



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0473/P2
PJH:sac:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 93.135 (1) (am), 93.35, 100.15, 120.13 (35) (b), 134.35, 134.36,
2 134.37, 134.38, 134.39, 167.13, 167.18, 175.09 (2), 175.09 (3), 175.15, 199.105,
3 199.14 and 553.03 (5m) (c); *to renumber* 120.13 (35) (a) and 175.09 (1); and *to*
4 **amend** 93.21 (1), 100.26 (3), 146.085 (2), 175.095, 944.36 and 985.03 (2) of the
5 statutes; **relating to:** repealing or modifying obsolete misdemeanors.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on the Review of Criminal Penalties.

This bill repeals misdemeanor offenses the study committee identified as obsolete or no longer relevant. This bill also decriminalizes misdemeanor offenses relating to pay toilets, solicitation of drinks by employees or entertainers, and publishing legal notices.

6 **SECTION 1.** 93.135 (1) (am) of the statutes is repealed.

NOTE: Repeals the requirement that the Department of Agriculture, Trade and Consumer Protection must require each applicant for a professional weather

modification license to provide the applicant's social security number. Section 3 eliminates the requirement to obtain a professional weather modification license before engaging in weather modification activities.

SECTION 2. 93.21 (1) of the statutes is amended to read:

93.21 (1) FAILING TO FURNISH INFORMATION. Any owner or manager of any creamery, cheese factory, butter factory, condensary or milk receiving plant, and any person dealing in or manufacturing dairy products, ~~who fails to furnish the statement prescribed under s. 93.06 (2) to every person from whom milk is purchased or received,~~ or who fails to comply with s. 93.07 (21), shall be fined not to exceed \$200 or imprisoned in the county jail not to exceed 6 months or both.

NOTE: Repeals the penalty for milk contractors that fail to furnish a statement prescribed under s. 93.06 (2) to every person from whom milk is purchased or received.

SECTION 3. 93.35 of the statutes is repealed.

NOTE: Repeals s. 93.35, relating to weather modification. This bill repeals the weather modification regulatory program, which in certain cases requires a person to obtain a professional weather modification license and a permit before engaging in weather modification activities. "Weather modification" means any activity performed with the intention of producing artificial changes in the composition, motions and resulting behavior of the atmosphere.

SECTION 4. 100.15 of the statutes is repealed.

NOTE: Repeals s. 100.15, relating to the regulation of trading stamps. This bill repeals the general prohibition against using, issuing or furnishing, in connection with the sale of any goods, any trading stamp or similar device, which entitles the purchaser to procure anything of value in exchange for the trading stamp or similar device.

SECTION 5. 100.26 (3) of the statutes is amended to read:

100.26 (3) Any person who violates s. ~~100.15~~ or 100.19, or who intentionally refuses, neglects or fails to obey any regulation or order made or issued under s. 100.19 or 100.20, shall, for each offense, be fined not less than \$25 nor more than \$5,000, or imprisoned in the county jail for not more than one year or both.

NOTE: Repeals the portion of s. 100.26 (3) that references s. 100.15, which is repealed by Section 4.

SECTION 6. 120.13 (35) (a) of the statutes is renumbered 120.13 (35).

NOTE: Renumbers s. 120.13 (35) (a) to reflect that s. 120.13 (35) (b) is repealed by Section 7.

1 **SECTION 7.** 120.13 (35) (b) of the statutes is repealed.

NOTE: Repeals s. 120.13 (35) (b), which prohibits unlawful presence in school buildings that provokes a breach of the peace. A broader prohibition exists in s. 947.01, relating to disorderly conduct.

2 **SECTION 8.** 134.35 of the statutes is repealed.

NOTE: Repeals s. 134.35, which requires a person or organization who operates a telegraph to endorse each telegram that is delivered in Wisconsin with the time that it was filed for transmission.

3 **SECTION 9.** 134.36 of the statutes is repealed.

NOTE: Repeals s. 134.36, which generally prohibits any officer or other person connected with, or in the business or management of, a telegraph company doing business in Wisconsin from doing the following: divulging or communicating any telegraph message or dispatch or the substance of a message to an unintended recipient; giving unlawful preference in the sending, transmitting or receiving of telegraph messages or dispatches; or willfully failing or neglecting to give preference to dispatches or messages in the order of time in which applications are received.

4 **SECTION 10.** 134.37 of the statutes is repealed.

NOTE: Repeals s. 134.37, which prohibits any person connected with a telegraph or messenger company doing business in Wisconsin from doing the following: willfully divulging the contents, or the nature of the contents of a private communication entrusted to the person for transmission or delivery; willfully refusing or neglecting to transmit or deliver a communication; or willfully forging the name of the intended receiver to a receipt for a message or communication or article of value entrusted to the person.

5 **SECTION 11.** 134.38 of the statutes is repealed.

NOTE: Repeals s. 134.38, which requires telegraph and messenger companies subject to s. 134.37 to post a copy of that statute in their offices.

