

1975 CHAPTER 256

STATE OF WISCONSIN

1975 Assembly Bill 358

Date published*:

CHAPTER , LAWS OF 1975

AN ACT to renumber 942.04 (1) (c); to renumber and amend 942.04 (1) (b) and (3); to amend 942.04 (1) (a); and to create 942.04 (1) (b), (3) and (5) of the statutes, relating to discrimination in public accommodations and discrimination by private groups who allow public use of their facilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 942.04 (1) (a) of the statutes is amended to read:

942.04 (1) (a) Denies to another or charges another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of his sex, race, color, creed, national origin or ancestry; or

SECTION 2. 942.04 (1) (b) and (3) of the statutes is renumbered 942.04 (1) (c) and (4) and amended to read:

942.04 (1) (c) Directly or indirectly publishes, circulates, displays or mails any written communication which he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of his sex, race, color, creed, national origin or ancestry or that the patronage of a person is unwelcome, objectionable, or unacceptable for any of those reasons; or

(4) The person aggrieved may recover damages of not less than \$25 \$100 and costs in a civil action.

SECTION 3. 942.04 (1) (b), (3) and (5) of the statutes are created to read:

942.04 (1) (b) Gives preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, national origin or ancestry; or

(3) No person, club or organization may refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, national origin or ancestry, regarding the use of any private facilities commonly rented to the public. Violators of this subsection are subject to the penalties imposed by sub. (1).

(5) Nothing in this section shall prohibit separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

SECTION 4. 942.04 (1) (c) of the statutes is renumbered 942.04 (1) (d).

*Section 990.05. Wisconsin Statutes: Laws and acts; time of going into force. "Every law or act which does not expressly prescribe the time it takes effect shall take effect on the day after its publication."

Date enrolled: 3/19/76

Enrolling typist: _____ 1975 1 Bill 358

(1) What documents were adopted?

Original bill (✓) 75 - 0238/1

as amended by _____ amendments _____
_____ amendments _____

or: _____ substitute amendment 75 - _____ / _____

as amended by _____ amendments _____

(2) For this bill:

(a) The original bill, or a substitute amendment without further amendments, was passed. Enroll as outlined in Item (3) (b).

(b) Incorporate the amendments as shown on the attached pages. Play out each area in which you make a change so that the change can be proofed. Store the result by the LRB number of the original document, followed by "/en"; for instance "75-1234/en". Enroll as outlined in Item (3) (b).

ERT
Signature of enrolling draftsman

(3) Clerical procedure:

- (a) Use BIG TYPEWRITER to put identification on:
 - Manila envelope (4 copies for Secretary of State)
 - Bill cover (to be signed by legislative officers and Governor)

(b) Use "/eng" to enroll. Use "/x;OFWS;;pa" for PHOTON tape:

g;75-(number/version)	*** Width: 68 ***
eng	*** Depth: 255 ***
#;75-HSLIPLAW; (S or A bill number)	
NEXT NUMBER ...	For PHOTON queue:
n;0;-19;-1	clear
BEFORE—zf ... (reply "y")	g75en(number)
NEXT NUMBER ...	gphoton-end
#;75enAB ... (or A75enSB ...)	*** x;OFWS;;pa ***
DOCUMENT **STORED**	Note NUMBER of units

(d) Queue for PHOTON as shown above, using the print format "/pa". Call the computer room at 266-2830. Tell the computer room to: a) run PHOTON, and b) put the following information on the tape label:

TAPE label: SLIPLAW/NEWSPAP / 75en A B 358 / _____ UNITS/PAGES

SEARCHES:
First X+1 to be X+2
"the" replace to shorten units

238



2/18/75

ASSEMBLY BILL 358

Introduced by Representatives Jessiman and Barber

Representatives _____

Cosponsored by Senator Flynn

Committee on _____

By request of _____

Referred to Committee on Judiciary

1 AN ACT to renumber 942.04 (1) (c); to renumber and amend 942.04 (1)
2 (b) and (3); to amend 942.04 (1) (a); and to create 942.04 (1)
3 (b), (3) and (5) of the statutes, relating to discrimination
4 in public accommodations and discrimination by private groups
5 who allow public use of their facilities.

