

1999 DRAFTING REQUEST

Bill

Received: **11/19/1998**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC 6-9791**

By/Representing: **Laura Rose**

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

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Discrimination**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Statutory location of equal rights programs

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 11/23/1998	wjackson 02/08/1999		_____			
		wjackson 02/12/1999		_____			
/P1			jfrantze 02/15/1999	_____	lrb_docadmin 02/15/1999		
/1	malaigm 12/27/1999	wjackson 12/28/1999	mclark 12/30/1999	_____	lrb_docadmin 12/30/1999		
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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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DWD SECRETARY'S OFFICE

TEL: 608 266 1784

P. 002

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 268-7562
Fax: (608) 268-1784
<http://www.dwd.state.wi.us/>

November 5, 1998

David Stute, director
Legislative Council Staff
1 E. Main St., Ste. 401
Madison, WI 53702

Dear Mr. Stute:

The Department of Workforce Development submits two remedial proposals for consideration by the Law Revision Committee during the 1999 Session of the Legislature.

The second request is to make titling changes in Chapter 106 and create a new subchapter to clarify the content of the chapter. Current statutes do not reflect the inclusion of information on housing and public accommodations under Chapter 106. Making the title changes would make it easier for people to find information on this topic. There is no fiscal effect to this change. Greater detail on the proposed changes in Chapter 106 is enclosed with this letter.

If you or your staff have any questions about the requests, please do not hesitate to contact either Howard Bernstein, legal counsel (268-8427), or Melanie Schmidt, interim legislative liaison (267-3200). Thank you for your consideration.

Sincerely,

Linda Stewart
Secretary

LS:MS

c: Laura Rose, Leg. Council Staff senior staff attorney
Gordon Anderson, Leg. Council Staff senior staff attorney





State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0970/ (A)
GMM.../.....

due MON

WLJ
JLg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

GEN
CAT

11

1 AN ACT ~~...~~; relating to: the location in the statutes of the equal rights programs
2 administered by the department of workforce development, (suggested as
3 remedial legislation by the department of workforce development).

Analysis by the Legislative Reference Bureau

Under current law, the department of workforce development administers certain equal rights programs, including programs to prohibit discrimination in housing, discrimination in the enjoyment of public places of accommodation or amusement, discrimination in public education, discrimination in postsecondary education and discrimination or retaliation against a person who reports elder abuse or who provides information relating to an alleged violation by a long-term care facility to a state official, including the long-term care ombudsman. Currently, the statutory provisions governing those equal rights programs are located in chapter 106 of the statutes, which is entitled "Apprentice and Employment Programs" and, within that chapter, are located in subchapter II of that chapter, which is entitled "Employment Programs". This bill changes the title of chapter 106 of the statutes to "Apprentice, Employment and Equal Rights Programs", creates a new subchapter III within that chapter entitled "Equal Rights Programs" and renumbers the equal rights provisions of chapter 106 to place those provisions under the new subchapter created by this bill.

For further information, see the NOTES[✓] provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of workforce development and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 15.157 (3) of the statutes is amended to read:

2 15.157 (3)[✓] DWELLING CODE COUNCIL. There is created in the department of
3 commerce, a dwelling code council, consisting of 17 members appointed for staggered
4 3-year terms. Four members shall be representatives of building trade labor
5 organizations; 4 members shall be certified building inspectors employed by local
6 units of government; 2 members shall be representatives of building contractors
7 actively engaged in on-site construction of one- and 2-family housing; 2 members
8 shall be representatives of manufacturers or installers of manufactured one- and
9 2-family housing; one member shall be an architect, engineer or designer actively
10 engaged in the design or evaluation of one- and 2-family housing; 2 members shall
11 represent the construction material supply industry; and 2 members shall represent
12 the public, one of whom shall represent persons with disabilities, as defined in s.
13 ~~106.04~~[✓] 106.50 (1m) (g)[✓]. An employe of the department designated by the secretary
14 of commerce shall serve as nonvoting secretary of the council. The council shall meet
15 at least twice a year. Eleven members of the council shall constitute a quorum. For
16 the purpose of conducting business a majority vote of the council is required.

History: 1971 c. 321; 1975 c. 39; 1979 c. 361 ss. 9 to 11, 112; 1981 c. 349; 1983 a. 36, 83, 84, 192, 387; 1985 a. 29; 1987 a. 1, 27, 109; 1989 a. 31 s. 70; 1989 a. 317; 1991 a. 39, 302; 1993 a. 16; 1995 a. 27 ss. 128 to 133, 152 to 162 and 9116 (5); 1995 a. 227; 1997 a. 27, 300.

17 **SECTION 2.** 16.009 (5)[✓](d) of the statutes is amended to read:

1 16.009 (5) (d) Any employe of an employer not described in par. (c) and who is
2 discharged or otherwise retaliated or discriminated against in violation of par. (a)
3 may file a complaint with the department of workforce development under s. ~~106.06~~
4 106.54 (5).

5 History: 1981 c. 20; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31, 294; 1991 a. 39, 232; 1993 a. 16, 205; 1995 a. 27 s. 9126 (19); 1997 a. 131.

6 **SECTION 3.** 46.90 (4) (b) 2. b. of the statutes is amended to read:

7 46.90 (4) (b) 2. b. Any employe of an employer not described in subd. 2. a. who
8 is discharged or otherwise discriminated against may file a complaint with the
9 department of workforce development under s. ~~106.06~~ 106.54 (5).

10 History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131.

11 **SECTION 4.** 50.07 (3) (b) of the statutes is amended to read:

12 50.07 (3) (b) Any employe of an employer not described in par. (a) who is
13 discharged or otherwise retaliated or discriminated against in violation of sub. (1)
14 (e) or (em) may file a complaint with the department of workforce development under
15 s. ~~106.06~~ 106.54 (5).

16 History: 1977 c. 170; 1997 a. 131.

17 **SECTION 5.** 66.432 (1) of the statutes is amended to read:

18 66.432 (1) DECLARATION OF POLICY. The right of all persons to have equal
19 opportunities for housing regardless of their sex, race, color, physical condition,
20 disability as defined in s. ~~106.04~~ 106.50 (1m) (g), sexual orientation as defined in s.
21 111.32 (13m), religion, national origin, marital status, family status as defined in s.
22 ~~106.04~~ 106.50 (1m) (k), lawful source of income, age or ancestry is a matter both of
23 statewide concern under ss. 101.132 and ~~106.04~~ 106.50 and also of local interest
24 under this section and s. 66.433. The enactment of ss. 101.132 and ~~106.04~~ 106.50 by
the legislature shall not preempt the subject matter of equal opportunities in housing
from consideration by political subdivisions, and shall not exempt political
subdivisions from their duty, nor deprive them of their right, to enact ordinances

1 which prohibit discrimination in any type of housing solely on the basis of an
2 individual being a member of a protected class.

3 **History:** 1971 c. 185 s. 7; 1975 c. 94, 275, 422; 1977 c. 418 s. 929 (55); 1981 c. 112; 1981 c. 391 s. 210; 1985 a. 29; 1989 a. 47; 1991 a. 295; 1995 a. 27; 1997 a. 237.

3 **SECTION 6.** 66.432 (1m) (a) of the statutes is amended to read:

4 66.432 (1m) (a) “Aggrieved person” has the meaning given in s. ~~106.04~~ 106.50
5 (1m) (b).

6 **History:** 1971 c. 185 s. 7; 1975 c. 94, 275, 422; 1977 c. 418 s. 929 (55); 1981 c. 112; 1981 c. 391 s. 210; 1985 a. 29; 1989 a. 47; 1991 a. 295; 1995 a. 27; 1997 a. 237.

6 **SECTION 7.** 66.432 (1m) (b) of the statutes is amended to read:

7 66.432 (1m) (b) “Complainant” has the meaning given in s. ~~106.04~~ 106.50 (1m)
8 (c).

9 **History:** 1971 c. 185 s. 7; 1975 c. 94, 275, 422; 1977 c. 418 s. 929 (55); 1981 c. 112; 1981 c. 391 s. 210; 1985 a. 29; 1989 a. 47; 1991 a. 295; 1995 a. 27; 1997 a. 237.

9 **SECTION 8.** 66.432 (1m) (c) of the statutes is amended to read:

10 66.432 (1m) (c) “Discriminate” has the meaning given in s. ~~106.04~~ 106.50 (1m)
11 (h).

12 **History:** 1971 c. 185 s. 7; 1975 c. 94, 275, 422; 1977 c. 418 s. 929 (55); 1981 c. 112; 1981 c. 391 s. 210; 1985 a. 29; 1989 a. 47; 1991 a. 295; 1995 a. 27; 1997 a. 237.

12 **SECTION 9.** 66.432 (1m) (d) of the statutes is amended to read:

13 66.432 (1m) (d) “Member of a protected class” has the meaning given in s.
14 ~~106.04~~ 106.50 (1m) (nm).

15 **History:** 1971 c. 185 s. 7; 1975 c. 94, 275, 422; 1977 c. 418 s. 929 (55); 1981 c. 112; 1981 c. 391 s. 210; 1985 a. 29; 1989 a. 47; 1991 a. 295; 1995 a. 27; 1997 a. 237.

15 **SECTION 10.** 66.432 (2) of the statutes is amended to read:

16 66.432 (2) ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may
17 enact ordinances prohibiting discrimination in housing within their respective
18 boundaries solely on the basis of an individual being a member of a protected class.
19 Such an ordinance may be similar to ss. 101.132 and ~~106.04 (1) to (8)~~ 106.50 or may
20 be more inclusive in its terms or in respect to the different types of housing subject
21 to its provisions, but any such ordinance establishing a forfeiture as a penalty for
22 violation shall not be for an amount that is less than the statutory forfeitures under
23 s. ~~106.04~~ 106.50 (6) (h). Such an ordinance may permit a complainant, aggrieved

1 person or respondent to elect to remove the action to circuit court after a finding has
2 been made that there is reasonable cause to believe that a violation of the ordinance
3 has occurred. Such an ordinance may also authorize the political subdivision, at any
4 time after a complaint has been filed alleging an ordinance violation, to file a
5 complaint in circuit court seeking a temporary injunction or restraining order
6 pending final disposition of the complaint.

