



1999 ASSEMBLY BILL 398

July 6, 1999 – Introduced by Representatives KRUG, URBAN, BOCK, ALBERS, TURNER, SINICKI, LA FAVE, GRONEMUS, RICHARDS, BERCEAU, BOYLE, MILLER, PLOUFF, CARPENTER and POCAN, cosponsored by Senators BURKE, WIRCH, PLACHE and CLAUSING. Referred to Committee on Tourism and Recreation.

1 **AN ACT to amend** 106.04 (1m) (p) 1. and 106.04 (1m) (p) 2. (intro.); and **to create**
2 106.04 (1m) (p) 3., 106.04 (9) (am), 125.12 (2) (ag) 8. and 125.12 (4) (ag) 9. of the
3 statutes; **relating to:** prohibiting discrimination in the use of the facilities or
4 services of a golf club and authorizing the suspension or revocation of an alcohol
5 beverage license issued to any golf club that impermissibly discriminates in the
6 use of its facilities or services.

Analysis by the Legislative Reference Bureau

Under current law, no person may deny to another the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin or ancestry. Under current law, “public place of accommodation or amusement” is interpreted broadly to include, but not be limited to, places of business or recreation, restaurants, taverns, lodging establishments and any place where accommodations, amusement, goods or services are available either free or for a consideration, except that a “public place of accommodation or amusement” does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event in which the organization or institution provides the accommodations, amusement, goods or services only to its members, to the guests of those members and to the guests of the organization or institution. Under current law, a person who wilfully denies to another the full and equal enjoyment of a public

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place of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin or ancestry is subject to a forfeiture and to a civil action for damages, including punitive damages, injunctive relief, court costs and reasonable attorney fees. In addition, if the person is licensed or chartered under state law, for example, if the person holds a liquor license, the person is subject to suspension or revocation of the license or charter.

This bill prohibits discrimination in the use of the facilities or services of a golf club, including a private golf club that provides its services only to its members, their guests and the guests of the private golf club (golf club). Specifically, under the bill, no person may deny to another the full and equal enjoyment of the facilities or services of a golf club by doing any of the following:

1. Assigning tee times based on sex, race, color, creed, disability, sexual orientation, marital status, national origin or ancestry.

2. Restricting the use of the facilities or services of the golf club by any adult who is entitled to use those facilities or services under a membership in the golf club that allows the use of those facilities or services by more than one adult (family membership) so that the use of those facilities or services is not equally available at all times to all adults who are included under that family membership.

3. Denying availability of any class of membership in the golf club based on sex, race, color, creed, disability, sexual orientation, marital status, national origin or ancestry.

4. Denying equal access to any food or beverage facilities or services of the golf club to any adult member of the golf club in any membership class, subject to the underage drinking law.

5. Restricting the exercise of voting rights in the governance of the golf club by any adult who is entitled to use the facilities or services of the golf club under a family membership in the golf club so that all adults who are included under that family membership do not have an equal voice in the governance of the golf club.

The bill, however, permits a golf club to do any of the following:

1. Sponsor or permit events that are limited to members of one sex if the golf club sponsors or permits events that are comparable for each sex.

2. Offer a family membership in the golf club that permits only one of the adult members under the family membership to use the facilities or services of the golf club on one day of a weekend if the family membership permits the other adult member under the family membership to use those facilities or services on the other day of the weekend.

3. Offer a family membership in the golf club that permits one of the adult members under the family membership to have access to the golfing facilities of the gold club and the other adult member under the family membership to have no access to those facilities if the golf club has on record a written request from each adult member for such a family membership.

4. Offer a family membership in the golf club that permits the use of the facilities or services of the golf club during times in which that use is restricted to certain classes of memberships if that use during all restricted times is permitted for

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all adults who are entitled to use the golf club's facilities or services under that family membership.

5. Offer, for a reduced rate, an individual membership in the golf club that permits the use of the facilities or services of the golf club only during limited times, if the golf club has on record a written request for such a membership.

The bill allows any resident of a municipality to file a complaint with the municipality alleging that a golf course that is licensed by that municipality to sell alcohol beverages impermissibly discriminates in violation of the bill. The bill also authorizes the department of revenue (DOR) to file a complaint with the county circuit court alleging that a golf course that is licensed by a municipality to sell alcohol beverages impermissibly discriminates in violation of the bill. Current law requires the municipality or circuit court, upon receiving a valid complaint alleging any of several specified violations, to conduct a hearing on the complaint and, if the complaint is found to be true or if the licensee fails to appear to contest the complaint, requires the municipality to revoke the violator's alcohol beverage license and requires the circuit court to order the license suspended for not more than 90 days or revoked. The bill authorizes DOR to revoke, suspend or refuse to renew a DOR-issued permit for the sale of alcohol beverages to any golf club that impermissibly discriminates in violation of the bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 106.04 (1m) (p) 1. of the statutes is amended to read:

