

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/26/99**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Democratic Caucus 6-5619**

By/Representing: **Scott Adrian**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous
Employ Priv - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Labor package #2

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>
/?	malaigm 06/27/99	chanaman 06/27/99		_____			
/1			jfrantze 06/27/99	_____	lrb_docadmin 06/28/99	lrb_docadmin 06/28/99	

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1?	malaigm	CMH 6/27	JG 6/27	JG 6/27			

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Labor (Scott Adrian, 6-9639)

Package Amendments:

Package #1

- JFC • Expand the benefits of Wisconsin's Family and Medical Leave Law by lowering the threshold for eligible business from the current 50 employees to 40 employees.
- JFC • Pay equity for women in public and private sectors

Package #2

- JFC • Impose a 5 year ban on corporations from receiving any state grants or any other state aid if that corporation rescinds any previously negotiated employee health benefits or pension plans.
- End all prison industries programs by the end of the biennium.
- JFC • Teaching of labor history in schools.
- Repeal Vrakas Motion #192, weakening prevailing wage law.

Stand-alone Amendments:

- JFC • Minimum Wage increase to \$6.55/hour
- GOP • Repeal Owens Motion #237, relating to "payroll protection."

Miscellaneous (Tanya Bjork, 6-5616)

Campaign Finance Reform Package Amendment:

- GOP [• Restore \$750,000 to CFR fund in the second year of the biennium (paid for by eliminating ATM property tax exemption)
- Maintain current law for WCEF check-off
- Maintain current law regarding the deductibility of campaign contributions (fiscal estimate is \$120,000 savings over the biennium).

Stand-alone Amendments:

- GOP • Maintain current law for "Percent for the Arts" program
- GOP • Maintain current law for 10 day waiting period between the date of rate tariff filing and effective date when a telecommunications utility can begin charging for a new service
- GOP • Restore the Minnesota-Wisconsin Boundary Area Commission and restore funds back to water resources account of the conservation fund

4. Language to assure public employees, regardless of sex, working in positions of comparable worth are paid the same by adopting these provisions:
- Provide that discrimination in salary because of sex shall be an unlawful discriminatory practice;
 - Define the unlawful discriminatory practice as a practice whereby employees in a particular position or title are paid at a salary or rate lower than that which other employees of the opposite sex in a comparable position or title are compensated;
 - Define comparable worth as measured by skill, effort, and responsibility normally required in the performance of work and conditions under which work is normally performed;
 - Prohibit an employer in violation of this section to reduce the compensation of any employee or position in order to comply with this section;
 - Provide that this section shall not prohibit different compensation pursuant to a seniority system and;
 - Provide that this section shall not impede, infringe or diminish the rights and benefits contained in a collective bargaining agreement or diminish the integrity of an existing bargaining agreement.

Amendment 3 by request of Rep. Bob Turner

- MKD ->
1. Impose a 5 year ban on corporations from receiving any state grants or any other state aid if that corporation rescinds any previously negotiated employee health benefits or pension plans. No fiscal impact.
 2. End all prison industries programs by the end of the biennium. No fiscal impact other than potential revenue gain.
 3. Require that every school board's instructional program in state, national, and world history include information on the history of organized labor in America and the collective bargaining process. No fiscal impact. (Lehman bill - AB 130)
 4. Repeal Vrakas **Motion #192**, ~~weakening prevailing wage law to return to JFC position (motion #458)~~

Amendment 4 by request of Rep. Lee Meyerhofer

Repeal Owens **Motion #237**, relating to DOA, DOT and public works contracts.

With these notes, I have attached copies of the New York summaries where the language for the prevailing wage law (Items 2, 3 & 4 in amendment 2) was taken. In addition, copies of the Republican motions to be deleted are also attached.

Any questions relating to the drafting of these amendments please contact Scott Adrian at 6-9639 or at home at 280-9289. In addition, I can be reached by cell at 345-0422.



State of Wisconsin
1999 - 2000 LEGISLATURE

Note

LRBb1362/1
GMM.....
cmf

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

Today

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1102, line 25: after that line insert:

3 "SECTION 2065t. 118.01 (2) (c) 6. of the statutes is amended to read:

4 118.01 (2) (c) 6. Knowledge of state, national and world history, including
5 knowledge of the history of organized labor in America and the collective bargaining
6 process."

History: 1983 a. 412; 1985 a. 29, 213; 1989 a. 31; 1995 a. 27, 229, 448; 1997 a. 27, 35.