7 **History:** 1971 c. 185 s. 7; 1975 c. 94, 275, 422; 1977 c. 418 s. 929 (55); 1981 c. 112; 1981 c. 391 s. 210; 1985 a. 29; 1989 a. 47; 1991 a. 295; 1995 a. 27; 1997 a. 237.

7 **SECTION 11.** 77.265 (4) of the statutes is amended to read:

8 77.265 (4) The department of workforce development may use the returns
9 under s. ~~106.04~~ 106.50.

10 **History:** 1993 a. 412 ss. 3, 4; 1995 a. 27 ss. 3479, 9130 (4); 1997 a. 3.

10 **SECTION 12.** 101.055 (8) (ag) of the statutes is amended to read:

11 101.055 (8) (ag) In this subsection, “division of equal rights” means the division
12 of equal rights in the department of workforce development acting under the
13 authority provided in s. ~~106.06~~ 106.54 (4).

14 **History:** 1981 c. 360, 391; 1985 a. 182 s. 57; 1991 a. 39; 1995 a. 27 ss. 3652 to 3659, 9130 (4); 1995 a. 342; 1997 a. 3.

14 **SECTION 13.** 101.132 (1) (e) of the statutes is amended to read:

15 101.132 (1) (e) “Disability” has the meaning given in s. ~~106.04~~ 106.50 (1m) (g).

16 **History:** 1997 a. 237 ss. 330, 335 to 351.

16 **SECTION 14.** 101.132 (1) (f) of the statutes is amended to read:

17 101.132 (1) (f) “Dwelling unit” has the meaning given in s. ~~106.04~~ 106.50 (1m)

18 (i).

19 **History:** 1997 a. 237 ss. 330, 335 to 351.

19 **SECTION 15.** 101.132 (1) (g) of the statutes is amended to read:

20 101.132 (1) (g) “Housing” has the meaning given in s. ~~106.04~~ 106.50 (1m) (L).

21 **History:** 1997 a. 237 ss. 330, 335 to 351.

21 **SECTION 16.** 101.132 (2) (a) (intro.) of the statutes is amended to read:

1 101.132 (2) (a) (intro.) In addition to discrimination prohibited under s. ~~106.04~~
2 ~~106.50~~ (2), (2m) and (2r) (b) and (bm), no person may design or construct covered
3 multifamily housing unless it meets all of the following standards:

History: 1997 a. 237 ss. 330, 335 to 351.

4 SECTION 17. 101.62 of the statutes is amended to read:

5 101.62 Dwelling code council; power. The dwelling code council shall
6 review the standards and rules for one- and 2-family dwelling construction and
7 recommend a uniform dwelling code for adoption by the department which shall
8 include rules providing for the conservation of energy in the construction and
9 maintenance of dwellings and for costs of specific code provisions to home buyers to
10 be related to the benefits derived from such provisions. The council shall study the
11 need for and availability of one-family and 2-family dwellings that are accessible to
12 persons with disabilities, as defined in s. ~~106.04~~ ~~106.50~~ (1m) (g), and shall make
13 recommendations to the department for any changes to the uniform dwelling code
14 that may be needed to ensure an adequate supply of one-family and 2-family
15 dwellings. Upon its own initiative or at the request of the department, the council
16 shall consider and make recommendations to the department pertaining to rules and
17 any other matters related to this subchapter. The council shall recommend variances
18 for different climate and soil conditions throughout the state.

History: 1975 c. 404; 1991 a. 295; 1995 a. 27.

19 SECTION 18. 103.04 (1) of the statutes is amended to read:

20 103.04 (1) The commission shall issue its decision in any case where a petition
21 for review is filed under ch. 102 or 108 or s. 66.191, 1981 stats., or s. 40.65 (2), ~~106.04~~
22 ~~(10)~~, ~~106.07~~ ~~106.52~~ (4), ~~106.56~~ (4), 111.39, 303.07 (7) or 303.21.

History: 1977 c. 29; 1981 c. 278 s. 6; 1981 c. 334 s. 25 (2); 1983 a. 122; 1983 a. 191 s. 6; 1985 a. 182 s. 57; 1987 a. 403 s. 256; 1989 a. 31; 1991 a. 295; 1995 a. 27 s. 3651; Stats. 1995 s. 103.04.

23 SECTION 19. Chapter 106 (title) of the statutes is amended to read:

CHAPTER 106

WFO-
hard return

1

2

APPRENTICE AND, EMPLOYMENT AND EQUAL RIGHTS PROGRAMS

3

SECTION 20. 106.04 (title) of the statutes is renumbered 106.50 (title) and

4

amended to read:

5

106.50 (title) **Equal rights Open housing.**

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 a. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

6

SECTION 21. 106.04 (1) of the statutes is renumbered 106.50 (1).

7

SECTION 22. 106.04 (1m) (intro.) of the statutes is renumbered 106.50 (1m)

8

(intro.).

9

SECTION 23. 106.04 (1m) (ad) of the statutes is renumbered 106.50 (1m) (ad).

10

SECTION 24. 106.04 (1m) (am) of the statutes is renumbered 106.50 (1m) (am).

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

11

SECTION 25. 106.04 (1m) (b) of the statutes is renumbered 106.50 (1m) (b).

12

SECTION 26. 106.04 (1m) (c) of the statutes is renumbered 106.50 (1m) (c) and

13

amended to read:

14

106.50 (1m) (c) "Complainant" means a person who files a complaint alleging

15

discrimination in housing ^{plain space} for public place of accommodation or amusement.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

16

SECTION 27. 106.04 (1m) (d) of the statutes is renumbered 106.50 (1m) (d).

17

SECTION 28. 106.04 (1m) (e) of the statutes is renumbered 106.50 (1m) (e).

18

SECTION 29. 106.04 (1m) (f) of the statutes is renumbered 106.50 (1m) (f).

19

SECTION 30. 106.04 (1m) (g) of the statutes is renumbered 106.50 (1m) (g).

20

SECTION 31. 106.04 (1m) (h) of the statutes is renumbered 106.50 (1m) (h).

21

SECTION 32. 106.04 (1m) (i) of the statutes is renumbered 106.50 (1m) (i).

22

SECTION 33. 106.04 (1m) (j) of the statutes is renumbered 106.50 (1m) (j).

1 SECTION 34. 106.04 (1m) (k) of the statutes is renumbered 106.50 (1m) (k).

2 SECTION 35. 106.04 (1m) (km) of the statutes is renumbered 106.50 (1m) (km).

3 SECTION 36. 106.04 (1m) (L) of the statutes is renumbered 106.50 (1m) (L).

4 SECTION 37. 106.04 (1m) (m) of the statutes is renumbered 106.50 (1m) (m).

5 SECTION 38. 106.04 (1m) (mm) of the statutes is renumbered 106.50 (1m) (mm).

6 SECTION 39. 106.04 (1m) (n) of the statutes is renumbered 106.52 (1) (d).

7 SECTION 40. 106.04 (1m) (nm) of the statutes is renumbered 106.50 (1m) (nm).

8 SECTION 41. 106.04 (1m) (om) of the statutes is renumbered 106.50 (1m) (om).

9 SECTION 42. 106.04 (1m) (p) of the statutes is renumbered 106.52 (1) (e).

10 SECTION 43. 106.04 (1m) (q) of the statutes is renumbered 106.50 (1m) (q).

11 SECTION 44. 106.04 (1m) (r) of the statutes is renumbered 106.50 (1m) (r).

12 SECTION 45. 106.04 (1m) (s) of the statutes is renumbered 106.50 (1m) (s) and

13 amended to read:

14 106.50 (1m) (s) "Respondent" means the person accused in a complaint or

15 amended complaint of discrimination in housing and any other person identified in

16 the course of an investigation as allegedly having discriminated in housing ^{or in plain space}

17 ~~providing a public place of accommodation or amusement.~~

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

18 SECTION 46. 106.04 (1m) (t) of the statutes is renumbered 106.50 (1m) (t).

19 SECTION 47. 106.04 (1s) of the statutes is renumbered 106.50 (1s).

20 SECTION 48. 106.04 (2) of the statutes is renumbered 106.50 (2).

21 SECTION 49. 106.04 (2m) of the statutes is renumbered 106.50 (2m).

22 SECTION 50. 106.04 (2r) of the statutes is renumbered 106.50 (2r).

23 SECTION 51. 106.04 (5m) of the statutes is renumbered 106.50 (5m).

24 SECTION 52. 106.04 (6) of the statutes is renumbered 106.50 (6).

1 **SECTION 53.** 106.04 (6m) of the statutes is renumbered 106.50 (6m).

2 **SECTION 54.** 106.04 (8) (title) of the statutes is renumbered 106.50 (8) (title).

3 **SECTION 55.** 106.04 (8) (a) of the statutes is renumbered 106.50 (8) (a) and
4 amended to read:

5 106.50 (8) (a) If the department finds reasonable cause to believe that an act
6 of discrimination has been or is being committed in violation of this section by a
7 person taking an action prohibited under sub. (2), (2m) or (2r), ~~or probable cause to~~
8 ~~believe that an act has been or is being committed in violation of sub. (9), and that~~
9 the person is licensed or chartered under state law, the department shall notify the
10 licensing or chartering agency of its findings, and may file a complaint with such
11 agency together with a request that the agency initiate proceedings to suspend or
12 revoke the license or charter of such person or take other less restrictive disciplinary
13 action.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

14 **SECTION 56.** 106.04 (8) (b) of the statutes is renumbered 106.50 (8) (b).

15 **SECTION 57.** 106.04 (9) of the statutes is renumbered 106.52 (3).

16 **SECTION 58.** 106.04 (10) (title) of the statutes is renumbered 106.52 (4) (title).

17 **SECTION 59.** 106.04 (10) (a) (title) of the statutes is renumbered 106.52 (4) (a)
18 (title).