2 106.04 (**1m**) (p) 1. "Public place of accommodation or amusement", subject to
3 subd. 2., shall be interpreted broadly to include, but not be limited to, places of
4 business or recreation; lodging establishments; restaurants; taverns; golf clubs;
5 barber or cosmetologist, aesthetician, electrologist or manicuring establishments;
6 nursing homes; clinics; hospitals; cemeteries; and any place where accommodations,
7 amusement, goods or services are available either free or for a consideration, ~~subject~~
8 ~~to subd. 2.~~

9 **SECTION 2.** 106.04 (1m) (p) 2. (intro.) of the statutes is amended to read:

10 106.04 (**1m**) (p) 2. (intro.) "Public place of accommodation or amusement",
11 subject to subd. 3., does not include a place where a bona fide private, nonprofit

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1 organization or institution provides accommodations, amusement, goods or services
2 during an event in which the organization or institution provides the
3 accommodations, amusement, goods or services to the following individuals only:

4 **SECTION 3.** 106.04 (1m) (p) 3. of the statutes is created to read:

5 106.04 (1m) (p) 3. “Public place of accommodation or amusement” includes a
6 place where a private golf club provides accommodations, amusement, goods or
7 services during an event in which the private golf club provides the accommodations,
8 amusement, goods or services to the individuals specified in subd. 2. a., b. and c. only.

9 **SECTION 4.** 106.04 (9) (am) of the statutes is created to read:

10 106.04 (9) (am) 1. In this paragraph, “family membership” means a
11 membership in a golf club that allows more than one adult to use the facilities or
12 services of the golf club.

13 2. In addition to the discrimination prohibited under par. (a), no person may
14 deny to another the full and equal enjoyment of the facilities or services of a golf club
15 by doing any of the following:

16 a. Assigning tee times based on sex, race, color, creed, disability, sexual
17 orientation, marital status, national origin or ancestry.

18 b. Restricting the use of the facilities or services of the golf club by any adult
19 who is entitled to use those facilities or services under a family membership in the
20 golf club so that the use of those facilities or services is not equally available at all
21 times to all adults who are included under that family membership.

22 c. Denying availability of any class of membership in the golf club based on sex,
23 race, color, creed, disability, sexual orientation, marital status, national origin or
24 ancestry.

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1 d. Denying equal access to any food or beverage facilities or services of the golf
2 club to any adult member of the golf club in any membership class at any time,
3 subject to s. 125.07.

4 e. Restricting the exercise of voting rights in the governance of the golf club by
5 any adult who is entitled to use the facilities or services of the golf club under a family
6 membership in the golf club so that all adults who are included under that family
7 membership do not have an equal voice in the governance of the golf club.

8 f. Directly or indirectly publishing, circulating, displaying or mailing any
9 written communication that the communicator knows is to the effect that tee times
10 will be assigned in violation of subd. 2. a., that the use of the facilities or services of
11 the golf club will be restricted in violation of subd. 2. b., that availability of any class
12 of membership will be denied in violation of subd. 2. c., that equal access to any food
13 or beverage facilities or services of the golf club will be denied in violation of subd.
14 2. d. or that the exercise of voting rights in the governance of the golf club will be
15 restricted in violation of subd. 2. e.

16 3. Nothing in subd. 2. prohibits any of the following:

17 a. Sponsoring or permitting events that are limited to members of one sex if the
18 golf club sponsors or permits events that are comparable for each sex.

19 b. Offering a family membership in the golf club that permits only one of the
20 adult members under the family membership to use the facilities or services of the
21 golf club on one day of a weekend if the family membership permits the other adult
22 member under the family membership to use the facilities or services of the golf club
23 on the other day of the weekend.

24 c. Offering a family membership in the golf club that permits one of the adult
25 members under the family membership to have limited or unlimited access to the

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1 golfing facilities of the golf club and the other adult member under the family
2 membership to have no access to those facilities if the golf club has on record a written
3 request from each adult member for such a family membership.

4 d. Offering a family membership in the golf club that permits the use of the
5 facilities or services of the golf club during times in which that use is restricted to
6 certain classes of memberships if that use during all restricted times is permitted for
7 all adults who are entitled to use those facilities or services under the family
8 membership.

9 e. Offering, for a reduced rate, an individual membership in the golf club that
10 permits the use of the facilities or services of the golf club only during limited times
11 if the golf club has on record a written request from the member for such a limited
12 membership.

13 **SECTION 5.** 125.12 (2) (ag) 8. of the statutes is created to read:

14 125.12 (2) (ag) 8. The person has violated s. 106.04 (9) (am) 2.

15 **SECTION 6.** 125.12 (4) (ag) 9. of the statutes is created to read:

16 125.12 (4) (ag) 9. That the licensee has violated s. 106.04 (9) (am) 2.

17 **SECTION 7. Initial applicability.**

18 (1) The treatment of section 106.04 (1m) (p) 1., 2. (intro.) and 3. and (9) (am)
19 of the statutes first applies to a person who is affected by a contract that contains
20 provisions that are inconsistent with section 106.04 (1m) (p) 1., 2. (intro.) and 3. of
21 the statutes, as affected by this act, and section 106.04 (9) (am) of the statutes, as
22 created by this act, on the day on which the contract expires or is extended, modified
23 or renewed, whichever occurs first.

