

1999 DRAFTING REQUEST

Bill

Received: **04/13/99**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Gary Drzewiecki (608) 266-5670**

By/Representing: **Scott Manley**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Employ Priv - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Cheesemakers; one day of rest in seven

Instructions:

See Attached--redraft 1997 SB 119, as affected by SSA 1, but eliminate prohibition against working more than 60 hours in a week

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>
/?	malaigm 04/13/99	jgeller 04/14/99		_____			
/1			hhagen 04/14/99	_____	lrb_docadmin 04/14/99	lrb_docadmin 05/19/99	

FE Sent For:

Not Needed

<END>

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/?	malaigm	1 4/14 jlg	4/14	LF 4/14			

FE Sent For:

<END>

Malaise, Gordon

From: Manley, Scott
Sent: Tuesday, April 13, 1999 3:57 PM
To: Malaise, Gordon
Subject: Drafting Request

Gordon,

Thank you for taking the time to discuss our needs for a draft to change s. 103.85.

Specifically, we would like to amend s. 103.85(2)(c) so it would read as follows:

103.85 (2) (C) Persons who are employed in the first processing of milk, as defined in s. 97.01 (10) (a), including the manufacture of butter, cheese or other dairy products from that milk, or in the distribution of milk or cream, or in canneries and freezers.

We would also like to create s. 103.85(2)(cm) so it would read as follows:

103.85 (2) (cm) Persons who are employed in the manufacture of butter, cheese or other dairy products subsequent to the first processing of the milk as defined in s. 97.01 (10) (a) from which those products are made and who agree to work for 7 or more consecutive days without 24 consecutive hours of rest in those 7 or more days.

As I stated in our phone conversation, Gary would like to put a rush on this draft to the greatest extent possible. Thank you for your work on this issue, Gordon, and please feel free to call me if you have any questions about the draft or Gary's legislative intent.

Sincerely,

Scott Manley
Office of Senator Gary Drzewiecki



State of Wisconsin
1997-1998 LEGISLATURE

2897/1

LRB-13284
GMM:MM:km

Soon

1999 BILL

Jlg

1997 SENATE BILL 119

March 13, 1997 - Introduced by Senators DRZEWIECKI and PLACHE, cosponsored by Representatives F. LASEE, RYBA and VANDER LOOP. Referred to Committee on Labor, Transportation and Financial Institutions.

Subsequent to the first processing of the milk from which these products are made

Regen

Regenerate

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AN ACT to amend 103.85 (2) (c); and to create 103.023 and 103.85 (2) (cm) of the statutes; relating to: ~~hours of labor and~~ one day of rest in 7 for persons employed in the manufacture of butter, cheese or other dairy products ~~from nonperishable milk, in the distribution of nonperishable milk or cream or in canning or freezing nonperishable agricultural commodities~~ and granting ~~rule-making authority.~~

first processing of milk, including the

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, every employer who owns or operates a factory or mercantile establishment must allow every person employed in the factory or mercantile establishment to have at least 24 consecutive hours of rest in every period of ~~7~~ ^{seven} consecutive days (one day of rest in ~~7~~). Currently, an employer of a person employed in the manufacture of butter, cheese or other dairy products, or in the distribution of milk or cream, or in a cannery or freezer, is not required to allow the person to have one day of rest in ~~7~~. This bill requires a person employed in the manufacture of butter, cheese or other dairy products ~~from nonperishable milk, in the distribution of nonperishable milk or cream or in canning or freezing nonperishable agricultural commodities~~ to be given one day of rest in ~~7~~, unless the person voluntarily agrees to work without one day of rest in ~~7~~. The bill, however, continues the exception to the one day of rest in ~~7~~ law for persons employed in the manufacture of butter, cheese or other dairy products from ~~fresh~~ milk, in the

seven

Subsequent to the first processing of the milk from which these products are made

that

seven

SENATE BILL 119

a cannery or freezer ✓

distribution of ~~fresh~~ milk or cream or in ~~canning or freezing~~ perishable agricultural commodities.

