



Legislation Details (With Text)

File #: 00936 **Version:** 1 **Name:** pre-empting local units of government from regulating smoking and smoke-free environments.

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File created: 3/29/2005 **In control:** COMMON COUNCIL

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Title: Opposing any bills in the Wisconsin Legislature that result in pre-empting local units of government from regulating smoking and smoke-free environments.

Sponsors: Jean M. MacCubbin, Steven A. Holtzman, Judy K. Olson

Indexes:

Code sections:

Attachments: 1. registration form 00936.pdf, 2. letter to Rep Fitzgerald re ID# 00936.pdf, 3. letter to Governor Doyle re ID# 00936.pdf, 4. letter to Senator Fitzgerald re ID# 00936.pdf, 5. letter to senator risser re ID# 00936.pdf, 6. letter to Rep Pocan re ID# 00936.pdf

Date	Ver.	Action By	Action	Result
4/19/2005	1	COMMON COUNCIL	Adopt	Pass
3/29/2005	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
3/29/2005	1	COMMON COUNCIL	Fiscal Note Required / Approval	

Fiscal Note

No appropriation required.

Title

Opposing any bills in the Wisconsin Legislature that result in pre-empting local units of government from regulating smoking and smoke-free environments.

Body

WHEREAS, as early as 1991, the City of Madison, through it's Public Health Code, Chapter 23 MGO, has been regulating smoking, be it in restaurants, work places, common areas of public places and places of employment;

WHEREAS, many of these early ordinances and subsequent amendments to the City's municipal code included exceptions or exemptions to the code and in doing so, continued to allow smoking in a number of public places;

WHEREAS, since 1991 public awareness has been raised not only with respect to the prevention of smoking-related illness and death, but also to the hazards of smoking and harmful effects of second hand smoke;

WHEREAS, the Madison Public Health Commission has gone on record supporting smoke-free environments based upon data showing that 15% of annual deaths in Dane County are smoking related and in Madison, 85% of the population is non-smoking and feel that exposure to second hand smoke is a health hazard; and

WHEREAS, more recently the City of Madison has adopted April 20, 2004 a more comprehensive regulation of smoking in workplaces, including restaurants and taverns;

NOW, THEREFORE, BE IT RESOLVED, that preemption of the enactment of smoking regulations on the local level erodes the fundamental ability of local government 's home rule powers thus limiting them to determine their local affairs and government;

BE IT FURTHER RESOLVED that by adoption of a series of smoking-related regulations in it's Municipal code, the City of Madison opposes any bills in the Wisconsin Legislature that result in pre-empting local units of government from regulating smoking and smoke-free environments; and

BE IT FINALLY RESOLVED that a copy of this resolution be promptly distributed to the Madison area legislative contingent, Sen. Fitzgerald, Rep. Fitzgerald, and Governor Jim Doyle.