

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Hubbard**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt**

Subject: **Elections - campaign finance
Employ Priv - miscellaneous
Employ Pub - miscellaneous**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Hubbard - AM64,

Topic:

Political contributions and employment

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>
/?	rmarchan 06/23/2001 kuesejt 06/24/2001	chanaman 06/24/2001		_____			
/1			rschluet 06/25/2001	_____	lrb_docadmin 06/25/2001		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?	rmarchan	cm ⁴ /1 6/29		 KF 6-25-01			
FE Sent For:							

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent This motion would establish a "Paycheck Protection" provision, which would place limitations upon the use of monies derived from employment for political purposes.

Legislator	Owens	Amendment	64
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Linda Narveson	Package	

Agency Miscellaneous

Summary This motion would prohibit the following:

1. Any employer or labor organization from increasing the salary of an officer or employee with the intention that the money received in the pay increase be used to make a political contribution.
2. An employer or labor organization from discriminating against an officer or employee with respect to the condition of their employment for failure to make a political contribution or failure to support or oppose of a candidate, proposition or political party.
3. Any employer or other person responsible for the disbursement of money in payment of wages or salaries from withholding any portion of an employee's wages or salary for the purpose of making a contribution to a political committee without the written consent of that employee.
4. Any labor organization from using money obtained from non-member individuals to be used for a political contribution, unless expressly authorized by the individual.

In addition, establish a penalty of not more than \$500 for each offense. Intentional violations constitute a misdemeanor and are punishable by a fine of not more than \$1000, or imprisonment for not more than 6 months, or both.

Fiscal Impact No fiscal effect

Drafting Inst

ARC Analyst Hubbard

RAC
LRB-039511

Request # 127

Friday, June 22, 2001

Page 28 of 33

2001

Date (time) needed _____

LRB b 1530, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RJM:STKOMH

Amend
DATE

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

2001 BILL

1 **AN ACT to create** 11.385 and 11.386 of the statutes; **relating to:** limitations upon
2 the use of moneys derived from employment for political purposes.

Analysis by the Legislative Reference Bureau

This bill prohibits any employer or labor organization from increasing the salary of an officer or employee, or giving an emolument to an officer or employee or other person, with the intention that the increase in salary or emolument, or a part of it, be used to make a political contribution or disbursement (expenditure). The bill also prohibits an employer or labor organization from discriminating against an officer or employee with respect to any term or condition of employment for the failure to make a political contribution, the failure to support or oppose a candidate, proposition, political party, or committee, or the support or opposition to a candidate, proposition, political party, or committee. The bill further prohibits any employer or other person who is responsible for the disbursement of moneys in payment of wages or salaries from withholding any portion of an employee's wages or salary for the purpose of making a contribution or for use as a contribution to a political committee, except upon written request of the employee whose payment is withheld, terminable no later than 12 months after the date of the request. The bill requires any person who undertakes such withholding to maintain records of the withholding which must be open to public inspection for at least three years from the date that a withholding occurs. In addition, the bill prohibits any labor organization from using moneys obtained from any individual who is not a member of the organization for the purpose of making a political contribution or disbursement, unless expressly authorized by the individual.

BILL

Currently, there are no such prohibitions or requirements, except that no person may cause any person to make a political contribution by means of the denial or threat of denial of any employment, position, work, promotion, compensation, or benefit or by means of discharge or other disciplinary action or the threat of such action. Under decisions of the U.S. Supreme Court, labor organizations that receive payments of moneys from individuals they represent who have not authorized those payments may not use those moneys for purposes unrelated to collective bargaining. See *Communications Workers of America v. Beck, et al.*, 108 S. Ct. 2641 (1988).

Violations of the prohibitions or requirements created by the bill are punishable by a forfeiture (civil penalty) of not more than \$500 for each offense. Intentional violations constitute a misdemeanor and are punishable by a fine of not more than \$1,000 or imprisonment for not more than six months, or both.

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

Item # 7, 4: after line:

SECTION 1. 11.385 of the statutes is created to read:

95f

11.385 Use of moneys derived from employment for political purposes.

(1) In this section, "employer" includes the state and every local governmental unit, as defined in s. 16.97 (7).

(2) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person, with the intention that the increase in salary, or the emolument, or a part of it, be used to make a contribution or disbursement.

(3) No employer or labor organization may discriminate against an officer or employee with respect to any term or condition of employment for failing to make a contribution; failing to support or oppose a candidate, proposition, political party, or committee; or supporting or opposing a candidate, proposition, political party, or committee.

