

2009 DRAFTING REQUEST

Bill

Received: 12/16/2009

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: **Christine Sinicki (608) 266-8588**

By/Representing: **Mary Beth George**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Discrimination
Employ Priv - family leave**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sinicki@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Discrimination; prohibit legislature from granting exemptions

Instructions:

See attached--prohibit legislature from granting exemptions to laws prohibiting discrimination in housing, public accommodations, and employment and to family and medical leave law

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>
/?	gmalaise 12/17/2009	bkraft 12/18/2009		_____			
/1			jfrantze 12/18/2009	_____	mbarman 12/18/2009		
/2	gmalaise 01/11/2010	bkraft 01/12/2010	rschluet 01/13/2010	_____	lparisi 01/13/2010		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	gmalaise 01/27/2010	bkraft 01/27/2010	mduchek 01/28/2010	_____	sbasford 01/28/2010		
/4	gmalaise 02/05/2010	bkraft 02/05/2010	rschluet 02/05/2010	_____	sbasford 02/05/2010	cduerst 02/05/2010	

FE Sent For: *none*

<END>

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14 bjk 2/5

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13 bjk 1/27

127
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FE Sent For:

12/20
J/PR
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1/?	gmalaise	1 bjk 12/18	JF 12/18	 JF 12/18			

FE Sent For:

<END>

Miller, Steve

From: George, Mary Beth
Sent: Tuesday, December 15, 2009 3:21 PM
To: Miller, Steve
Cc: Sinicki, Christine; 'cms3282000@yahoo.com'
Subject: Bill Drafting Request

Hi Steve,

Rep. Sinicki would like to have a bill drafted to the following effect, and I'm not sure which drafter would take care of it, so I'm forwarding it to you first.

Please create this statute as a single section:

No protected class under any Wisconsin law that offers protections or remedies to individuals suffering discrimination, whether in public accommodations, or in employment, or in taking family or medical leave (or _____?) may be exempted from or denied the full extent and scope of those protections and remedies.

This law is applicable to protected classes already in existence at the time of passage of this bill, and to all future protected classes added to any law in existence now or created in the future to protect individuals from discrimination.

Please let me know what questions need answering regarding this draft.

Thank you.

Mary Beth George

*Office of State Rep. Christine Sinicki
(Chair, Assembly Committee on Labor)*

Room 114 North Capitol

P.O. Box 8953, Madison WI 53708

608/266-8588 or 888/534-0020 (t-f)

608/282-3620 (fx)

marybeth.george@legis.wi.gov

12/15/2009

Malaise, Gordon

From: Malaise, Gordon
Sent: Wednesday, December 16, 2009 1:46 PM
To: George, Mary Beth
Subject: RE: Bill Drafting Request

OK. I'll draft it up then.

From: George, Mary Beth
Sent: Wednesday, December 16, 2009 1:43 PM
To: Malaise, Gordon
Subject: RE: Bill Drafting Request

Thanks, Gordon, understood. The intent is to make a future Legislature/legislators have to explain why they would want to prevent a specific protected class from receiving the full remedies provided by Wisc. discrimination laws. It's a more blatant political move to amend this than just pick off a class here or there from the individual discrimination laws.

Mary Beth George
Office of State Rep. Christine Sinicki
(Chair, Assembly Committee on Labor)
Room 114 North Capitol
P.O. Box 8953, Madison WI 53708
608/266-8588 or 888/534-0020 (t-f)
608/282-3620 (fx)
marybeth.george@legis.wi.gov

From: Malaise, Gordon
Sent: Wednesday, December 16, 2009 1:22 PM
To: George, Mary Beth
Subject: RE: Bill Drafting Request

Mary Beth:

That helps. Due to the passive construction, i.e., "may be exempted," at first I wasn't sure who was doing the exempting, but now I know that it is the legislature, which raises another issue. It is an axiom of constitutional law that one legislature cannot bind future legislatures. Next session's legislature is perfectly free to repeal or amend anything enacted by a previous legislature, including a provision purporting to say that it cannot. So even if your language is enacted, if a future legislature wants to create an exemption, all it has to do is amend your language to say, "except as provided in [the exemption]".

