

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4236/P1dn
DAK:rs:kjf

December 19, 2001

Please review this draft carefully. I have drafted the bill in preliminary form to permit you the opportunity to review it before it is introducible. The following are questions or comments I have about the draft:

1. I have used as the basis for the definition of "retail establishment" the definition given in s. 101.123 (1) (g), stats., except that part of the definition that excludes taverns operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license and bowling alleys. Is this what you want? I also included in this definition a restaurant, as defined in s. 254.61 (5), stats.; please review the exceptions in s. 254.61 (5), stats., to ensure that the definition of restaurant is what you want.
2. I have drafted s. 146.10 (2) essentially as proposed, but the provision may be vulnerable to a finding of unconstitutionality on grounds of vagueness. The breadth of the language poses at least the following problems:
 - a. The provision assumes that "proper attire" includes a shirt; must a woman who wears a dress but not a shirt receive specific waiver from the owner or operator if the owner or operator has adopted the policy? Must an infant who is wearing only a diaper, or a person who is wearing shorts and a sports bra, be specifically waived or else excluded?
 - b. Is a sales person considered to be an "operator"?
3. Instead of requiring exclusion ("shall be excluded"), would you prefer to authorize it ("may be excluded")?

Please let me know if I can provide you with additional assistance with respect to this draft.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us