~~Under current law, no person may be employed or permitted to work for a period of time during any day, night or week (hours of labor) that is dangerous or prejudicial to the person's life, health, safety or welfare. Current law requires the department of industry, labor and job development (DILJD) to promulgate rules fixing the hours of labor that are necessary to protect the life, health, safety or welfare of any person. This bill requires DILJD, in promulgating those rules, to promulgate a rule prohibiting a person employed in the manufacture of butter, cheese or other dairy products from nonperishable milk, in the distribution of nonperishable milk or cream or in canning or freezing nonperishable agricultural commodities from being employed or permitted to work for more than 60 hours in any period of 7 consecutive days, unless the person voluntarily agrees to do so.~~

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

③ dairy products manufacturing

1

SECTION 1. 103.023 of the statutes is created to read:

②

~~103.023 Hours of labor; agricultural commodity processing employees.~~

3

~~In promulgating rules under s. 103.02, the department shall promulgate a rule~~

4

~~prohibiting a person who is employed in the manufacture of butter, cheese or other~~

⑤

~~dairy products from nonperishable milk, in the distribution of nonperishable milk~~

⑥

~~or cream or in canning or freezing nonperishable agricultural commodities from~~

7

~~being employed or permitted to work for more than 60 hours in any period of 7~~

8

~~consecutive days, unless the person voluntarily agrees to work for more than 60~~

9

~~hours in a period of 7 consecutive days.~~

10

SECTION 2. 103.85 (2) (c) of the statutes is amended to read:

11

~~103.85 (2) (c) Persons who are employed in the manufacture of butter, cheese~~

12

~~or other dairy products or from fresh milk, in the distribution of fresh milk or cream,~~

13

~~or in canneries and freezers canning or freezing perishable agricultural~~

14

~~commodities.~~

Insert
2-14

15

SECTION 3. 103.85 (2) (cm) of the statutes is created to read:

~~the milk, as defined in s. 97.01 (10) (a), from which those products are made~~

SENATE BILL 119

1 103.85 (2) (cm) Persons who are employed in the manufacture of butter, cheese
2 or other dairy products ~~from nonperishable milk, in the distribution of nonperishable~~
3 ~~milk or cream or in canning or freezing nonperishable agricultural commodities~~ and
4 who voluntarily agree to work for 7 or more consecutive days without 24 consecutive
5 hours of rest in those 7 or more days.

SECTION 4. Initial applicability.

7 (1) This act first applies to persons who are affected by a collective bargaining
8 agreement that contains provisions inconsistent with section [✓]103.85 (2) (c) of the
9 statutes, as affected by this act, or with section 103.85 (2) (cm) of the statutes, as
10 created by this act, on the day ^{on which} ~~after~~ the collective bargaining agreement expires or
11 ~~on the day on which the collective bargaining agreement~~ is extended, modified or
12 renewed, whichever occurs first.

(END)

*Subsequent to the first processing of the milk,
as defined in s. 97.01(10)(a),[✓] from which
those dairy products are made*



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa0259/1
GMM:kaf:kat

~~SENATE AMENDMENT 1,
TO 1997 SENATE BILL 119~~

Insert 2-14

November 12, 1997 - Offered by ~~COMMITTEE ON LABOR, TRANSPORTATION AND
FINANCIAL INSTITUTIONS.~~

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At the locations indicated, amend the bill as follows:

~~1. Page 1, line 3: delete "from".~~

~~2. Page 1, line 4: delete lines 4 and 5 and substitute: "subsequent to the first processing of the milk from which those products are made and granting".~~

~~3. Page 2, line 2: delete "agricultural commodity processing" and substitute "dairy products manufacturing".~~

~~4. Page 2, line 5: delete lines 5 and 6 and substitute: "dairy products subsequent to the first processing of the milk, as defined in s. 97.01 (10) (a), from which those products are made from".~~

~~5. Page 2, line 10: delete lines 10 to 14 and substitute:~~

~~SECTION ~~21a~~ 103.85 (2) (c) of the statutes is amended to read:~~

103.85 (2) (c) Persons who are employed in the first processing of milk, as defined in s. 97.01 (10) (a), including the manufacture of butter, cheese or other dairy



Insert 2-14

1 products from that milk, or in the distribution of milk or cream, or in canneries and
2 freezers. ~~1~~

3 ~~6. Page 3, line 2: delete lines 2 and 3 and substitute: "or other dairy products~~
4 ~~subsequent to the first processing of the milk, as defined in s. 97.01 (10) (a), from~~
5 ~~which those products are made and".~~

6 (END)

(end of insert)

**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: 4/14/99

To: Senator Drzewiecki

Relating to LRB drafting number: LRB-2897

Topic

Cheesemakers; one day of rest in seven

Subject(s)

Employ Priv - miscellaneous

1. JACKET the draft for introduction

Mary Drzewiecki

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.

Gordon M. Malaise, Senior Legislative Attorney
Telephone: (608) 266-9738