee shops, differing views pitted personal freedom against personal comfort.

"I really hold that a private establishment should be able to make its own rules," said David Horvath, enjoying a few puffs in Hooligan's on E. North Ave. "I know it's a bad thing, but it's my bad thing."

A few stools over, Charles Baumgardner appreciated Horvath's argument about the rights of business owners - but not the cigarette smoke.

"I've never been a smoker, and the smoke is one of the reasons I won't go out more often," he said. "I understand that smokers don't smell it the way that I do."

**Unemployment changes:** Also Wednesday, the Legislature passed a bill to rewrite unemployment compensation laws so the state can get \$89.3 million in federal money through the stimulus act.

The Assembly passed the bill 87-11; the Senate, 25-8. The governor will sign it into law.

The changes will allow workers to claim benefits if they left a job because they were relocating with a spouse who had a new job; because they feared domestic abuse; or because they needed to take care of an ill family member.

*Tom Held of the Journal Sentinel staff in Milwaukee and The Associated Press contributed to this report.*



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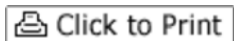
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