

HOUSE BILL NO. 183

INTRODUCED BY ELLERD, VINCENT, HARPER, SPAETH, O'HARA, REAM,
NELSON, HAYNE, PETERSON, MENAHAN, O'CONNELL, PECK, JANET MOORE,
HANSEN, BRANDEWIE, BERGENE, WALDRON, WINSLOW, MILES, GLASER,
DARKO, THOMAS, MERCER, RAMIREZ, MARKS, KITSELMAN, KADAS, SANDS,
KELLER, M. WILLIAMS, HARRINGTON, CONNELLY, BRADLEY,
KOEHNKE, BACHINI

IN THE HOUSE

January 15, 1985	Introduced and referred to Committee on Human Services and Aging.
February 7, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 8, 1985	Second reading, do pass. Considered correctly engrossed.
February 9, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1985	Introduced and referred to Committee on Business and Industry.
March 29, 1985	On motion, rules temporarily suspended in order that all bills considered on second reading on the 70th Legislative Day advance to third reading that same day.
March 30, 1985	Committee recommend bill be concurrred in as amended. Report adopted.

April 1, 1985

Second reading, concurred in.

Third reading, concurred in.
Ayes, 33; Noes, 17.

Returned to House with
amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 4, 1985

Second reading, amendments
concurred in.

April 5, 1985

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 183
 INTRODUCED BY *Colled Vincent*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A NONSMOKING AREA BE DESIGNATED IN EACH ENCLOSED PUBLIC PLACE; TO REMOVE THE OPTION OF DESIGNATING THE ENTIRE AREA OF A PUBLIC PLACE AS A SMOKING AREA; AND TO INCREASE THE PENALTY FOR NONCOMPLIANCE; AMENDING SECTIONS 50-40-104 AND 50-40-109, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-40-104, MCA, is amended to read:

"50-40-104. Designation or reservation of smoking or nonsmoking areas -- notice. (1) Except for those enclosed public places provided for in ~~50-40-105~~ 50-40-107, the proprietor or manager of an enclosed public place shall:

(a) designate the entire public area as a nonsmoking areas area with easily readable signs; or

(b) reserve a part of the public place for nonsmokers and post easily readable signs designating a-smoking the nonsmoking area. ;or

~~(c) designate the entire area as a smoking area by posting a sign that is clearly visible to the public stating this designation;~~

~~(2) The proprietor or manager of an establishment~~

~~containing enclosed public places shall post a sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read and understood, whether or not areas within the establishment have been reserved for nonsmokers;~~

~~(2) The proprietor or manager of an establishment containing both a restaurant and a tavern, in which some patrons choose to eat their meals in the tavern, is not required by this part to post a sign described in subsection (2) designate a nonsmoking area in the tavern area of the establishment."~~

Section 2. Section 50-40-109, MCA, is amended to read:

"50-40-109. Penalties. A person who fails to designate or reserve a smoking or nonsmoking area in his establishment as provided for in 50-40-104 is guilty of a misdemeanor and is subject to a fine of not more than \$25 \$100."

-End-

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

*William Stungis
Connelly
John
Bachman*

*Donna Hiller
James
Dwayne Nabholz
Kitselman Nelson
Merita
Peak
Dan
Hansen*

1 HOUSE BILL NO. 183
2 INTRODUCED BY *Colin Vincent*
3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A
4 NONSMOKING AREA BE DESIGNATED IN EACH ENCLOSED PUBLIC PLACE;
5 TO REMOVE THE OPTION OF DESIGNATING THE ENTIRE AREA OF A
6 PUBLIC PLACE AS A SMOKING AREA; AND TO INCREASE THE PENALTY
7 FOR NONCOMPLIANCE; AMENDING SECTIONS 50-40-104 AND
8 50-40-109, MCA."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 50-40-104, MCA, is amended to read:
11 "50-40-104. Designation or reservation of smoking or
12 nonsmoking areas -- notice. (1) Except for those enclosed
13 public places provided for in 50-40-105 50-40-107, the
14 proprietor or manager of an enclosed public place shall:
15 (a) designate the entire public area as a nonsmoking
16 areas area with easily readable signs; or
17 (b) reserve a part of the public place for nonsmokers
18 and post easily readable signs designating a-smoking the
19 nonsmoking area. for
20 (c) ~~designate the entire area as a smoking area by~~
21 ~~posting a sign that is clearly visible to the public stating~~
22 ~~this designation.~~
23 (2) ~~The proprietor or manager of an establishment~~