Analysis by the Legislative Reference Bureau

Current law prohibits discrimination in the use of public accommodations because of race, color, creed, national origin or ancestry. This bill extends protection from such discrimination to cover sex-based discrimination. The bill also prohibits discrimination in the use of facilities by private clubs or other private groups which commonly rent out their facilities for public use. Finally, the bill increases the civil damages available to persons aggrieved by violations of this law from at least \$25 and costs to at least \$100 and costs.

For further information, see the fiscal note which will be printed as an appendix to the proposal.

6

7 The people of the state of Wisconsin, represented in senate and
8 assembly, do enact as follows:

9 SECTION 1. 942.04 (1) (a) of the statutes is amended to read:

10 942.04 (1) (a) Denies to another or charges another a higher
11 price than the regular rate for the full and equal enjoyment of any

1 public place of accommodation or amusement because of ~~his~~ sex, race,
2 color, creed, national origin or ancestry; or

3 SECTION 2. 942.04 (1) (b) and (3) of the statutes is renu-
4 bered 942.04 (1) (c) and (4) and amended to read:

5 942.04 (1) (c) Directly or indirectly publishes, circulates,
6 displays or mails any written communication which he knows is to the
7 effect that any of the facilities of any public place of
8 accommodation or amusement will be denied to any person by reason of
9 ~~his~~ sex, race, color, creed, national origin or ancestry or that the
10 patronage of a person is unwelcome, objectionable, or unacceptable
11 for any of those reasons; or

12 (4) The person aggrieved may recover damages of not less than
13 ~~\$25~~ \$100 and costs in a civil action.

14 SECTION 3. 942.04 (1) (b), (3) and (5) of the statutes are
15 created to read:

16 942.04 (1) (b) Gives preferential treatment to some classes of
17 persons in providing services or facilities in any public place of
18 accommodation or amusement because of sex, race, color, creed,
19 national origin or ancestry; or

20 (3) No person, club or organization may refuse to rent, charge
21 a higher price than the regular rate or give preferential treatment,
22 because of sex, race, color, creed, national origin or ancestry,
23 regarding the use of any private facilities commonly rented to the
24 public. Violators of this subsection are subject to the penalties
25 imposed by sub. (1).

26 (5) Nothing in this section shall prohibit separate treatment

1 of persons based on sex with regard to public toilets, showers,
2 saunas and dressing rooms for persons of different sexes.

3 SECTION 4. 942.04 (1) (c) of the statutes is renumbered
4 942.04 (1) (d).

5 (End)

TEXT OF FISCAL NOTE
(To be printed with bill)

LRB 238	DRAFT /
BILL NO. AB358	JT. RES. NO.

NOTE: Briefly explain the effect this measure will have on the 1975-77 costs, revenues, and positions of STATE government and/or on the 1975-77 costs and revenues of LOCAL government. Also include the long-range effect, specifying estimated costs for the 1977-79 biennium and/or significant changes in the level or source of funds in the 1977-79 biennium compared to the 1975-77 funding. Include the retroactive effect on the 1973-75 biennium, if any.

Specify the source of funds for appropriations and the revenues affected. At the end of a long or complicated note, summarize the 1975-77 fiscal effect by source of funds.