19 **SECTION 60.** 106.04 (10) (a) 1. of the statutes is renumbered 106.52 (4) (a) 1. and
20 amended to read:

21 106.52 (4) (a) 1. The department may receive and investigate a complaint
22 charging a violation of sub. (9) (3) if the complaint is filed with the department no
23 more than 300 days after the alleged act prohibited under sub. (9) (3) occurred. A

1 complaint shall be a written statement of the essential facts constituting the act
2 prohibited under sub. (9) (3) charged, and shall be verified.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

3 **SECTION 61.** 106.04 (10) (a) 2. of the statutes is renumbered 106.52 (4) (a) 2. and
4 amended to read:

5 106.52 (4) (a) 2. In carrying out this subsection, the department and its duly
6 authorized agents may hold hearings, subpoena witnesses, take testimony and make
7 investigations as provided in this chapter. The department, upon its own motion,
8 may test and investigate for the purpose of establishing violations of sub. (9) (3), and
9 may make, sign and file complaints alleging violations of sub. (9) (3), and initiate
10 investigations and studies to carry out the purposes of sub. (9) and this subsection
11 and sub. (3).

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

12 **SECTION 62.** 106.04 (10) (a) 3. of the statutes is renumbered 106.52 (4) (a) 3. and
13 amended to read:

14 106.52 (4) (a) 3. The department shall employ such examiners as are necessary
15 to hear and decide complaints of acts prohibited under sub. (9) (3) and to assist in the
16 effective administration of this subsection. The examiners may make findings and
17 orders under this subsection.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

18 **SECTION 63.** 106.04 (10) (a) 4. of the statutes is renumbered 106.52 (4) (a) 4. and
19 amended to read:

20 106.52 (4) (a) 4. If the department finds probable cause to believe that any act
21 prohibited under sub. (9) (3) has been or is being committed, it the department may
22 endeavor to eliminate the ~~discrimination or other~~ act by conference, conciliation and

1 persuasion. If the department determines that such conference, conciliation and
2 persuasion has not eliminated the alleged act prohibited under sub. [✓](9) [✓](3), the
3 department shall issue and serve a written notice of hearing, specifying the nature
4 and acts prohibited under sub. [✓](9) [✓](3) which appear to have been committed, and
5 requiring the person named, in this subsection called the “respondent”, to answer the
6 complaint at a hearing before an examiner. The notice shall specify a time of hearing,
7 not less than 10 days after service of the complaint, and a place of hearing within the
8 county in which the violation of sub. [✓](9) [✓](3) is alleged to have occurred. ~~A party's~~ The
9 attorney of record for any party may issue a subpoena to compel the attendance of
10 a witness or the production of evidence. A subpoena issued by an attorney must be
11 in substantially the same form as provided in s. 805.07 (4) and must be served in the
12 manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send
13 a copy of the subpoena to the appeal tribunal or other representative of the
14 department responsible for conducting the proceeding. The testimony at the hearing
15 shall be recorded by the department. In all hearings before an examiner, except those
16 for determining probable cause, the burden of proof is on the party alleging an act
17 prohibited under sub. [✓](9) [✓](3). If, after the hearing, the examiner finds by a fair
18 preponderance of the evidence that the respondent has violated sub. [✓](9) [✓](3), the
19 examiner shall make written findings and order such action by the respondent as
20 will effectuate the purpose of sub. (9) ~~and this subsection~~ and [✓]sub. (3). The
21 department shall serve a certified copy of the examiner's findings and order on the
22 respondent and complainant, ~~the~~ The order to shall have the same force as other
23 orders of the department and shall be enforced as provided in this subsection, except
24 that the enforcement of the order is automatically stayed upon the filing of a petition
25 for review with the commission. If the examiner finds that the respondent has not

1 engaged in an act prohibited under sub. (9) (3) as alleged in the complaint, the
2 department shall serve a certified copy of the examiner's findings on the complainant
3 and the respondent together with an order dismissing the complaint. If the
4 complaint is dismissed, costs in an amount not to exceed \$100 plus actual
5 disbursements for the attendance of witnesses may be assessed against the
6 department in the discretion of the department.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

7 **SECTION 64.** 106.04 (10) (a) 5. of the statutes is renumbered 106.52 (4) (a) 5. and

8 amended to read:

9 106.52 (4) (a) 5. At any time after a complaint is filed, the department may file
10 a petition in the circuit court for the county in which the act prohibited under sub.
11 (9) (3) allegedly occurred, or for the county in which a respondent resides or transacts
12 business, seeking appropriate temporary relief against the respondent, pending
13 final determination of proceedings under this subsection, including an order or
14 decree restraining the respondent from performing an act tending to render
15 ineffectual an order the department may enter with respect to the complaint. The
16 court may grant such temporary relief or restraining order as it the court deems just
17 and proper.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

18 **SECTION 65.** 106.04 (10) (b) of the statutes is renumbered 106.52 (4) (b).

19 **SECTION 66.** 106.04 (10) (c) of the statutes is renumbered 106.52 (4) (c) and
20 amended to read:

21 106.52 (4) (c) *Judicial review.* Within 30 days after service upon all parties of
22 an order of the commission under par. (b), the respondent or complainant may appeal
23 the order to the circuit court for the county in which the alleged act prohibited under

1 sub. (9) (3) took place by the filing of a petition for review. The respondent or
 2 complainant shall receive a new trial on all issues relating to any alleged act
 3 prohibited under sub. (9) (3) and a further right to a trial by jury, if so desired. The
 4 department of justice shall represent the commission. In any such trial the burden
 5 shall be to prove an act prohibited under sub. (9) (3) by a fair preponderance of the
 6 evidence. Costs in an amount not to exceed \$100 plus actual disbursements for the
 7 attendance of witnesses may be taxed to the prevailing party on the appeal.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

8 **SECTION 67.** 106.04 (10) (d) (title) of the statutes is renumbered 106.52 (10) (d)
 9 (title).

10 **SECTION 68.** 106.04 (10) (d) 1. of the statutes is renumbered 106.52 (4) (d) 1. and
 11 amended to read:

12 106.52 (4) (d) 1. A person who wilfully violates sub. (9) (3) or any lawful order
 13 issued under this subsection shall, for the first violation, forfeit not less than \$100
 14 nor more than \$1,000.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

15 **SECTION 69.** 106.04 (10) (d) 2. of the statutes is renumbered 106.52 (4) (d) 2. and
 16 amended to read:

17 106.52 (4) (d) 2. A person adjudged to have violated sub. (9) (3) within 5 years
 18 after having been adjudged to have violated sub. (9) (3), for every violation committed
 19 within the 5 years, shall forfeit not less than \$1,000 nor more than \$10,000.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

20 **SECTION 70.** 106.04 (10) (d) 3. of the statutes is renumbered 106.52 (4) (d) 3.

21 **SECTION 71.** 106.04 (10) (e) (title) of the statutes is renumbered 106.52 (4) (e)
 22 (title).

1 SECTION 72. 106.04 (10) (e) 1. of the statutes is renumbered 106.52 (4) (e) 1. and
2 amended to read:

3 106.52 (4) (e) 1. A person, including the state, alleging a violation of sub. (9) (3)
4 may bring a civil action for appropriate injunctive relief, for damages including
5 punitive damages, and, in the case of a prevailing plaintiff, for court costs and
6 reasonable attorney fees. The attorney general shall represent the department in
7 an action to which the department is a party.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

8 SECTION 73. 106.04 (10) (e) 2. of the statutes is renumbered 106.52 (4) (e) 2.

9 SECTION 74. 106.04 (10) (e) 3. of the statutes is renumbered 106.52 (4) (e) 3.

10 SECTION 75. 106.06 of the statutes is renumbered 106.54.

11 SECTION 76. 106.07 (title) of the statutes is renumbered 106.56 (title).

12 SECTION 77. 106.07 (1) of the statutes is renumbered 106.56 (1).

13 SECTION 78. 106.07 (2) of the statutes is renumbered 106.56 (2).

14 SECTION 79. 106.07 (3) of the statutes is renumbered 106.56 (3).

15 SECTION 80. 106.07 (4) (a) of the statutes is renumbered 106.56 (4) (a) and
16 amended to read:

17 106.56 (4) (a) The department shall receive and investigate complaints
18 charging discrimination or discriminatory practices in particular cases, and
19 publicize its findings with respect thereto. The department has all powers provided
20 under s. 111.39 with respect to the disposition of such complaints. The findings and
21 orders of examiners may be reviewed as provided under s. ~~106.04 (10)~~ 106.52 (4) (b).

History: 1975 c. 275, 421; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 221; 1981 c. 334 s. 25 (2); 1991 a. 295; 1995 a. 27 s. 3690; Stats. 1995 s. 106.07.

22 SECTION 81. 106.07 (4) (b) of the statutes is renumbered 106.56 (4) (b).

23 SECTION 82. 106.08 of the statutes is renumbered 106.58.

1 SECTION 83. Subchapter III (title) of chapter 106 [precedes 106.50] of the
2 statutes is created to read:

3 CHAPTER 106
4 SUBCHAPTER III
5 EQUAL RIGHTS PROGRAMS

6 SECTION 84. 106.52 (title) of the statutes is created to read:

7 (B) 106.52 (title) Public places of accommodation or amusement.

8 SECTION 85. 106.52 (1) of the statutes is created to read:

9 106.52 (1) DEFINITIONS. In this section:

10 (a) "Complainant" means a person who files a complaint alleging a violation of
11 sub. (3).

12 (b) "Conciliation" has the meaning given in s. 106.50 (1m) (d).

13 (c) "Disability" has the meaning given in s. 106.50 (1m) (g).

14 (f) "Respondent" means the person accused in a complaint or amended
15 complaint of committing a violation of sub. (3).

16 (g) "Sexual orientation" has the meaning given in s. 111.32 (13m).

17 SECTION 86. 106.52 (2) of the statutes is created to read:

18 106.52 (2) DEPARTMENT TO ADMINISTER. This section shall be administered by

19 the department through its division of equal rights. The department may
20 promulgate such rules as are necessary to carry out this section. No rule may

21 prohibit the processing of any class action complaint or the ordering of any
22 class-based remedy, and no rule may provide that complaints may be consolidated for

23 administrative convenience only.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

24 SECTION 87. 106.52 (5) of the statutes is created to read:

1 106.52 (5) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS. (a) If the
2 department finds probable cause to believe that an act has been or is being
3 committed in violation of sub. (3) and that the person ^{who committed or is committing the act} is licensed or chartered under
4 state law, the department shall notify the licensing or chartering agency of its
5 findings and may file a complaint with such agency together with a request that the
6 agency initiate proceedings to suspend or revoke the license or charter of such person
7 or take other less restrictive disciplinary action.

