



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0721/1
MIM:emw

2023 ASSEMBLY BILL 478

October 12, 2023 - Introduced by Representatives SUBECK, BARE, C. ANDERSON, J. ANDERSON, CABRERA, CONSIDINE, EMERSON, GOYKE, HAYWOOD, HONG, JOERS, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, SHANKLAND, SHELTON, SINICKI, SNODGRASS, STUBBS and VINING, cosponsored by Senators L. JOHNSON, HESSELBEIN, AGARD, CARPENTER, LARSON, PFAFF, ROYS, SMITH, SPREITZER, TAYLOR and WIRCH. Referred to Committee on Labor and Integrated Employment.

1 **AN ACT** *to repeal* 103.10 (1m) (title), (a), (b) (intro.), 1., 2., 3., 4., 5. and 7., (c), (d)
2 and (e); *to renumber* 103.10 (1m) (b) 6.; and *to amend* 103.10 (1) (b), 103.10
3 (1) (c), 103.12 (3) (a), 103.12 (3) (b) and 165.68 (1) (a) 3. of the statutes; **relating**
4 **to:** allowing the enactment of family and medical leave ordinances.

Analysis by the Legislative Reference Bureau

Under current law, a city, county, town, or village may not enact and administer an ordinance that requires an employer to provide family or medical leave to an employee. This bill eliminates that prohibition.

For further information see the 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:

5 **SECTION 1.** 103.10 (1) (b) of the statutes is amended to read:
6 103.10 (1) (b) Except as provided in ~~sub. (1m) (b) 2.~~ and s. 452.38, “employee”
7 means an individual employed in this state by an employer, except the employer’s
8 parent, spouse, domestic partner, or child.

ASSEMBLY BILL 478**SECTION 2**

1 **SECTION 2.** 103.10 (1) (c) of the statutes is amended to read:

2 103.10 (1) (c) ~~Except as provided in sub. (1m) (b) 3., “employer”~~ “Employer”
3 means a person engaging in any activity, enterprise, or business in this state
4 employing at least 50 individuals on a permanent basis. “Employer” includes the
5 state and any office, department, independent agency, authority, institution,
6 association, society, or other body in state government created or authorized to be
7 created by the constitution or any law, including the legislature and the courts.

8 **SECTION 3.** 103.10 (1m) (title), (a), (b) (intro.), 1., 2., 3., 4., 5. and 7., (c), (d) and
9 (e) of the statutes are repealed.

10 **SECTION 4.** 103.10 (1m) (b) 6. of the statutes is renumbered 165.68 (1) (h).

11 **SECTION 5.** 103.12 (3) (a) of the statutes is amended to read:

12 103.12 (3) (a) ~~Except as provided in ss. 103.10 (1m) (d) and s. 103.11 (2) (d), no~~
13 city, village, town, or county may enact or enforce an ordinance requiring an
14 employer to provide certain employment benefits to its employees, to provide a
15 minimum level of employment benefits to its employees, or to prescribe the terms or
16 conditions of employment benefits provided to its employees.

17 **SECTION 6.** 103.12 (3) (b) of the statutes is amended to read:

18 103.12 (3) (b) ~~Except as provided in ss. 103.10 (1m) (d) and s. 103.11 (2) (d), if~~
19 a city, village, town, or county has in effect on April 18, 2018, an ordinance requiring
20 an employer to provide certain employment benefits or to provide a minimum level
21 of employment benefits to its employees, the ordinance does not apply and may not
22 be enforced.

23 **SECTION 7.** 165.68 (1) (a) 3. of the statutes is amended to read:

24 165.68 (1) (a) 3. Sexual abuse, ~~as defined in s. 103.10 (1m) (b) 6.~~

25

(END)