

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/25/2001

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus 6-1452

By/Representing: Raschka

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: **Discrimination - employment**

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Raschka - AM110,

Topic:

Employment discrimination based on conviction record; exception for educational agencies

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 06/25/2001	jdyer 06/25/2001		_____			
/1			haugca 06/25/2001	_____	lrb_docadmin 06/25/2001		

FE Sent For:

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1?	malaigm	1 6/25 jld	CH 6-25	6-25 PJH/ARG 6/25			
				<END>			

FE Sent For:

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Permit an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

Legislator Petrowski

Amendment 83

Legislator 2

Pass or Fail Pass

Legislator 3

Spending Cut

Legislator 4

Withdrawn

GMM

Staff contact Kathy

Package

Agency Public Instruction

Summary This motion specifies that it is not considered employment discrimination for an educational agency to refuse to hire or terminate employment of any individual who has been convicted of a felony based upon their conviction record. This motion defines an "educational agency" as a school board, a cooperative educational service agency (CESA), a county children with disabilities education board, a state correctional institution, a juvenile secured correctional facility, a secured child caring institution, the Wisconsin School for the Blind and Visually Impaired, the Wisconsin School for the Deaf, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, an agency under contract with the school board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

This motion is identical to AB 4 which passed the Assembly 76-20-2 on March 20, 2001. -1065

Fiscal Impact A fiscal estimate prepared by the Department of Corrections for AB 4 indicates this motion most likely would have no fiscal effect upon their agency.

A fiscal estimate prepared by the Department of Public Instruction for AB 4 assures that this motion will have no fiscal effect upon their agency and any possible costs savings are indeterminable, since it is unknown how many potential lawsuits may be avoided as a result of this bill.

A fiscal estimate prepared by the Department of Workforce Development for AB 4 indicates this motion would have no significant impact on the workload of the division and will unlikely have any significant impact on local government costs.

A fiscal estimate prepared by the Department of Health and Family Services for AB 4 indicates this motion would have no fiscal effect on the Department.

Drafting Inst

ARC Analyst Raschka

Request # 110

2001

Date (time) needed

Soon

LRB b 1757 / 1

ARC

CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]

NOTE

GMM : jld :

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 912, line 20: alter that line insert:



~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

(61751)

2001 ASSEMBLY BILL 4

January 16, 2001 - Introduced by Representatives PETROWSKI, STARZYK, PETTIS, BIES, JENSEN, MONTGOMERY, FRISKE, HUEBSCH, WALKER, MUSSER, HAHN, STONE, VRAKAS, PLAKE, FREESE, LA FAVE, NASS, LEIBHAM, KESTEL, LADWIG, AINSWORTH, D. MEYER, HUNDERTMARK, TOWNSEND, MCCORMICK, OWENS, JESKEWITZ, GROTHMAN, HOVEN, DUFF, GRONEMUS, SKINDRUD, F. LASEE, GUNDERSON, KEDZIE, SUDER, KREIBICH, OTT, URBAN, LOEFFELHOLZ, J. FITZGERALD, LIPPERT and KRAWCZYK, cosponsored by Senators HUELSMAN, HARSDFORF, SCHULTZ, ROESSLER, S. FITZGERALD and DARLING. Referred to Committee on Criminal Justice.

1 AN ACT to create 111.335 (1) (d) of the statutes; relating to: permitting an
2 educational agency to refuse to employ or to terminate from employment an
3 unpardoned felon.

Analysis by the Legislative Reference Bureau

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This bill specifies that it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Under the bill, an "educational agency" is defined as a school district, a cooperative educational service agency, a county children with disabilities education board, a state correctional institution, a juvenile secured correctional facility, a secured child caring institution, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School for the Deaf, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, an agency under contract with a school



ASSEMBLY BILL 4

2606s

board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

For further information see the ~~state and local~~ fiscal estimate, which will be printed as an appendix to this bill.

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

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SECTION 1. 111.335 (1) (d) of the statutes is created to read:

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111.335 (1) (d) 1. In this paragraph, "educational agency" means a school district, a cooperative educational service agency, a county children with disabilities education board, a state correctional institution under s. 302.01, a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School for the Deaf, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, a private, nonprofit, nonsectarian agency under contract with a school board under s. 118.153 (3) (c), or a nonsectarian private school or agency under contract with the board of school directors in a 1st class city under s. 119.235 (1).

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2. Notwithstanding s. 111.322, it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony.

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(END)

DNOTE



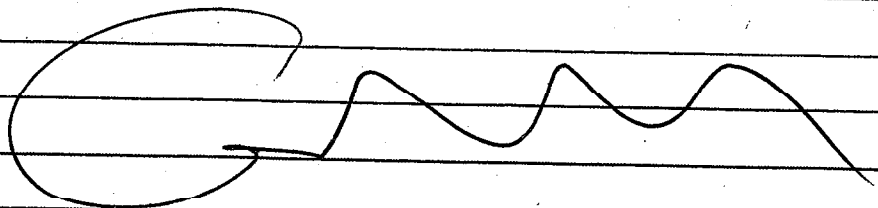
bar ar

NOTE

Adam:

Conceptually, this amendment conflicts with ~~HR 1320/1~~ b1320/1, which permits any employer to refuse to employ an unpardoned felon, because the effect of this amendment, which permits an educational agency to refuse to employ an unpardoned felon, is included in b1320/1.

Accordingly, if b1320/1 is included in your final in list, I will delete this amendment from the final compile as redundant surplusage.



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1751/1dn
GMM:jld:ch

June 25, 2001

Adam:

Conceptually, this amendment conflicts with b1320/1, which permits any employer to refuse to employ an unpardoned felon, because the effect of this amendment, which permits an educational agency to refuse to employ an unpardoned felon, is included in b1320/1.

Accordingly, if b1320/1 is included in your final In list, I will delete this amendment from the final compile as redundant surplusage.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaisc@legis.statc.wi.us



ARC:.....Raschka – AM110, Employment discrimination based on conviction record; exception for educational agencies

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 912, line 20: after that line insert:

3 **“SECTION 2606s.** 111.335 (1) (d) of the statutes is created to read:

4 111.335 (1) (d) 1. In this paragraph, “educational agency” means a school
5 district, a cooperative educational service agency, a county children with disabilities
6 education board, a state correctional institution under s. 302.01, a secured
7 correctional facility, as defined in s. 938.02 (15m), a secured child caring institution,
8 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually
9 Impaired, the Wisconsin School for the Deaf, the Mendota Mental Health Institute,
10 the Winnebago Mental Health Institute, a state center for the developmentally

1 disabled, a private school, a charter school, a private, nonprofit, nonsectarian agency
2 under contract with a school board under s. 118.153 (3) (c), or a nonsectarian private
3 school or agency under contract with the board of school directors in a 1st class city
4 under s. 119.235 (1).

5 2. Notwithstanding s. 111.322, it is not employment discrimination because of
6 conviction record for an educational agency to refuse to employ or to bar or terminate
7 from employment an individual who has been convicted of a felony and who has not
8 been pardoned for that felony.”

9 (END)