7 2. Page 1376, line 21: after that line insert:

8 "SECTION 2928m. 560.025 of the statutes is created to read:

9 560.025 Maintenance of benefits as condition of assistance. (1)

10 DEFINITIONS. In this section:

11 (a) "Business" means any person engaged in any activity or enterprise for profit
12 employing one or more person in this state.

1 (b) "Business assistance" means any grant or loan provided by the department
2 under this chapter.

3 (2) RULES OF CONDUCT. (a) Any business that is applying for business assistance
4 shall certify on its application for the business assistance that the business has not,
5 at any time within the 5-year period preceding the date of the application, ceased
6 or reduced any health care benefits or pension benefits provided directly or indirectly
7 by the business to the employes of the business employed in this state.

8 (b) Any business that receives business assistance shall agree, as a condition
9 of receiving the business assistance, not to cease or reduce any health care benefits
10 or pension benefits provided directly or indirectly by the business to the employes of
11 the business employed in this state for 5 years after the date on which the business
12 receives the business assistance.

13 (3) ENFORCEMENT AND ADMINISTRATION. (a) Before providing any business
14 assistance, the department shall determine whether the business applying for the
15 business assistance has, at any time within the 5-year period preceding the date of
16 the application, ceased or reduced any health care benefits or pension benefits
17 provided directly or indirectly by the business to the employes of the business
18 employed in this state. If the business has, at any time within the 5-year period
19 preceding the date of the application, ceased or reduced any health care benefits or
20 pension benefits provided directly or indirectly by the business to the employes of the
21 business employed in this state, the department may not provide any business to
22 that business. If the department provides business assistance to a business and later
23 determines that the business has, at any time within the 5-year period preceding the
24 date of the application or within the period between the date of the application and
25 the date of receipt of the business assistance, ceased or reduced any health care

1 benefits or pension benefits provided directly or indirectly by the business to the
2 employes of the business employed in this state, the department shall assess and
3 collect any penalties imposed under sub. (4) according to the procedure specified in
4 par. (c).

5 (b) The department shall monitor a businesses receiving business assistance
6 to ensure that the business does not cease or reduce any health care benefits or
7 pension benefits provided directly or indirectly by the business to the employes of the
8 business employed in this state for 5 years after the date on which the business
9 receives the business assistance. If the department determines that the business has
10 ceased or reduced any health care benefits or pension benefits provided directly or
11 indirectly by the business to the employes of the business employed in this state at
12 any time within the 5–year period beginning on the date on which the business
13 receives the business assistance, the department shall assess and collect any
14 penalties imposed under sub. (4) according to the procedure specified in par. (c).

15 (c) The department shall assess and collect any penalties imposed under sub.
16 (4) according to the following procedure:

17 1. The department shall notify the business that is the subject of the penalty
18 that the business is in noncompliance with this section and of the penalty assessed
19 under sub. (4).

20 2. The business may, within 30 days after the date of the notice, appeal in
21 writing to the secretary, and the secretary shall enter his or her final decision within
22 30 days after receiving the appeal.

23 3. The business may, within 30 days after the secretary's decision, request a
24 contested case hearing under s. 227.42 from the department.

1 (4) PENALTIES. Any business receiving business assistance that ceases or
 2 reduces any health care benefits or pension benefits provided directly or indirectly
 3 by the business to the employes of the business employed in this state at any time
 4 beginning 5 years before the date on which the business applied for the business
 5 assistance and ending 5 years after the date on which the business received the
 6 business assistance, is subject to all of the following penalties:

7 (a) Immediate rescission of all business assistance that was provided to the
 8 business, with the business to repay that business assistance immediately, pay a
 9 penalty equal to 10% of the amount of that business assistance and pay interest on
 10 that business assistance at the rate of 18% per year from the date of receipt of the
 11 business assistance to the date of payment of the full amount due.

12 (b) Ineligibility for any further business assistance for 5 years after the date
 13 on which the department assesses the penalty.”

14 **3.** Page 1588, line 6: after that line insert:

15 ^{g ← letter "g"}
 16 **(6)** MAINTENANCE OF BENEFITS AS CONDITION OF ASSISTANCE. The treatment of
 17 section 560.025 ^{of the statutes} first applies to business assistance, as defined in section 560.025 (1)
 18 (b) of the statutes, as created by this act, provided on the effective date of this
 subsection.”

19 (END)

D-Note

emj

This draft is based on 1999 AB-130 and 1997

AB-281.

GMM

Initial
App
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16

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1362/1dn
GMM:cmh:jf

June 27, 1999

This draft is based on 1999 AB-130 and 1997 AB-281.

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