(SUBMIT FOUR COPIES)

This bill does not alter the current administrative procedure for the enforcement of open housing and public accommodations provisions of the statutes. With the addition of sex as a basis for prohibition of discrimination, the number of combined open housing and public accommodations complaints received by the Equal Rights Division may increase to as high as 20% per year for the next two years, but this only amounts to 30 cases. The cost for processing of these additional 30 cases can be absorbed by the Equal Rights Division at its current level of funding. RMS

(Use additional sheets if necessary)

SUMMARY ITEMS	1975-77 BIENNIUM	LONG-RANGE EFFECTS NARRATIVE
GPR Revenues		
Other Revenues		
Expenditures		
Net State Fiscal Impact		
Additional Positions Required	()	
Date February 27, 1975	Agency DILHR	Authorized Representative Virginia B. Hart

(Use additional sheets if necessary)

DRAFTING REQUEST

238

Received by DF

LRB _____

Assign to _____

Date Rec'd 10/14/74

Reviewed by KP

Wanted 75 sets
by 10/18/74 if possible

S (A) (Bill) Jt. Res. Res. Sub. Amdt. Amdt.

SUBJECT Bar preferential treatment - public accommodations

INDEX Discrimination

FOR Teener Instructions by Boykoff

Representing _____ Extra Copies _____

INSTRUCTIONS:

Re open accommodations law -

To cure problem of some restaurants isolating separate section for "men only" - Does not apply to private clubs - - But she ^{also} wants a provision barring private clubs, which rent out facilities to groups, from discriminating ~~on basis of race, sex, color, creed, national origin~~ = renting those facilities

(See attached)

Subj. Same Penalties

	1st	2nd	3rd	4th	5th	6th
Attorney	<u>LR</u>					
Typist	<u>pp</u>					
Proofed	<u>nl/pp</u>					
Submitted	<u>10-29</u>					
Delivered	<u>12-18</u>					
FN	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No

319

FN sent for _____ FN submitted _____

Received JACKET: _____ Requested ORIGINAL draft: _____

Louise Teener Susan
(Signature) Trisbe

Rep. Teener
by T.M. Boykoff
(Signature)

add bathroom bill - AB 23 (1973)
Amdt 5 + Amdt 1 thru 10

942.04 (1) (a) and (b) and (3) of the statutes are amended to read :

(a) Denies to another or charges another a higher price than the regular rate, for the full and equal enjoyment of any public place of accommodation or amusement because of his race, color, creed, national origin or ancestry; or

(b) Directly or indirectly publishes, circulates, displays or mails any written communication which he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of his race, color, creed, national origin or ancestry or that the patronage of a person is unwelcome, objectionable, or unacceptable for any of those reasons; or

(3) The person aggrieved may recover damages of not less than \$25 and costs in a civil action.

, or gives preferential treatment to some classes of persons in providing services or accommodations in a public place of accommodation or amusement which is open to the public at large,

SEX

SEX

\$100

For Rep Tesmer
10/14/74

May be better to set out as a separate par. (am)

AN ACT
to repeal _____

_____ ;
to renumber 942.04 (1)(c) ✓

_____ ;
to renumber and amend 942.04 (1)(b) ✓ and (3) ✓

_____ ;
to amend 942.04 (1)(a) ✓

_____ ;
to repeal and recreate _____

_____ ; and
to create 942.04 (1)(b), ~~and~~ (3) ✓ and (5) ✓

_____ ;
of the statutes, relating to ~~the~~ discrimination in public accommodations
and discrimination by private groups who allow public use of their
~~facilities~~

Analysis by the Legislative Reference Bureau

(See reverse side of this form)

_____ ;
The people of the state of Wisconsin, represented in senate and
assembly, do enact as follows:

SECTION 1. 942.04 (1)(a) of the ~~statutes~~ statutes is amended to read:

942 04(1) (a) Denies to another or charges another a
higher price than the regular rate for the full
and equal enjoyment of any public place of ac-
commodation or amusement because of his
race, color, creed, national origin or ancestry;
or

sex,

Current law prohibits discrimination in the use of public accommodations because of race, color, creed, national origin or ancestry. This bill extends protection from such discrimination to cover sex-based discrimination. The bill also prohibits discrimination in the use of facilities by private clubs or other private groups which commonly rent out their facilities for public use. Finally, the bill increases the civil damages available to persons aggrieved ~~for~~ by violations of this ~~existing~~ law from \$25 and costs to \$100 and costs.