(4) No employer or other person who is responsible for the disbursement of moneys in payment of wages or salaries may withhold any portion of an employee's

BILL

1 wages or salary for the purpose of making a contribution to a committee or for use
2 as a contribution to a committee except upon the written request of the employee.
3 Any such request shall be made on a form prescribed by the board informing the
4 employee of the prohibition under sub. (3). The request is valid for 12 months from
5 the date on which it is made by the employee unless an earlier termination is
6 provided or authorized under the agreement.

7 (5) Each person who withholds moneys under sub. (4) shall maintain open for
8 public inspection for a period of no less than 3 years from the date on which a
9 withholding occurs, during normal business hours, documents and books of accounts
10 which shall include a copy of each employee's request for withholding, the amounts
11 and dates on which moneys are withheld under the request, and the amounts and
12 dates on which moneys are transferred to any committee by the person. Each such
13 person shall deliver or transmit copies of such information to the board upon its
14 request.

15 **SECTION 2.** 11.386 of the statutes is created to read:

16 **11.386 Use of deductions for payments to labor organizations.** (1) In
17 this section:

18 (a) "All-union agreement" has the meaning given under s. 111.02 (1).

19 (b) "Fair-share agreement" has the meaning given under s. 111.70 (1) (f) or
20 111.81 (9).

21 (2) No labor organization may use moneys derived from an all-union
22 agreement or a fair-share agreement that are paid by an individual who is not a
23 member of the organization for the purpose of making a contribution or
24 disbursement, unless authorized by the individual. Any contribution shall be
25 authorized under s. 11.385 (4).

BILL

SECTION 3

1 SECTION 3. **Effective dates.** This act takes effect on the day after publication,

2 except as follows.

3 *Item #. 1418, 8: after line:*

4 *(1)* The treatment of section 11.386 of the statutes takes effect on the first day
5 of the 2nd month beginning after publication. ¹¹

(END)

USE OF MONEYS DERIVED FROM EMPLOYMENT FOR POLITICAL PURPOSES

CS

*En
of
Date*

NOTE

ITAL

Among other things, this amendment prohibits employers and labor organizations from increasing an officer's or employee's compensation with the intent that the compensation be used to make a political contribution or disbursement. Please let us know if this is inconsistent with your intent.

RTM

JTK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1530/1dn
RJM&JTK:cmh:rs

June 25, 2001

Among other things, this amendment prohibits employers and labor organizations from increasing an officer's or employee's compensation with the intent that the compensation be used to make a political contribution *or disbursement*. Please let us know if this is inconsistent with your intent.

Robert J. Marchant
Legislative Attorney
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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



ARC:.....Hubbard – AM64, Political contributions and employment

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 7, line 4: after that line insert:

3 “**SECTION 95f.** 11.385 of the statutes is created to read:

4 **11.385 Use of moneys derived from employment for political purposes.**

5 (1) In this section, “employer” includes the state and every local governmental unit,
6 as defined in s. 16.97 (7).

7 (2) No employer or labor organization may increase the salary of an officer or
8 employee, or give an emolument to an officer, employee, or other person, with the
9 intention that the increase in salary, or the emolument, or a part of it, be used to make
10 a contribution or disbursement.

1 (3) No employer or labor organization may discriminate against an officer or
2 employee with respect to any term or condition of employment for failing to make a
3 contribution; failing to support or oppose a candidate, proposition, political party, or
4 committee; or supporting or opposing a candidate, proposition, political party, or
5 committee.

6 (4) No employer or other person who is responsible for the disbursement of
7 moneys in payment of wages or salaries may withhold any portion of an employee's
8 wages or salary for the purpose of making a contribution to a committee or for use
9 as a contribution to a committee except upon the written request of the employee.
10 Any such request shall be made on a form prescribed by the board informing the
11 employee of the prohibition under sub. (3). The request is valid for 12 months from
12 the date on which it is made by the employee unless an earlier termination is
13 provided or authorized under the agreement.

14 (5) Each person who withholds moneys under sub. (4) shall maintain open for
15 public inspection for a period of no less than 3 years from the date on which a
16 withholding occurs, during normal business hours, documents and books of accounts
17 which shall include a copy of each employee's request for withholding, the amounts
18 and dates on which moneys are withheld under the request, and the amounts and
19 dates on which moneys are transferred to any committee by the person. Each such
20 person shall deliver or transmit copies of such information to the board upon its
21 request.

22 **SECTION 95ml.** 11.386 of the statutes is created to read:

23 **11.386 Use of deductions for payments to labor organizations. (1)** In
24 this section:

25 (a) "All-union agreement" has the meaning given under s. 111.02 (1).