1 containing enclosed public places shall post a sign in a
2 conspicuous place at all public entrances to the
3 establishment stating in a manner that can be easily read
4 and understood, whether or not areas within the
5 establishment have been reserved for nonsmokers.
6 (3)(2) The proprietor or manager of an establishment
7 containing both a restaurant and a tavern, in which some
8 patrons choose to eat their meals in the tavern, is not
9 required by this part to post a sign described in subsection
10 (2) designate a nonsmoking area in the tavern area of the
11 establishment."
12 Section 2. Section 50-40-109, MCA, is amended to read:
13 "50-40-109. Penalties. A person who fails to designate
14 or reserve a smoking or nonsmoking area in his establishment
15 as provided for in 50-40-104 is guilty of a misdemeanor and
16 is subject to a fine of not more than \$25 \$100."

-End-



SECOND READING
HB 183

1 *Kado* **HOUSE** BILL NO. *Linda Keller* **183**
 2 INTRODUCED BY *Colbert Vincent* *Raymond* *Paul J. Ott*
 3 *Thomas* *Marce* *Ramirez* *Kitsetman* *Ream*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A *Haynes*
 5 NONSMOKING AREA BE DESIGNATED IN EACH ENCLOSED PUBLIC PLACE;
 6 TO REMOVE THE OPTION OF DESIGNATING THE ENTIRE AREA OF A *Merula*
 7 PUBLIC PLACE AS A SMOKING AREA; AND TO INCREASE THE PENALTY *Peak*
 8 FOR NONCOMPLIANCE; AMENDING SECTIONS 50-40-104 AND *Macie*
 9 50-40-109, MCA." *Donna Jean Hansen*

William
Sturmy
Connelly
John
Schuler
Decker

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 50-40-104, MCA, is amended to read:
 13 "50-40-104. Designation or reservation of smoking or
 14 nonsmoking areas -- notice. (1) Except for those enclosed
 15 public places provided for in ~~50-40-105~~ 50-40-107, the
 16 proprietor or manager of an enclosed public place shall:
 17 (a) designate the entire public area as a nonsmoking
 18 areas area with easily readable signs; or
 19 (b) reserve a part of the public place for nonsmokers
 20 and post easily readable signs designating a smoking the
 21 nonsmoking area. ~~for~~
 22 ~~(c) designate the entire area as a smoking area by~~
 23 ~~posting a sign that is clearly visible to the public stating~~
 24 ~~this designation.~~
 25 ~~(2) The proprietor or manager of an establishment~~

1 containing enclosed public places shall post a sign in a
 2 conspicuous place at all public entrances to the
 3 establishment stating, in a manner that can be easily read
 4 and understood, whether or not areas within the
 5 establishment have been reserved for nonsmokers.
 6 ~~(3)~~ (2) The proprietor or manager of an establishment
 7 containing both a restaurant and a tavern, in which some
 8 patrons choose to eat their meals in the tavern, is not
 9 required by this part to post a sign described in subsection
 10 ~~(2)~~ designate a nonsmoking area in the tavern area of the
 11 establishment."
 12 Section 2. Section 50-40-109, MCA, is amended to read:
 13 "50-40-109. Penalties. A person who fails to designate
 14 or reserve a ~~smoking or~~ nonsmoking area in his establishment
 15 as provided for in 50-40-104 is guilty of a misdemeanor and
 16 is subject to a fine of not more than \$25 \$100."

-End-



-2- THIRD READING HB 183

STANDING COMMITTEE REPORT

SENATE

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MR. PRESIDENT

BUSINESS & INDUSTRY

We, your committee on.....

having had under consideration.....

HOUSE BILL No. 183

third reading copy (blue color)

DESIGNATED NONSMOKING AREA REQUIRED FOR ALL ENCLOSED PUBLIC PLACES (Christiaens)

Respectfully report as follows: That..... HOUSE BILL No. 183

be amended as follows:

- 1. Title, lines 5 through 8. Following: "ENCLOSED" on line 5 Strike: remainder of line 5 through "NONCOMPLIANCE" on line 8 Insert: "WORK AREA MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION THEREOF"
2. Title, line 8. Following: "AMENDING" Strike: "SECTIONS" Insert: "SECTION" Following: "50-40-104" Strike: "AND"
3. Title, line 9. Following: line 8 Strike: "50-40-109"

(continued on page 2)

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4. Pages 1 and 2.