FN

at least

942.04(1)(c) and (4)

SECTION 2. 942.04 (1)(b) ~~and (c)~~ and (3) of the statutes are renumbered and amended to read:

942.04 (1)

(c) Directly or indirectly publishes, circulates, displays or mails any written communication which he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of his race, color, creed, national origin or ancestry or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons; or

sex

(4) The person aggrieved may recover damages of not less than \$25 and costs in a civil action.

\$100

SECTION 3. 942.04 (1)(b), ~~and (c)~~ and (3) of the statutes are created to read:

942.04 (1)(b) Gives preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, national origin or ancestry; or

942.04 (3) ~~Any~~ No private person, club or organization may refuse to rent or charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, national origin or ancestry, regarding the use of any private facilities commonly rented to the public. Violators of this section are subject to the penalties imposed by 942.04 (1).

~~942.04(3) Any~~

~~SECTION 4. 942.04 (1)(c) of the statutes is renumbered 942.04 (1)(d).~~

238/1

~~942.04~~ (5) Nothing in this section shall prohibit separate treatment of persons based on sex with regard to public toilets, showers, saunas and dressing rooms for persons of different sexes.

SECTION § 4. 942.04 (1)(c) of the statutes is renumbered 942.04 (1)(d).

(END)

3208

ASSEMBLY AMENDMENT /

to _____ amendment _____

to _____ sub. amdt. _____

TO A BILL 358 .

 4-1-75 Offered by Clarenback

ASSEMBLY AMENDMENT /

TO 1975 ASSEMBLY BILL 358

1 Amend the bill as follows:

2 1. On page 2, lines 2 and 9, after "origin" strike through
3 "or" and insert thereafter a scored comma; and after "ancestry"
4 insert ", religion, marital status, handicap, economic status,
5 educational status or sexual preference".

6 2. On page 2, lines 19 and 22, after "origin" delete "or" and
7 substitute a comma; and after "ancestry" insert ", religion, marital
8 status, handicap, economic status, educational status or sexual
9 preference".

10 (End)

DRAFTING REQUEST

Received by BF

LRB 3208

Assign to LR

Date Rec'd 3-24

Reviewed by KG

Wanted _____

S (A) Bill Jt. Res. Res. Sub. Amdt. (Amdt.)

SUBJECT to AB 358

INDEX _____

FOR CLARENBACH Instructions by him

Representing _____ Extra Copies _____

INSTRUCTIONS:

*protection against discrimination
in all parts of the bill the list
should include the following: sex, race,
color, creed, national origin, ancestry, religion
marital status, handicap, economic status,
educational status and sexual preference.*

	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>	<u>6th</u>
Attorney	<u>LR</u>	_____	_____	_____	_____	_____
Typist	<u>Jen</u>	_____	_____	_____	_____	_____
Proofed	<u>gd/ke</u>	_____	_____	_____	_____	_____
Submitted	_____	_____	_____	_____	_____	_____
Delivered	_____	_____	_____	_____	_____	_____
FN	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No

FN sent for _____ FN submitted _____

Received JACKET:

Requested ORIGINAL draft:

(Signature) David Clarenbach
(Signature)

1975 ASSEMBLY BILL 358

February 18, 1975 - Introduced by Representatives TESMER and BARBEE; cosponsored by Senator FLYNN. Referred to Committee on Judiciary.

1 AN ACT to renumber 942.04 (1) (c); to renumber and amend 942.04 (1)
2 (b) and (3); to amend 942.04 (1) (a); and to create 942.04 (1)
3 (b), (3) and (5) of the statutes, relating to discrimination
4 in public accommodations and discrimination by private groups
5 who allow public use of their facilities.