8 (b) Upon filing a complaint under par. (a), the department shall make available
9 to the appropriate licensing or chartering agency all pertinent documents and files
10 in its custody, and shall cooperate fully with such agency in the agency's proceedings.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312.

11 **SECTION 88.** 224.77 (5) (b) of the statutes is amended to read:

12 224.77 (5) (b) *Other penalties.* The penalty under par. (a) may be imposed in
13 addition to any penalty imposed under s. 66.432, ~~106.04~~ 106.50 or 224.80.

History: 1987 a. 359; 1987 a. 403 ss. 182, 256; Stats. 1987 s. 440.77; 1993 a. 112; 1995 a. 27 ss. 6598 to 6600; Stats. 1995 s. 224.77; 1997 a. 145, 191, 237; s. 13.93 (1) (b).

14 **SECTION 89.** 227.03 (3m) of the statutes is amended to read:

15 227.03 (3m) (a) This chapter does not apply to proceedings before the
16 department of workforce development relating to housing discrimination under s.
17 ~~106.04 (1) to (8)~~ 106.50, except as provided in s. ~~106.04~~ 106.50 (6).

18 (b) Only the provisions of this chapter relating to rules are applicable to matters
19 arising out of protection against discrimination in a public place of accommodation
20 or amusement under s. ~~106.04 (9) and (10)~~ 106.52.

History: 1985 a. 182; 1989 a. 31; 1991 a. 32, 295; 1993 a. 16, 263, 377; 1995 a. 27 ss. 6224 to 6226m, 9130 (4); 1995 a. 77, 227, 351; 1997 a. 3, 191, 237, 283.

21 **SECTION 90.** 227.40 (2) (e) of the statutes is amended to read:

22 227.40 (2) (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), ~~106.04~~
23 106.50, 106.52, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or

1 949 for review of decisions and orders of administrative agencies if the validity of the
2 rule involved was duly challenged in the proceeding before the agency in which the
3 order or decision sought to be reviewed was made or entered.

History: Sup. Ct. Order, 67 W (2d) 585, 775 (1975); 1977 c. 29, 449; 1981 c. 278 s. 6; 1983 a. 90; 1983 a. 191 s. 6; 1985 a. 182 ss. 26, 55 (1), 57; Stats. 1985 s. 227.40; 1987 a. 403 s. 256; 1989 a. 31; 1991 a. 316; 1995 a. 27.

4 **SECTION 91.** 452.17 (4) (b) of the statutes is amended to read:

5 452.17 (4) (b) This penalty may be imposed in addition to any penalty imposed
6 under this chapter or s. 66.432 or ~~106.04~~ 106.50.

History: 1981 c. 94; 1983 a. 354; 1987 a. 399; 1989 a. 95, 307, 341; 1995 a. 27.

7 **SECTION 92.** 452.23 (1) of the statutes is amended to read:

8 452.23 (1) A broker or salesperson may not disclose to any person in connection
9 with the sale, exchange, purchase or rental of real property information, the
10 disclosure of which constitutes unlawful discrimination in housing under s. ~~106.04~~
11 106.50 or unlawful discrimination based on handicap under 42 USC 3604, 3605,
12 3606 or 3617.

History: 1989 a. 341; 1995 a. 27.

13 **SECTION 93.** 703.10 (2m) of the statutes is amended to read:

14 703.10 (2m) LIMITATION ON ENFORCEMENT OF CERTAIN PROVISIONS. No bylaw or
15 rule adopted under a bylaw and no covenant, condition or restriction set forth in a
16 declaration or deed to a unit may be applied to discriminate against an individual
17 in a manner described in s. ~~106.04~~ 106.50.

History: 1977 c. 407; 1987 a. 262; 1991 a. 295; 1995 a. 27.

18 **SECTION 94.** 814.04 (intro.) of the statutes is amended to read:

19 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
20 ~~106.04~~ 106.50 (6) (i) and (6m) (a), 115.80 (9), 769.313, 814.025, 814.245, 895.035 (4),
21 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d) and 943.51
22 (2) (b), when allowed costs shall be as follows:

~~NOTE: NOTE: Section 814.04 (intro.) is shown as affected by two acts of the 1997 legislature and as merged by the reviser under s. 13.93 (2). NOTE:~~

History: Sup. Ct. Order, 50 W (2d) vii (1971); 1971 c. 141; Sup. Ct. Order, 67 W (2d) 585, 761, 780 (1975); Stats. 1975 s. 814.04; 1977 c. 209; 1979 c. 110 s. 60 (13); 1979 c. 271, 355; 1981 c. 123, 317; 1985 a. 52, 311; 1987 a. 348; 1991 a. 39, 65, 189, 295; 1993 a. 98, 326, 486, 490, 491; 1995 a. 24, 27, 133, 149, 262, 417; 1997 a. 55, 164, 254.

1 **SECTION 95.** 895.437 (1) (c) of the statutes is amended to read:

2 895.437 (1) (c) "Lodging establishment" has the meaning given in s. ~~106.04~~

3 ~~(1m) (n)~~ 106.52 (1) (d).

4 **History:** 1989 a. 94; 1991 a. 295; 1995 a. 27, 448.

(END) ✓



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0970/P
GMM:wlj&jlg:jf

FD
AMR

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

Reger

1 AN ACT *to renumber* 106.04 (1), 106.04 (1m) (intro.), 106.04 (1m) (ad), 106.04
2 (1m) (am), 106.04 (1m) (b), 106.04 (1m) (d), 106.04 (1m) (e), 106.04 (1m) (f),
3 106.04 (1m) (g), 106.04 (1m) (h), 106.04 (1m) (i), 106.04 (1m) (j), 106.04 (1m) (k),
4 106.04 (1m) (km), 106.04 (1m) (L), 106.04 (1m) (m), 106.04 (1m) (mm), 106.04
5 (1m) (n), 106.04 (1m) (nm), 106.04 (1m) (om), 106.04 (1m) (p), 106.04 (1m) (q),
6 106.04 (1m) (r), 106.04 (1m) (t), 106.04 (1s), 106.04 (2), 106.04 (2m), 106.04 (2r),
7 106.04 (5m), 106.04 (6), 106.04 (6m), 106.04 (8) (title), 106.04 (8) (b), 106.04 (9),
8 106.04 (10) (title), 106.04 (10) (a) (title), 106.04 (10) (b), 106.04 (10) (d) (title),
9 106.04 (10) (d) 3., 106.04 (10) (e) (title), 106.04 (10) (e) 2., 106.04 (10) (e) 3.,
10 106.06, 106.07 (title), 106.07 (1), 106.07 (2), 106.07 (3), 106.07 (4) (b) and 106.08;
11 *to renumber and amend* 106.04 (title), 106.04 (1m) (c), 106.04 (1m) (s), 106.04
12 (8) (a), 106.04 (10) (a) 1., 106.04 (10) (a) 2., 106.04 (10) (a) 3., 106.04 (10) (a) 4.,
13 106.04 (10) (a) 5., 106.04 (10) (c), 106.04 (10) (d) 1., 106.04 (10) (d) 2., 106.04 (10)
14 (e) 1. and 106.07 (4) (a); *to amend* 15.157 (3), 16.009 (5) (d), 46.90 (4) (b) 2. b.,
15 50.07 (3) (b), 66.432 (1), 66.432 (1m) (a), 66.432 (1m) (b), 66.432 (1m) (c), 66.432

1 (1m) (d), 66.432 (2), 77.265 (4), 101.055 (8) (ag), 101.132 (1) (e), 101.132 (1) (f),
2 101.132 (1) (g), 101.132 (2) (a) (intro.), 101.62, 103.04 (1), chapter 106 (title),
3 224.77 (5) (b), 227.03 (3m), 227.40 (2) (e), 452.17 (4) (b), 452.23 (1), 703.10 (2m),
4 814.04 (intro.) and 895.437 (1) (c); and **to create** subchapter III (title) of chapter
5 106 [precedes 106.50], 106.52 (title), 106.52 (1), 106.52 (2) and 106.52 (5) of the
6 statutes; **relating to:** the location in the statutes of the equal rights programs
7 administered by the department of workforce development (suggested as
8 remedial legislation by the department of workforce development).

Analysis by the Legislative Reference Bureau

Under current law, the department of workforce development administers certain equal rights programs, including programs to prohibit discrimination in housing, discrimination in the enjoyment of public places of accommodation or amusement, discrimination in public education, discrimination in postsecondary education and discrimination or retaliation against a person who reports elder abuse or who provides information relating to an alleged violation by a long-term care facility to a state official, including the long-term care ombudsman. Currently, the statutory provisions governing those equal rights programs are located in chapter 106 of the statutes, which is entitled "Apprentice and Employment Programs" and, within that chapter, are located in subchapter II, which is entitled "Employment Programs". This bill changes the title of chapter 106 of the statutes to "Apprentice, Employment and Equal Rights Programs", creates a new subchapter III within that chapter entitled "Equal Rights Programs" and renumbers the equal rights provisions of chapter 106 to place those provisions under the new subchapter created by ^{the} this bill.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of workforce development and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 15.157 (3) of the statutes is amended to read:

2 15.157 (3) DWELLING CODE COUNCIL. There is created in the department of
3 commerce, a dwelling code council, consisting of 17 members appointed for staggered
4 3-year terms. Four members shall be representatives of building trade labor
5 organizations; 4 members shall be certified building inspectors employed by local
6 units of government; 2 members shall be representatives of building contractors
7 actively engaged in on-site construction of one- and 2-family housing; 2 members
8 shall be representatives of manufacturers or installers of manufactured one- and
9 2-family housing; one member shall be an architect, engineer or designer actively
10 engaged in the design or evaluation of one- and 2-family housing; 2 members shall
11 represent the construction material supply industry; and 2 members shall represent
12 the public, one of whom shall represent persons with disabilities, as defined in s.
13 ~~106.04~~ 106.50 (1m) (g). An employe of the department designated by the secretary
14 of commerce shall serve as nonvoting secretary of the council. The council shall meet
15 at least twice a year. Eleven members of the council shall constitute a quorum. For
16 the purpose of conducting business a majority vote of the council is required.