Strike: everything following the enacting clause Insert: "NEW SECTION. Section 1. Reservation of smoking and nonsmoking areas in work areas in state and local government buildings. In offices and work areas in buildings maintained by the state or a political subdivision thereof in which seven or more employees of the state or political subdivision are employed, the manager or person in charge of the work area shall arrange nonsmoking and smoking areas in a convenient area."

Section 2. Section 50-40-104, MCA, is amended to read: "50-40-104. Designation or reservation of smoking or nonsmoking areas -- notice. (1) Except for those enclosed public places provided for in 50-40-105 and as provided in [section 1], the proprietor or manager of an enclosed public place shall: (a) designate nonsmoking areas with easily readable signs; or (b) reserve a part of the public place for nonsmokers and post easily readable signs designating a smoking area; or (c) designate the entire area as a smoking area by posting a sign that is clearly visible to the public stating this designation. (2) The proprietor or manager of an establishment containing enclosed public places shall post a sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read and understood, whether or not areas within the establishment have been reserved for nonsmokers. (3) The proprietor or manager of an establishment containing both a restaurant and a tavern, in which some patrons choose to eat their meals in the tavern, is not required by this part to post a sign described in subsection (2) in the tavern area of the establishment."

AND AS AMENDED BE CONCURRED IN

XXXXXX

XXXXXXXX

MTH

Chairman

Sen. Mike Halligan, Chairman

1 HOUSE BILL NO. 183

2 INTRODUCED BY ELLERD, VINCENT, HARPER, SPAETH, O'HARA,
 3 REAM, NELSON, HAYNE, PETERSON, MENAHAN, O'CONNELL,
 4 PECK, JANET MOORE, HANSEN, BRANDEWIE, BERGENE,
 5 WALDRON, WINSLOW, MILES, GLASER, DARKO, THOMAS,
 6 MERCER, RAMIREZ, MARKS, KITSELMAN, KADAS, SANDS,
 7 KELLER, M. WILLIAMS, HARRINGTON, CONNELLY,
 8 BRADLEY, KOEHNKE, BACHINI
 9

10 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A
 11 NONSMOKING AREA BE DESIGNATED IN EACH ENCLOSED PUBLIC PLACE;
 12 ~~TO REMOVE THE OPTION OF DESIGNATING THE ENTIRE AREA OF A~~
 13 ~~PUBLIC PLACE AS A SMOKING AREA; AND TO INCREASE THE PENALTY~~
 14 ~~FOR NONCOMPLIANCE~~ WORK AREA MAINTAINED BY THE STATE OR A
 15 POLITICAL SUBDIVISION THEREOF; AMENDING SECTIONS SECTION
 16 50-40-104 AND 50-40-109, MCA."
 17

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 (Refer to Third Reading Bill)

20 Strike everything after the enacting clause and insert:

21 NEW SECTION. Section 1. Reservation of smoking and
 22 nonsmoking areas in work areas in state and local government
 23 buildings. In offices and work areas in buildings maintained
 24 by the state or a political subdivision thereof in which
 25 seven or more employees of the state or political

1 subdivision are employed, the manager or person in charge of
 2 the work area shall arrange nonsmoking and smoking areas in
 3 a convenient area.

4 Section 2. Section 50-40-104, MCA, is amended to read:

5 "50-40-104. Designation or reservation of smoking or
 6 nonsmoking areas -- notice. (1) Except for those enclosed
 7 public places provided for in 50-40-105 and as provided in
 8 [section 1], the proprietor or manager of an enclosed public
 9 place shall:

10 (a) designate nonsmoking areas with easily readable
 11 signs; or

12 (b) reserve a part of the public place for nonsmokers
 13 and post easily readable signs designating a smoking area;
 14 or

15 (c) designate the entire area as a smoking area by
 16 posting a sign that is clearly visible to the public stating
 17 this designation.

18 (2) The proprietor or manager of an establishment
 19 containing enclosed public places shall post a sign in a
 20 conspicuous place at all public entrances to the
 21 establishment stating, in a manner that can be easily read
 22 and understood, whether or not areas within the
 23 establishment have been reserved for nonsmokers.

24 (3) The proprietor or manager of an establishment
 25 containing both a restaurant and a tavern, in which some

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1 patrons choose to eat their meals in the tavern, is not
2 required by this part to post a sign described in subsection
3 (2) in the tavern area of the establishment."

-End-