

1999 DRAFTING REQUEST**Bill**Received: **12/21/98**Received By: **champra**Wanted: **Soon**

Identical to LRB:

For: **Stephen Nass (608) 266-5715**By/Representing: **Himself**This file may be shown to any legislator: **NO**Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Negotiation of domestic partner benefits under municipal employment relations act

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 02/5/99	jgeller 02/5/99	jfrantze 02/5/99	_____ _____	lrb_docadmin 02/8/99	lrb_docadminLocal 05/24/99	

FE Sent For:

10/4/99

<END>

1999 DRAFTING REQUEST

Bill

Received: **12/21/98**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Stephen Nass (608) 266-5715**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies:

Topic:

Negotiation of domestic partner benefits under municipal employment relations act

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 02/5/99	jgeller 02/5/99	jfrantze 02/5/99	_____	lrb_docadmin 02/8/99		Local

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 12/21/98

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Stephen Nass (608) 266-5715**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - collective bargain**

Extra Copies: **JTK**

Topic:

Negotiation of domestic partner benefits under municipal employment relations act

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra	11/3/98 Jg	12/2/98 Jg	12/3/98 Jg			

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

BILL REQUEST FORM

[Handwritten scribbles and initials]

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill. Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>12/18/98</i>	Legislator or agency requesting this draft: <i>Rep. Steve Nass</i>
Name/phone number of person submitting request: <i>Rep. Nass 266-5715</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Mike Mikalsen 266-5715</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>See attached memo.</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Refer to 1997 AB 759

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

But we would like drafts in early January.

Is this request of higher priority than other pending request(s) you have made?

YES NO. If yes, please sign your name here:

Stephen L. Nass



TO: LRB Drafting

FROM: Representative Steve Nass

DATE: December 18, 1998

RE: DRAFTING REQUESTS RELATING TO DOMESTIC PARTNERS

I am requesting two drafts relating to provision of Domestic Partner Benefits by units of state and local government. Please refer to 1997 Assembly Bill 759 for the definition of "domestic partners" used last session. In my request last session, I defined domestic partners as same sex adult couples and opposite sex adult couples that aren't legally married.

Draft Request #1:

I request a bill be drafted making the negotiation of domestic partner benefits a permissive subject of bargaining for local units of government (excluding the Wisconsin Technical College System because they are covered in #2).

Draft Request #2:

I request a bill be drafted prohibiting the State of Wisconsin from offering domestic partner benefits as a part of any benefit program offered to state employees. This prohibition should apply to all state agencies including the Wisconsin Technical College System and the University of Wisconsin System.

If you have any questions on either request, please contact Mike Mikalsen on my staff.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1390/1

RAC:.....

SOON

JLg

1999 BILL

gen cat

1 AN ACT ...; relating to: permissive subjects of collective bargaining under the
2 municipal employment relations act.

Analysis by the Legislative Reference Bureau

Under current law, there are three categories of subjects of collective bargaining under the municipal employment relations act (MERA). A mandatory subject of bargaining is one primarily related to wages, hours and conditions of employment; the municipal employer is required to bargain over this subject. A permissive subject of bargaining is one primarily related to the management and direction of the municipal employer; a municipal employer may, but need not, bargain over this subject. A prohibited subject of bargaining is one that would violate a law; there may be no bargaining over such a subject.

This bill creates a new permissive subject of collective bargaining under MERA, relating to the provision of ~~employment~~ benefits. Under the bill, a municipal employer is not required to bargain over the provision of employe benefits to any adult who resides with a municipal employe and who is not related to the municipal employe by blood, marriage or adoption.

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:

employe

. **BILL**

1 **SECTION 1.** 111.70 (1) (a) ^X of the statutes is amended to read:

2 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
3 obligation of a municipal employer, through its officers and agents, and the
4 representative of its municipal employes in a collective bargaining unit, to meet and
5 confer at reasonable times, in good faith, with the intention of reaching an
6 agreement, or to resolve questions arising under such an agreement, with respect to
7 wages, hours and conditions of employment, and with respect to a requirement of the
8 municipal employer for a municipal employe to perform law enforcement and fire
9 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) [✓] and s. 40.81
10 (3) and except that a municipal employer shall not meet and confer with respect to
11 any proposal to diminish or abridge the rights guaranteed to municipal employes
12 under ch. 164. The duty to bargain, however, does not compel either party to agree
13 to a proposal or require the making of a concession. Collective bargaining includes
14 the reduction of any agreement reached to a written and signed document. The
15 municipal employer shall not be required to bargain on subjects reserved to
16 management and direction of the governmental unit except insofar as the manner
17 of exercise of such functions affects the wages, hours and conditions of employment
18 of the municipal employes in a collective bargaining unit. In creating this subchapter
19 the legislature recognizes that the municipal employer must exercise its powers and
20 responsibilities to act for the government and good order of the jurisdiction which it
21 serves, its commercial benefit and the health, safety and welfare of the public to
22 assure orderly operations and functions within its jurisdiction, subject to those

BILL

1 rights secured to municipal employes by the constitutions of this state and of the
2 United States and by this subchapter.

History: 1971 c. 124, 246, 247, 307, 336, 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15), 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136, 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237.

3 **SECTION 2.** 111.70 (4) (n) of the statutes is created to read:

4 111.70 (4) (n) *Permissive subjects of collective bargaining.* The municipal
5 employer is not required to bargain collectively with respect to the provision of
6 employe benefits to any adult who resides with a municipal employe and who is not
7 related to the municipal employe by blood, marriage or adoption.

8 **SECTION 3. Initial applicability.**

9 (1) This act first applies to the negotiation of collective bargaining agreements
10 that are entered into on the effective date of this subsection.

11 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 2/8/99

To: Representative Nass

Relating to LRB drafting number: LRB-1390

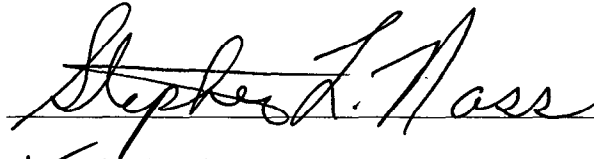
Topic

Negotiation of domestic partner benefits under municipal employment relations act

Subject(s)

Employ Pub - collective bargain

1. **JACKET** the draft for introduction



in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the

drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please

allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or

increases or decreases existing appropriations or state or general local government fiscal liability or

revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to

introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon

introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to

introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions

relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930