17 **SECTION 2.** 16.009 (5) (d) of the statutes is amended to read:

18 16.009 (5) (d) Any employe of an employer not described in par. (c) and who is
19 discharged or otherwise retaliated or discriminated against in violation of par. (a)
20 may file a complaint with the department of workforce development under s. ~~106.06~~
21 106.54 (5).

22 **SECTION 3.** 46.90 (4) (b) 2. b. of the statutes is amended to read:

23 46.90 (4) (b) 2. b. Any employe of an employer not described in subd. 2. a. who
24 is discharged or otherwise discriminated against may file a complaint with the
25 department of workforce development under s. ~~106.06~~ 106.54 (5).

1 **SECTION 4.** 50.07 (3) (b) of the statutes is amended to read:

2 50.07 (3) (b) Any employe of an employer not described in par. (a) who is
3 discharged or otherwise retaliated or discriminated against in violation of sub. (1)
4 (e) or (em) may file a complaint with the department of workforce development under
5 s. ~~106.06~~ 106.54 (5).

6 **SECTION 5.** 66.432 (1) of the statutes is amended to read:

7 66.432 (1) DECLARATION OF POLICY. The right of all persons to have equal
8 opportunities for housing regardless of their sex, race, color, physical condition,
9 disability as defined in s. ~~106.04~~ 106.50 (1m) (g), sexual orientation as defined in s.
10 111.32 (13m), religion, national origin, marital status, family status as defined in s.
11 ~~106.04~~ 106.50 (1m) (k), lawful source of income, age or ancestry is a matter both of
12 statewide concern under ss. 101.132 and ~~106.04~~ 106.50 and also of local interest
13 under this section and s. 66.433. The enactment of ss. 101.132 and ~~106.04~~ 106.50 by
14 the legislature shall not preempt the subject matter of equal opportunities in housing
15 from consideration by political subdivisions, and shall not exempt political
16 subdivisions from their duty, nor deprive them of their right, to enact ordinances
17 which prohibit discrimination in any type of housing solely on the basis of an
18 individual being a member of a protected class.

19 **SECTION 6.** 66.432 (1m) (a) of the statutes is amended to read:

20 66.432 (1m) (a) “Aggrieved person” has the meaning given in s. ~~106.04~~ 106.50
21 (1m) (b).

22 **SECTION 7.** 66.432 (1m) (b) of the statutes is amended to read:

23 66.432 (1m) (b) “Complainant” has the meaning given in s. ~~106.04~~ 106.50 (1m)
24 (c).

25 **SECTION 8.** 66.432 (1m) (c) of the statutes is amended to read:

1 66.432 (1m) (c) “Discriminate” has the meaning given in s. ~~106.04~~ 106.50 (1m)
2 (h).

3 **SECTION 9.** 66.432 (1m) (d) of the statutes is amended to read:

4 66.432 (1m) (d) “Member of a protected class” has the meaning given in s.
5 ~~106.04~~ 106.50 (1m) (nm).

6 **SECTION 10.** 66.432 (2) of the statutes is amended to read:

7 66.432 (2) ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may
8 enact ordinances prohibiting discrimination in housing within their respective
9 boundaries solely on the basis of an individual being a member of a protected class.
10 Such an ordinance may be similar to ss. 101.132 and ~~106.04 (1) to (8)~~ 106.50 or may
11 be more inclusive in its terms or in respect to the different types of housing subject
12 to its provisions, but any such ordinance establishing a forfeiture as a penalty for
13 violation shall not be for an amount that is less than the statutory forfeitures under
14 s. ~~106.04~~ 106.50 (6) (h). Such an ordinance may permit a complainant, aggrieved
15 person or respondent to elect to remove the action to circuit court after a finding has
16 been made that there is reasonable cause to believe that a violation of the ordinance
17 has occurred. Such an ordinance may also authorize the political subdivision, at any
18 time after a complaint has been filed alleging an ordinance violation, to file a
19 complaint in circuit court seeking a temporary injunction or restraining order
20 pending final disposition of the complaint.

21 **SECTION 11.** 77.265 (4) of the statutes is amended to read:

22 77.265 (4) The department of workforce development may use the returns
23 under s. ~~106.04~~ 106.50.

24 **SECTION 12.** 101.055 (8) (ag) of the statutes is amended to read:

1 101.055 (8) (ag) In this subsection, “division of equal rights” means the division
2 of equal rights in the department of workforce development acting under the
3 authority provided in s. ~~106.06~~ 106.54 (4).

4 **SECTION 13.** 101.132 (1) (e) of the statutes is amended to read:

5 101.132 (1) (e) “Disability” has the meaning given in s. ~~106.04~~ 106.50 (1m) (g).

6 **SECTION 14.** 101.132 (1) (f) of the statutes is amended to read:

7 101.132 (1) (f) “Dwelling unit” has the meaning given in s. ~~106.04~~ 106.50 (1m)
8 (i).

9 **SECTION 15.** 101.132 (1) (g) of the statutes is amended to read:

10 101.132 (1) (g) “Housing” has the meaning given in s. ~~106.04~~ 106.50 (1m) (L).

11 **SECTION 16.** 101.132 (2) (a) (intro.) of the statutes is amended to read:

12 101.132 (2) (a) (intro.) In addition to discrimination prohibited under s. ~~106.04~~
13 106.50 (2), (2m) and (2r) (b) and (bm), no person may design or construct covered
14 multifamily housing unless it meets all of the following standards:

15 **SECTION 17.** 101.62 of the statutes is amended to read:

16 **101.62 Dwelling code council; power.** The dwelling code council shall
17 review the standards and rules for one- and 2-family dwelling construction and
18 recommend a uniform dwelling code for adoption by the department which shall
19 include rules providing for the conservation of energy in the construction and
20 maintenance of dwellings and for costs of specific code provisions to home buyers to
21 be related to the benefits derived from such provisions. The council shall study the
22 need for and availability of one-family and 2-family dwellings that are accessible to
23 persons with disabilities, as defined in s. ~~106.04~~ 106.50 (1m) (g), and shall make
24 recommendations to the department for any changes to the uniform dwelling code
25 that may be needed to ensure an adequate supply of one-family and 2-family

1 dwellings. Upon its own initiative or at the request of the department, the council
2 shall consider and make recommendations to the department pertaining to rules and
3 any other matters related to this subchapter. The council shall recommend variances
4 for different climate and soil conditions throughout the state.

5 **SECTION 18.** 103.04 (1) of the statutes is amended to read:

6 103.04 (1) The commission shall issue its decision in any case where a petition
7 for review is filed under ch. 102 or 108 or s. 66.191, 1981 stats., or s. 40.65 (2), ~~106.04~~
8 ~~(10), 106.07~~ 106.52 (4), 106.56 (4), 111.39, 303.07 (7) or 303.21.

9 **SECTION 19.** Chapter 106 (title) of the statutes is amended to read:

10 **CHAPTER 106**

11 **APPRENTICE AND EMPLOYMENT AND**

12 **EQUAL RIGHTS PROGRAMS**

13 **SECTION 20.** 106.04 (title) of the statutes is renumbered 106.50 (title) and
14 amended to read:

15 **106.50 (title) Equal rights Open housing.**

16 **SECTION 21.** 106.04 (1) of the statutes is renumbered 106.50 (1).

17 **SECTION 22.** 106.04 (1m) (intro.) of the statutes is renumbered 106.50 (1m)
18 (intro.).

19 **SECTION 23.** 106.04 (1m) (ad) of the statutes is renumbered 106.50 (1m) (ad).

20 **SECTION 24.** 106.04 (1m) (am) of the statutes is renumbered 106.50 (1m) (am).

21 **SECTION 25.** 106.04 (1m) (b) of the statutes is renumbered 106.50 (1m) (b).

22 **SECTION 26.** 106.04 (1m) (c) of the statutes is renumbered 106.50 (1m) (c) and
23 amended to read:

24 106.50 (1m) (c) "Complainant" means a person who files a complaint alleging
25 discrimination in housing ~~or public place of accommodation or amusement.~~

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- 1 **SECTION 27.** 106.04 (1m) (d) of the statutes is renumbered 106.50 (1m) (d).
- 2 **SECTION 28.** 106.04 (1m) (e) of the statutes is renumbered 106.50 (1m) (e).
- 3 **SECTION 29.** 106.04 (1m) (f) of the statutes is renumbered 106.50 (1m) (f).
- 4 **SECTION 30.** 106.04 (1m) (g) of the statutes is renumbered 106.50 (1m) (g).
- 5 **SECTION 31.** 106.04 (1m) (h) of the statutes is renumbered 106.50 (1m) (h).
- 6 **SECTION 32.** 106.04 (1m) (i) of the statutes is renumbered 106.50 (1m) (i).
- 7 **SECTION 33.** 106.04 (1m) (j) of the statutes is renumbered 106.50 (1m) (j).
- 8 **SECTION 34.** 106.04 (1m) (k) of the statutes is renumbered 106.50 (1m) (k).
- 9 **SECTION 35.** 106.04 (1m) (km) of the statutes is renumbered 106.50 (1m) (km).
- 10 **SECTION 36.** 106.04 (1m) (L) of the statutes is renumbered 106.50 (1m) (L).
- 11 **SECTION 37.** 106.04 (1m) (m) of the statutes is renumbered 106.50 (1m) (m).
- 12 **SECTION 38.** 106.04 (1m) (mm) of the statutes is renumbered 106.50 (1m) (mm).
- 13 **SECTION 39.** 106.04 (1m) (n) of the statutes is renumbered 106.52 (1) (d).
- 14 **SECTION 40.** 106.04 (1m) (nm) of the statutes is renumbered 106.50 (1m) (nm).
- 15 **SECTION 41.** 106.04 (1m) (om) of the statutes is renumbered 106.50 (1m) (om).
- 16 **SECTION 42.** 106.04 (1m) (p) of the statutes is renumbered 106.52 (1) (e).
- 17 **SECTION 43.** 106.04 (1m) (q) of the statutes is renumbered 106.50 (1m) (q).
- 18 **SECTION 44.** 106.04 (1m) (r) of the statutes is renumbered 106.50 (1m) (r).
- 19 **SECTION 45.** 106.04 (1m) (s) of the statutes is renumbered 106.50 (1m) (s) and

amended to read:

106.50 (1m) (s) "Respondent" means the person accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing ~~or in providing a public place of accommodation or amusement.~~

SECTION 46. 106.04 (1m) (t) of the statutes is renumbered 106.50 (1m) (t).