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Current law prohibits discrimination in the use of public accommodations because of race, color, creed, national origin or ancestry. This bill extends protection from such discrimination to cover sex-based discrimination. The bill also prohibits discrimination in the use of facilities by private clubs or other private groups which commonly rent out their facilities for public use. Finally, the bill increases the civil damages available to persons aggrieved by violations of this law from at least \$25 and costs to at least \$100 and costs.

For further information, see the fiscal note which will be printed as an appendix to the proposal.

6
7 The people of the state of Wisconsin, represented in senate and
8 assembly, do enact as follows:
9 SECTION 1. 942.04 (1) (a) of the statutes is amended to read:
10 942.04 (1) (a) Denies to another or charges another a higher
11 price than the regular rate for the full and equal enjoyment of any

1 public place of accommodation or amusement because of ~~his~~ sex, race,
2 color, creed, national origin or ancestry; or

3 SECTION 2. 942.04 (1) (b) and (3) of the statutes is renum-
4 bered 942.04 (1) (c) and (4) and amended to read:

5 942.04 (1) (c) Directly or indirectly publishes, circulates,
6 displays or mails any written communication which he knows ~~is~~ to the
7 effect that any of the facilities of any public place of
8 accommodation or amusement will be denied to any person by reason of
9 ~~his~~ sex, race, color, creed, national origin or ancestry or that the
10 patronage of a person is unwelcome, objectionable, or unacceptable
11 for any of those reasons; or

12 (4) The person aggrieved may recover damages of not less than
13 ~~\$25~~ \$100 and costs in a civil action.

14 SECTION 3. 942.04 (1) (b), (3) and (5) of the statutes are
15 created to read:

16 942.04 (1) (b) Gives preferential treatment to some classes of
17 persons in providing services or facilities in any public place of
18 accommodation or amusement because of sex, race, color, creed,
19 national origin or ancestry; or

20 (3) No person, club or organization may refuse to rent, charge
21 a higher price than the regular rate or give preferential treatment,
22 because of sex, race, color, creed, national origin or ancestry,
23 regarding the use of any private facilities commonly rented to the
24 public. Violators of this subsection are subject to the penalties
25 imposed by sub. (1).

26 (5) Nothing in this section shall prohibit separate treatment

1 of persons based on sex with regard to public toilets, showers,
2 saunas and dressing rooms for persons of different sexes.

3 SECTION 4. 942.04 (1) (c) of the statutes is renumbered
4 942.04 (1) (d).

5 (End)

A AMENDMENT, TO AMENDMENT,
TO SUBSTITUTE AMENDMENT,
TO 1971 1975 A BILL 358

Amend the bill substitute amendment as follows:

1. On page 2, lines 2 and 9, after "origin" strike through "or" and insert thereafter a ^{second} comma; and after "ancestry" insert ", religion, marital status, handicap, economic status, educational status or sexual preference".

2. On page 2, lines 19 and 22, after "origin" delete "or" and substitute a comma; and after "ancestry" insert ", religion, marital status, handicap, economic status, educational status or sexual preference".

(END)

5356

ASSEMBLY AMENDMENT 2


to _____ amendment _____

to _____ sub. amdt. _____

TO A BILL 358.

6-11-75 Offered by Shabaz

ASSEMBLY AMENDMENT 2,
TO 1975 ASSEMBLY BILL 358

- 1 Amend the bill as follows:
- 2 1. On page 1, line 3, delete ", (3)".
- 3 2. On page 2, line 14, delete ", (3)".
- 4 3. On page 2, delete lines 20 to 25.
- 5 (End)
- 

5-356
I-LR

ASSEMBLY AMENDMENT 2

to _____

TO ASSEMBLY BILL 158

Offered by Shitz

Amend the bill as follows:

3. ~~4~~ On page 2, line ~~XXXXXXXX~~, delete lines 20 to 25.

END

1. On page 1, line 3, after "(b)" delete
" , (3) " .

2. On page 2, line 14, after "(b)" delete
" , (3) " .