6 **SECTION 12.** 134.39 of the statutes is repealed.

NOTE: Repeals s. 134.39, which generally prohibits any person from fraudulently obtaining knowledge of the contents or substance of any telegraph; interfering with, disturbing or interrupting any telegraph wires or lines; or interfering with the sending, transmission or receiving of any telegraph message, communication or report.

7 **SECTION 13.** 146.085 (2) of the statutes is amended to read:

8 146.085 (2) PENALTY. Any person who violates this section shall ~~be fined~~ forfeit
9 not less than \$10 nor more than \$50.

NOTE: Decriminalizes the prohibition against the owner or manager of any public building from charging an admission fee for the use of a toilet.

10 **SECTION 14.** 167.13 of the statutes is repealed.

NOTE: Repeals s. 167.13, which prohibits the use or operation of corn shredders purchased prior to June 12, 1909 unless a competent person oversees its operation and all safety devices and guards are attached.

1 **SECTION 15.** 167.18 of the statutes is repealed.

NOTE: Repeals s. 167.18, which prohibits any person that owns or operates a threshing machine from allowing any joint, knuckle or jack of the machine to be dangerously exposed.

2 **SECTION 16.** 175.09 (1) of the statutes is renumbered 175.09.

NOTE: Renumbers s. 175.09 (1) to reflect that ss. 175.09 (2) and (3) are repealed by Sections 17 and 18 respectively.

3 **SECTION 17.** 175.09 (2) of the statutes is repealed.

NOTE: Repeals s. 175.09 (2), which prohibits a person that operates or maintains a place of business from using or displaying any time other than standard time.

4 **SECTION 18.** 175.09 (3) of the statutes is repealed.

NOTE: Repeals s. 175.09 (3), which provides a penalty for a person who, in connection with any place of business, uses any time other than standard time. The penalty is a fine of \$25–500, or imprisonment of 10–30 days, or both.

5 **SECTION 19.** 175.095 of the statutes is amended to read:

6 **175.095 Daylight saving time.** (1) Notwithstanding s. 175.09 ~~(1)~~, the
7 standard of time shall be as provided in sub. (2) during the period stated therein.

8 **(2)** From 2 a.m. on the 2nd Sunday in March until 2 a.m. on the first Sunday
9 in November of each year, the standard of time in this state shall be one hour in
10 advance of that prescribed in s. 175.09 ~~(1)~~.

NOTE: Updates a cross-reference changed by Section 16.

11 **SECTION 20.** 175.15 of the statutes is repealed.

NOTE: Repeals s. 175.15, which generally prohibits advertising, operating, maintaining, attending, or participating in certain physical endurance contests. This Section also repeals a provision that provides that the place, buildings and premises where any illegal endurance contest takes place constitutes a public nuisance.

12 **SECTION 21.** 199.105 of the statutes is repealed.

NOTE: Repeals s. 199.105, which prohibits penalizing or interfering with the utility service of any person who contributes to the Citizen's Utility Board or participates in any of its activities, in retribution for such contribution or participation.

13 **SECTION 22.** 199.14 of the statutes is repealed.

NOTE: Repeals s. 199.14, which prohibits offering or giving anything of monetary value to any director, agent, or employee of the Citizens Utility Board for the purpose of influencing action of the director, agent or employee in his or her official capacity.

1 **SECTION 23.** 553.03 (5m) (c) of the statutes is repealed.

NOTE: Eliminates a cross-reference to s. 100.15, which is repealed by Section 4.

2 **SECTION 24.** 944.36 of the statutes is amended to read:

3 **944.36 Solicitation of drinks prohibited.** Any licensee, permittee or
4 bartender of a retail alcohol beverage establishment covered by a license or permit
5 issued under ch. 125 who permits an entertainer or employee to solicit a drink of any
6 alcohol beverage, as defined in s. 125.02 (1), or any other drink from a customer on
7 the premises, or any entertainer or employee who solicits such drinks from any
8 customer, is ~~guilty of~~ subject to a Class B misdemeanor forfeiture.

NOTE: Decriminalizes the prohibition against soliciting alcoholic beverages by entertainers and employees on the premises of a retail alcohol beverage establishment.

9 **SECTION 25.** 985.03 (2) of the statutes is amended to read:

10 985.03 (2) Any person charged with the duty of causing legal notices to be
11 published, and who causes any legal notice, to be published in any newspaper not
12 eligible to so publish under the requirements of sub. (1), or who fails to cause such
13 legal notice to be published in any newspaper eligible under this section, may be
14 ~~fined not to exceed~~ required to forfeit not more than \$100 for each offense. Each day
15 in which a legal notice should have been but was not published as required by law
16 shall constitute a separate offense hereunder. A newspaper in order to be eligible
17 under this section shall also file a certificate with the county clerk stating that it
18 qualifies under this section and stating its place of publication.

NOTE: Decriminalizes the prohibition against causing a legal notice to be published in an ineligible newspaper or failing to cause legal notice to be published in an eligible newspaper.

19

(END)