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- 1 **SECTION 47.** 106.04 (1s) of the statutes is renumbered 106.50 (1s).
- 2 **SECTION 48.** 106.04 (2) of the statutes is renumbered 106.50 (2).
- 3 **SECTION 49.** 106.04 (2m) of the statutes is renumbered 106.50 (2m).
- 4 **SECTION 50.** 106.04 (2r) of the statutes is renumbered 106.50 (2r).
- 5 **SECTION 51.** 106.04 (5m) of the statutes is renumbered 106.50 (5m).
- 6 **SECTION 52.** 106.04 (6) of the statutes is renumbered 106.50 (6).
- 7 **SECTION 53.** 106.04 (6m) of the statutes is renumbered 106.50 (6m).
- 8 **SECTION 54.** 106.04 (8) (title) of the statutes is renumbered 106.50 (8) (title).
- 9 **SECTION 55.** 106.04 (8) (a) of the statutes is renumbered 106.50 (8) (a) and

Insert
9-17

10 amended to read:

11 106.50 (8) (a) If the department finds reasonable cause to believe that an act
 12 of discrimination has been or is being committed in violation of this section by a
 13 person taking an action prohibited under sub. (2), (2m) or (2r), ~~or probable cause to~~
 14 ~~believe that an act has been or is being committed in violation of sub. (9), and that~~
 15 the person is licensed or chartered under state law, the department shall notify the
 16 licensing or chartering agency of its findings, and may file a complaint with such
 17 agency together with a request that the agency initiate proceedings to suspend or
 18 revoke the license or charter of such person or take other less restrictive disciplinary
 19 action.

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- 20 **SECTION 56.** 106.04 (8) (b) of the statutes is renumbered 106.50 (8) (b).
- 21 **SECTION 57.** 106.04 (9) of the statutes is renumbered 106.52 (3).
- 22 **SECTION 58.** 106.04 (10) (title) of the statutes is renumbered 106.52 (4) (title).
- 23 **SECTION 59.** 106.04 (10) (a) (title) of the statutes is renumbered 106.52 (4) (a)
- 24 (title).

1 **SECTION 60.** 106.04 (10) (a) 1. of the statutes is renumbered 106.52 (4) (a) 1. and
2 amended to read:

3 106.52 (4) (a) 1. The department may receive and investigate a complaint
4 charging a violation of sub. ~~(9)~~ (3) if the complaint is filed with the department no
5 more than 300 days after the alleged act prohibited under sub. ~~(9)~~ (3) occurred. A
6 complaint shall be a written statement of the essential facts constituting the act
7 prohibited under sub. ~~(9)~~ (3) charged, and shall be verified.

8 **SECTION 61.** 106.04 (10) (a) 2. of the statutes is renumbered 106.52 (4) (a) 2. and
9 amended to read:

10 106.52 (4) (a) 2. In carrying out this subsection, the department and its duly
11 authorized agents may hold hearings, subpoena witnesses, take testimony and make
12 investigations as provided in this chapter. The department, upon its own motion,
13 may test and investigate for the purpose of establishing violations of sub. ~~(9)~~ (3), and
14 may make, sign and file complaints alleging violations of sub. ~~(9)~~ (3), and initiate
15 investigations and studies to carry out the purposes of ~~sub. (9) and~~ this subsection
16 and sub. (3).

17 **SECTION 62.** 106.04 (10) (a) 3. of the statutes is renumbered 106.52 (4) (a) 3. and
18 amended to read:

19 106.52 (4) (a) 3. The department shall employ such examiners as are necessary
20 to hear and decide complaints of acts prohibited under sub. ~~(9)~~ (3) and to assist in the
21 effective administration of this subsection. The examiners may make findings and
22 orders under this subsection.

23 **SECTION 63.** 106.04 (10) (a) 4. of the statutes is renumbered 106.52 (4) (a) 4. and
24 amended to read:

1 106.52 (4) (a) 4. If the department finds probable cause to believe that any act
2 prohibited under sub. ~~(9) (3)~~ has been or is being committed, ~~it~~ the department may
3 endeavor to eliminate the ~~discrimination or other~~ act by conference, conciliation and
4 persuasion. If the department determines that such conference, conciliation and
5 persuasion has not eliminated the alleged act prohibited under sub. ~~(9) (3)~~, the
6 department shall issue and serve a written notice of hearing, specifying the nature
7 and acts prohibited under sub. ~~(9) (3)~~ which appear to have been committed, and
8 requiring the person named, in this subsection called the “respondent”, to answer the
9 complaint at a hearing before an examiner. The notice shall specify a time of hearing,
10 not less than 10 days after service of the complaint, and a place of hearing within the
11 county in which the violation of sub. ~~(9) (3)~~ is alleged to have occurred. ~~A party’s~~ The
12 attorney of record for any party may issue a subpoena to compel the attendance of
13 a witness or the production of evidence. A subpoena issued by an attorney must be
14 in substantially the same form as provided in s. 805.07 (4) and must be served in the
15 manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send
16 a copy of the subpoena to the appeal tribunal or other representative of the
17 department responsible for conducting the proceeding. The testimony at the hearing
18 shall be recorded by the department. In all hearings before an examiner, except those
19 for determining probable cause, the burden of proof is on the party alleging an act
20 prohibited under sub. ~~(9) (3)~~. If, after the hearing, the examiner finds by a fair
21 preponderance of the evidence that the respondent has violated sub. ~~(9) (3)~~, the
22 examiner shall make written findings and order such action by the respondent as
23 will effectuate the purpose of sub. ~~(9)~~ and this subsection and sub. (3). The
24 department shall serve a certified copy of the examiner’s findings and order on the
25 respondent and complainant, ~~the~~. The order to shall have the same force as other

1 orders of the department and shall be enforced as provided in this subsection, except
2 that the enforcement of the order is automatically stayed upon the filing of a petition
3 for review with the commission. If the examiner finds that the respondent has not
4 engaged in an act prohibited under sub. ~~(9)~~ (3) as alleged in the complaint, the
5 department shall serve a certified copy of the examiner's findings on the complainant
6 and the respondent together with an order dismissing the complaint. If the
7 complaint is dismissed, costs in an amount not to exceed \$100 plus actual
8 disbursements for the attendance of witnesses may be assessed against the
9 department in the discretion of the department.

10 **SECTION 64.** 106.04 (10) (a) 5. of the statutes is renumbered 106.52 (4) (a) 5. and
11 amended to read:

12 106.52 (4) (a) 5. At any time after a complaint is filed, the department may file
13 a petition in the circuit court for the county in which the act prohibited under sub.
14 ~~(9)~~ (3) allegedly occurred, or for the county in which a respondent resides or transacts
15 business, seeking appropriate temporary relief against the respondent, pending
16 final determination of proceedings under this subsection, including an order or
17 decree restraining the respondent from performing an act tending to render
18 ineffectual an order the department may enter with respect to the complaint. The
19 court may grant such temporary relief or restraining order as ~~it~~ the court deems just
20 and proper.

21 **SECTION 65.** 106.04 (10) (b) of the statutes is renumbered 106.52 (4) (b).

22 **SECTION 66.** 106.04 (10) (c) of the statutes is renumbered 106.52 (4) (c) and
23 amended to read:

24 106.52 (4) (c) *Judicial review.* Within 30 days after service upon all parties of
25 an order of the commission under par. (b), the respondent or complainant may appeal

1 the order to the circuit court for the county in which the alleged act prohibited under
2 sub. ~~(9)~~ (3) took place by the filing of a petition for review. The respondent or
3 complainant shall receive a new trial on all issues relating to any alleged act
4 prohibited under sub. ~~(9)~~ (3) and a further right to a trial by jury, if so desired. The
5 department of justice shall represent the commission. In any such trial the burden
6 shall be to prove an act prohibited under sub. ~~(9)~~ (3) by a fair preponderance of the
7 evidence. Costs in an amount not to exceed \$100 plus actual disbursements for the
8 attendance of witnesses may be taxed to the prevailing party on the appeal.

9 **SECTION 67.** 106.04 (10) (d) (title) of the statutes is renumbered 106.52 (10) (d)
10 (title).

11 **SECTION 68.** 106.04 (10) (d) 1. of the statutes is renumbered 106.52 (4) (d) 1. and
12 amended to read:

13 106.52 (4) (d) 1. A person who wilfully violates sub. ~~(9)~~ (3) or any lawful order
14 issued under this subsection shall, for the first violation, forfeit not less than \$100
15 nor more than \$1,000.

16 **SECTION 69.** 106.04 (10) (d) 2. of the statutes is renumbered 106.52 (4) (d) 2. and
17 amended to read:

18 106.52 (4) (d) 2. A person adjudged to have violated sub. ~~(9)~~ (3) within 5 years
19 after having been adjudged to have violated sub. ~~(9)~~ (3), for every violation committed
20 within the 5 years, shall forfeit not less than \$1,000 nor more than \$10,000.

21 **SECTION 70.** 106.04 (10) (d) 3. of the statutes is renumbered 106.52 (4) (d) 3.

22 **SECTION 71.** 106.04 (10) (e) (title) of the statutes is renumbered 106.52 (4) (e)
23 (title).

24 **SECTION 72.** 106.04 (10) (e) 1. of the statutes is renumbered 106.52 (4) (e) 1. and
25 amended to read:

SECTION 72

1 106.52 (4) (e) 1. A person, including the state, alleging a violation of sub. (9) (3)
 2 may bring a civil action for appropriate injunctive relief, for damages including
 3 punitive damages, and, in the case of a prevailing plaintiff, for court costs and
 4 reasonable attorney fees. The attorney general shall represent the department in
 5 an action to which the department is a party.

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SECTION 73. 106.04 (10) (e) 2. of the statutes is renumbered 106.52 (4) (e) 2.

SECTION 74. 106.04 (10) (e) 3. of the statutes is renumbered 106.52 (4) (e) 3.

SECTION 75. 106.06 of the statutes is renumbered 106.54.

SECTION 76. 106.07 (title) of the statutes is renumbered 106.56 (title).

SECTION 77. 106.07 (1) of the statutes is renumbered 106.56 (1).

SECTION 78. 106.07 (2) of the statutes is renumbered 106.56 (2).

SECTION 79. 106.07 (3) of the statutes is renumbered 106.56 (3).

13 **SECTION 80.** 106.07 (4) (a) of the statutes is renumbered 106.56 (4) (a) and
 14 amended to read:

15 106.56 (4) (a) The department shall receive and investigate complaints
 16 charging discrimination or discriminatory practices in particular cases, and
 17 publicize its findings with respect thereto. The department has all powers provided
 18 under s. 111.39 with respect to the disposition of such complaints. The findings and
 19 orders of examiners may be reviewed as provided under s. ~~106.04 (10)~~ 106.52 (4) (b).

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SECTION 81. 106.07 (4) (b) of the statutes is renumbered 106.56 (4) (b).

SECTION 82. 106.08 of the statutes is renumbered 106.58.

23 **SECTION 83.** Subchapter III (title) of chapter 106 [precedes 106.50] of the
 24 statutes is created to read:

CHAPTER 106

SUBCHAPTER III

24
25

EQUAL RIGHTS PROGRAMS

SECTION 84. 106.52 (title) of the statutes is created to read:

106.52 (title) **Public places of accommodation or amusement.**

SECTION 85. 106.52 (1) of the statutes is created to read:

106.52 (1) DEFINITIONS. In this section:

(a) "Complainant" means a person who files a complaint alleging a violation of sub. (3).

(b) "Conciliation" has the meaning given in s. 106.50 (1m) (d).

(c) "Disability" has the meaning given in s. 106.50 (1m) (g).

(f) "Respondent" means the person accused in a complaint or amended complaint of committing a violation of sub. (3).

(g) "Sexual orientation" has the meaning given in s. 111.32 (13m).

SECTION 86. 106.52 (2) of the statutes is created to read:

106.52 (2) DEPARTMENT TO ADMINISTER. The department shall administer this section through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing of any class action complaint or the ordering of any class-based remedy, and no rule may provide that complaints may be consolidated for administrative convenience only.

SECTION 87. 106.52 (5) of the statutes is created to read:

106.52 (5) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS. (a) If the department finds probable cause to believe that an act has been or is being committed in violation of sub. (3) and that the person who committed or is committing the act is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings and may file a complaint with

Insert
15-1

NOTE: THIS SECTION created as title for new s. 106.52, created by this bill, relating to discrimination in public places of accommodation or amusement.

Insert
15-12

Insert
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1 such agency together with a request that the agency initiate proceedings to suspend
2 or revoke the license or charter of such person or take other less restrictive
3 disciplinary action.

4 (b) Upon filing a complaint under par. (a), the department shall make available
5 to the appropriate licensing or chartering agency all pertinent documents and files
6 in its custody, and shall cooperate fully with such agency in the agency's proceedings.

7 **SECTION 88.** 224.77 (5) (b) of the statutes is amended to read:

8 224.77 (5) (b) *Other penalties.* The penalty under par. (a) may be imposed in
9 addition to any penalty imposed under s. 66.432, ~~106.04~~ 106.50 or 224.80.

10 **SECTION 89.** 227.03 (3m) of the statutes is amended to read:

11 227.03 (3m) (a) This chapter does not apply to proceedings before the
12 department of workforce development relating to housing discrimination under s.
13 ~~106.04 (1) to (8)~~ 106.50, except as provided in s. ~~106.04~~ 106.50 (6).

14 (b) Only the provisions of this chapter relating to rules are applicable to matters
15 arising out of protection against discrimination in a public place of accommodation
16 or amusement under s. ~~106.04 (9) and (10)~~ 106.52.

17 **SECTION 90.** 227.40 (2) (e) of the statutes is amended to read:

18 227.40 (2) (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), ~~106.04~~
19 106.50, 106.52, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or
20 949 for review of decisions and orders of administrative agencies if the validity of the
21 rule involved was duly challenged in the proceeding before the agency in which the
22 order or decision sought to be reviewed was made or entered.

23 **SECTION 91.** 452.17 (4) (b) of the statutes is amended to read:

24 452.17 (4) (b) This penalty may be imposed in addition to any penalty imposed
25 under this chapter or s. 66.432 or ~~106.04~~ 106.50.

1 **SECTION 92.** 452.23 (1) of the statutes is amended to read:

2 452.23 (1) A broker or salesperson may not disclose to any person in connection
3 with the sale, exchange, purchase or rental of real property information, the
4 disclosure of which constitutes unlawful discrimination in housing under s. ~~106.04~~
5 106.50 or unlawful discrimination based on handicap under 42 USC 3604, 3605,
6 3606 or 3617.

7 **SECTION 93.** 703.10 (2m) of the statutes is amended to read:

8 703.10 (2m) LIMITATION ON ENFORCEMENT OF CERTAIN PROVISIONS. No bylaw or
9 rule adopted under a bylaw and no covenant, condition or restriction set forth in a
10 declaration or deed to a unit may be applied to discriminate against an individual
11 in a manner described in s. ~~106.04~~ 106.50.

12 **SECTION 94.** 814.04 (intro.) of the statutes is amended to read:

13 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
14 ~~106.04~~ 106.50 (6) (i) and (6m) (a), 115.80 (9), 769.313, 814.025, 814.245, 895.035 (4),
15 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d) and 943.51
16 (2) (b), when allowed costs shall be as follows:

17 **SECTION 95.** 895.437 (1) (c) of the statutes is amended to read:

18 895.437 (1) (c) "Lodging establishment" has the meaning given in s. ~~106.04~~
19 ~~(1m) (n)~~ 106.52 (1) (d).

(END)

Handwritten notes: A box containing "17-19" with a vertical line and an arrow pointing to line 19.

Combine into 1 draft

NOTES FOR LRB-0965

- 1. On page 3, after line 16, insert: "NOTE: SECTIONS 1 to 16 place the 16 statutory responsibilities of the department of workforce development with respect to vocational rehabilitation services in a new sequence. No substantive changes are made in the provisions."
- 2. On page 4, after line 16, insert: "NOTE: SECTIONS 11, 18 and 19, insert new cross-references to reflect the renumbering made by this bill."

NOTES FOR LRB-0970

adding establishment

Insert 7-8

1. On page 7, following line 8, insert: ^{CS}NOTE: SECTIONS 1 to 18 change cross-references to reflect the new structure created for ch. 106 by this bill. ^(stats.)

Insert 7-12

2. On page 7, after line 12, insert: ^{CS}NOTE: The title of chapter 106 is amended to reflect that the chapter deals with three topics: apprenticeship, employment and equal rights programs. ^(ch.) ^(stats.)

Insert 7-15

3. On page 7, after line 15, insert: ^{CS}NOTE: The change in the title of the renumbered provision reflects that the provisions in current s. 106.04, ^(that) Stats., which relate to housing discrimination, are placed in a new statute relating only to that topic. Other provisions in current s. 106.04, Stats., which relate to discrimination in public places of accommodation or amusement, are placed in new s. 106.52, Stats., created by this bill. ^(that)

Insert 8-12

4. On page 8, following line 12, insert: ^{CS}NOTE: SECTIONS 21 to 38 place provisions of current s. 106.04, Stats., in new s. 106.50, Stats., relating to open housing. ^(in new s. 106.50, stats., created by this bill)

Insert 8-13

5. On page 8, after line 13, insert: ^{CS}NOTE: This ^(that) section moves the definition of "interested person," which is used only in the provisions relating to discrimination in public places of accommodation or amusement to new s. 106.52, Stats., created by this bill. ^(CS) ^(in new s. 106.50, stats., created by this bill)

Insert 8-15

6. On page 8, after line 15, insert: ^{CS}NOTE: SECTIONS 40 and 41 place definitions in current s. 106.04, Stats., in new s. 106.50, Stats., relating to open housing created by this bill. ^(CS)

Insert 8-16

7. On page 8, after line 16, insert: ^{CS}NOTE: This section places the definition of "public place of accommodation or amusement" in new s. 106.52, Stats., relating to discrimination in public places of accommodation or amusement created by this bill. ^(stats.) ^(created by this bill)

Insert 8-25

8. On page 8, after line 25, insert: ^{CS}NOTE: SECTIONS 43 to 46 move definitions that are used in open housing law to new s. 106.50, Stats., created by this bill. ^(the) ^(stats.) ^(created by this bill) ⁽⁵³⁾

Insert 9-17

9. On page 9, after line 8, insert: ^{CS}NOTE: SECTIONS 47 to 54 move provisions relating to administration of the housing law, discrimination in housing, representations designed to induce panic sales, discrimination against persons with disabilities, exemptions and exclusions, fair housing enforcement and civil actions to the new s. 106.50, Stats., relating to open housing. ^(open) ^(stats.) ^(created by this bill)

in housing for discrimination in housing

created by this bill

charging discrimination in public places of accommodation or amusement

in housing

stats., created by this bill,

Insert 9-20

10. On page 9, after line 20, insert: "NOTE: SECTIONS 54 to 56 place provisions relating to discrimination by licensed or chartered persons in new s. 106.50, relating to open housing created by this bill."

Insert 9-21

11. On page 9, after line 21, insert: "NOTE: This section rennumbers a statutory provision relating to discrimination in public places of accommodation or amusement to place it in new s. 106.52, created by this bill."

Insert 14-7

12. On page 14, after line 7, insert: "NOTE: SECTIONS 58 through 74 place various provisions of current s. 106.04 (10), Stats., relating to investigation and review of claims in new s. 106.52, relating to discrimination in public places of accommodation or amusement."

Insert 14-8

13. On page 14, after line 8, insert: "NOTE: This section places the current statutory duties of the division of equal rights, in new s. 106.54, Stats. This provision will be in new subch. III, relating to equal rights programs, created by the bill."

Insert 14-26

14. On page 14, after line 20, insert: "NOTE: SECTIONS 76 to 81 renumber provisions relating to prohibitions on discrimination on the basis of physical condition or developmental disability in postsecondary education to place them into the new subch. III, equal rights programs."

Insert 14-21

15. On page 14, after line 21, insert: "NOTE: This section rennumbers s. 106.08, Stats., relating to discrimination in public school on account of sex, race, religion or national origin to place them in the new subch. III, equal rights programs."

Insert 15-1

16. On page 15, after line 1, insert: "NOTE: This section creates the new subch. III title 'equal rights programs' under which statutes relating to discrimination in housing, public places of accommodation or amusement and education are being placed by this bill."

Insert 15-12

17. On page 15, after line 12, insert: "NOTE: SECTION 85 creates the definitions required for discrimination in public places of accommodation or amusement."

Insert 15-19

18. On page 15, after line 19, insert: "NOTE: This section creates the responsibility of the department of workforce development to administer the statutes relating to discrimination in public places of accommodation or amusement, through its division of equal rights. It also specifies rule-making authority to carry out the section. It prohibits the rules from prohibiting the processing of class action complaints or the ordering of any class-based remedy and provides that no rule may provide that complaints may be consolidated only for administrative convenience."

Insert 16-6

19. On page 16, after line 6, insert: "NOTE: This provision creates a new statute relating to discrimination by licensed or chartered persons in public places of accommodation or amusement, similar to current s. 106.04 (8), Stats., to reflect the fact that the statutes relating to discrimination in housing and in public places of accommodation or amusement are separated by this bill into two separate statutes."

two

stats,

change

20. On page 17, after line 19, insert: ^{CS} NOTE: SECTIONS 88 to 95 insert corrected cross-references to reflect the new numbering of ch. 106 by this bill.

Insert
17-19

**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: 12/28/1999

To: Legislative Council - LRC

Relating to LRB drafting number: LRB-0965

Topic

law revision committee bills renumbering

Fold into 2970

Subject(s)

Health - miscellaneous

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 *Law Revision Committee*
Horlan G. Anderson →

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

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.

Tina A. Yacker, Legislative Attorney
Telephone: (608) 261-6927

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

LRB-0965/1dn
GMM:kmg:km

December 28, 1999

1. With respect to the NOTE at page 3, line 16, s. 47.02 (3) (a) to (o) describes 15, not 16, responsibilities relating to vocational rehabilitation. Actually, because s. 47.02 (3) (a) contains four subdivisions, there are actually 18 responsibilities relating to vocational rehabilitation. ✓
P 3 -> delete "15"

2. Do you want a NOTE to follow SECTION 17 to explain why s. 47.02 (4) is renumbered to be s. 47.02 (6)? *Yes*

3. Note that this draft also provides a PREFATORY NOTE and a reference to the NOTES in the analysis. *OLL*

See note added on P 3

Gordon M. Malaise
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0965/1
GMM:kmg:km

1999 BILL

1 **AN ACT to renumber** 47.02 (3) (intro.), 47.02 (3) (a), 47.02 (3) (b), 47.02 (3) (c),
2 47.02 (3) (e), 47.02 (3) (f), 47.02 (3) (g), 47.02 (3) (h), 47.02 (3) (i), 47.02 (3) (k),
3 47.02 (3) (L), 47.02 (3) (m), 47.02 (3) (n), 47.02 (3) (o) and 47.02 (4); **to renumber**
4 **and amend** 47.02 (3) (d) and 47.02 (3) (j); and **to amend** 47.035 (1) and 108.02
5 (13) (k) of the statutes; **relating to:** reorganizing certain statutes concerning
6 vocational rehabilitation (suggested as remedial legislation by the department
7 of workforce development).

Analysis by the Legislative Reference Bureau

Under current law, the department of workforce development administers the vocational rehabilitation program and specialized programs for persons with disabilities. This bill reorganizes the statutes related to vocational rehabilitation and specialized programs for persons with disabilities so that they appear in the order in which they are typically applied.

The following chart specifies the current and new statutory citations:

Current Citation	New Citation
47.02 (3) (intro.)	47.02 (3m) (intro.)
47.02 (3) (a)	47.02 (3m) (c)

BILL

47.02 (3) (b)	47.02 (3m) (L)
47.02 (3) (c)	47.02 (3m) (e)
47.02 (3) (d)	47.02 (3m) (g)
47.02 (3) (e)	47.02 (3m) (d)
47.02 (3) (f)	47.02 (3m) (a)
47.02 (3) (g)	47.02 (3m) (o)
47.02 (3) (h)	47.02 (3m) (b)
47.02 (3) (i)	47.02 (3m) (h)
47.02 (3) (j)	47.02 (3m) (m)
47.02 (3) (k)	47.02 (3m) (i)
47.02 (3) (L)	47.02 (3m) (j)
47.02 (3) (m)	47.02 (3m) (k)
47.02 (3) (n)	47.02 (3m) (f)
47.02 (3) (o)	47.02 (3m) (n)
47.02 (4)	47.02 (6)

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of workforce development and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

- 1 **SECTION 1.** 47.02 (3) (intro.) of the statutes is renumbered 47.02 (3m) (intro.).
- 2 **SECTION 2.** 47.02 (3) (a) of the statutes is renumbered 47.02 (3m) (c).
- 3 **SECTION 3.** 47.02 (3) (b) of the statutes is renumbered 47.02 (3m) (L).
- 4 **SECTION 4.** 47.02 (3) (c) of the statutes is renumbered 47.02 (3m) (e).
- 5 **SECTION 5.** 47.02 (3) (d) of the statutes is renumbered 47.02 (3m) (g) and
- 6 amended to read:

BILL

1 47.02 (3m) (g) Aid persons with disabilities in securing the services needed to
2 make them more employable, place persons with disabilities in suitable occupations
3 and provide postemployment services, as defined in the rehabilitation program
4 developed under par. (e) (e) of a person with a disability, necessary to maintain
5 employment.

6 **SECTION 6.** 47.02 (3) (e) of the statutes is renumbered 47.02 (3m) (d).

7 **SECTION 7.** 47.02 (3) (f) of the statutes is renumbered 47.02 (3m) (a).

8 **SECTION 8.** 47.02 (3) (g) of the statutes is renumbered 47.02 (3m) (o).

9 **SECTION 9.** 47.02 (3) (h) of the statutes is renumbered 47.02 (3m) (b).

10 **SECTION 10.** 47.02 (3) (i) of the statutes is renumbered 47.02 (3m) (h).

11 **SECTION 11.** 47.02 (3) (j) of the statutes is renumbered 47.02 (3m) (m) and
12 amended to read:

13 47.02 (3m) (m) Except as provided in par. (e) (n), determine the financial need
14 of persons with disabilities based upon a uniform fee schedule as provided under s.
15 46.03 (18) for the provision or purchase of vocational rehabilitation services specified
16 in the rehabilitation program developed under par. (e) (e) of the person with a
17 disability.

18 **SECTION 12.** 47.02 (3) (k) of the statutes is renumbered 47.02 (3m) (i).

19 **SECTION 13.** 47.02 (3) (L) of the statutes is renumbered 47.02 (3m) (j).

20 **SECTION 14.** 47.02 (3) (m) of the statutes is renumbered 47.02 (3m) (k).

21 **SECTION 15.** 47.02 (3) (n) of the statutes is renumbered 47.02 (3m) (f).

22 **SECTION 16.** 47.02 (3) (o) of the statutes is renumbered 47.02 (3m) (n).

NOTE: SECTIONS 1 to 16 place the ¹⁵ statutory responsibilities of the department of
workforce development with respect to vocational rehabilitation services in a new
sequence to reflect the order in which those responsibilities are typically applied. No
substantive changes are made in the provisions. X

23 **SECTION 17.** 47.02 (4) of the statutes is renumbered 47.02 (6).

NOTE: SECTION 17 places the authority of the Department
of workforce development to provide financial assistance
to persons with disabilities, accept funds for purposes of Chapter
43 and to provide personal assistance to persons with disabilities.

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1 **SECTION 18.** 47.035 (1) of the statutes is amended to read:

2 47.035 (1) Except as authorized in sub. (2) if an individual receives direct
3 funding for personal assistance services that are provided to the individual under s.
4 47.02 (4) ~~(6)~~ (c), and the services are provided through a county department of human
5 services or social services or an aging unit, the county department or aging unit
6 through which the services are provided shall serve directly as a fiscal agent or
7 contract with a fiscal intermediary to serve as a fiscal agent for that individual for
8 the purposes of performing the responsibilities and protecting the interests of the
9 individual under the unemployment insurance law. The fiscal agent under this
10 subsection is responsible for remitting any federal unemployment compensation
11 taxes or state unemployment insurance contributions owed by the individual,
12 including any interest and penalties which are owed by the individual; for serving
13 as the representative of the individual in any investigation, meeting, hearing or
14 appeal involving ch. 108 or the federal unemployment tax act (26 USC 3301 to 3311)
15 in which the individual is a party; and for receiving, reviewing, completing and
16 returning all forms, reports and other documents required under ch. 108 or the
17 federal unemployment tax act on behalf of the individual.

18 **SECTION 19.** 108.02 (13) (k) of the statutes is amended to read:

19 108.02 (13) (k) "Employer" does not include a county department or aging unit
20 that serves as a fiscal agent or contracts with a fiscal intermediary to serve as a fiscal
21 agent under s. 46.27 (5) (i) or 47.035 as to any individual performing services for a
22 person receiving long-term support services under s. 46.27 (5) (b), 46.275, 46.277,
23 46.278, 46.495, 51.42 or 51.437 or personal assistance services under s. 47.02 (4) (6)
24 (c).

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NOTE: SECTIONS 11, 18 and 19 insert new cross-references to reflect the renumbering made by this bill.

1

(END)