So, I can draft up the language, but I have to advise you that it may not be all that effective. If you really want to prevent future legislatures from creating exemptions to the discrimination laws, you would need a constitutional amendment.

Gordon

From: George, Mary Beth

12/16/2009

Sent: Tuesday, December 15, 2009 6:04 PM
To: Malaise, Gordon
Cc: Sinicki, Christine
Subject: RE: Bill Drafting Request

Hi Gordon --

Thanks, fair questions.

Perhaps "denied" is off point, but "exempted" is on, because we are trying to prevent exemptions of certain classes.

And that's because there are efforts afoot to do just that with new classes being proposed now in the Legislature. For example, there are attempts being made to amend AB 367 and SB 275, prohibiting discrimination based on credit history, to say that if added to the WFEL, this new class would be exempt from the damages attached to it by SB 20 this session.

I could go more into the politics of it if you like, but that's what's actually happening with current legislation.

So the intent is to keep the discrimination laws whole in the sense that we don't want any precedent set for "cherry-picking: "well, this particular class under such and such discrimination law deserves only a portion of the remedies set out in the law, even though the other classes can receive all of them", etc. We want there to be an omnibus law forbidding exemptions, because then that law would have to be amended in order to achieve exemptions, and frankly, that's much tougher to do than picking off this class here, another one there.

Does this make sense?

Mary Beth

Mary Beth George
Office of State Rep. Christine Sinicki
(Chair, Assembly Committee on Labor)
Room 114 North Capitol
P.O. Box 8953, Madison WI 53708
608/266-8588 or 888/534-0020 (t-f)
608/282-3620 (fx)
marybeth.george@legis.wi.gov

From: Malaise, Gordon
Sent: Tuesday, December 15, 2009 5:09 PM
To: George, Mary Beth
Subject: RE: Bill Drafting Request

Mary Beth:

I'll be working on this one and I do have questions. I know what a protected class is and I am familiar with the laws prohibiting discrimination in employment, housing, and public accommodations and with the family and medical

12/16/2009

leave law, but I can't tell what you're getting at with the phrase "may be exempted from or denied the full extent and scope of those protections and remedies." It seems that the law is the law. If a person falls within the scope and extent of any of those laws, he or she already enjoys the full protection of the law and cannot be exempted from the law unless the law itself provides an exemption.

Often it is helpful to submit with a drafting request not only the language that you want but also a little narrative describing the problem that the language is intended to address. If you can provide a description of what the problem is with current law and how you want to solve that problem, that might give me a little better handle on interpreting the intent of your proposed language.

Gordon

From: Miller, Steve
Sent: Tuesday, December 15, 2009 3:26 PM
To: George, Mary Beth
Cc: Malaise, Gordon
Subject: RE: Bill Drafting Request

Thanks. I'll refer this to Gordon.

From: George, Mary Beth
Sent: Tuesday, December 15, 2009 3:21 PM
To: Miller, Steve
Cc: Sinicki, Christine; 'cms3282000@yahoo.com'
Subject: Bill Drafting Request

Hi Steve,

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This law is applicable to protected classes already in existence at the time of passage of this bill, and to all future protected classes added to any law in existence now or created in the future to protect individuals from discrimination.

Please let me know what questions need answering regarding this draft.

Thank you.

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Room 114 North Capitol
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608/266-8588 or 888/534-0020 (t-f)

12/16/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

IN 1217

LRB-40160
GMM.....
bjk

SA
x-ref
pf

1 AN ACT ^{gen.}...; **relating to:** prohibiting the legislature from enacting a bill that would
 2 limit the rights, remedies, or procedures provided to a person, class of persons,
 3 or employee under the laws prohibiting discrimination in housing, public
 4 accommodations, and employment and the family and medical leave law.

Analysis by the Legislative Reference Bureau

Current law prohibits: 1) discrimination in housing because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, ancestry, or status as a victim of domestic abuse, sexual assault, or stalking (open housing law); 2) discrimination in the full and equal enjoyment of public places of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry (public accommodations law); and 3) discrimination in employment because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, military service, or use or nonuse of lawful products off the employer's premises during nonworking hours (fair employment law).

Current law also requires an employer, including the state, employing at least 50 individuals on a permanent basis in this state to permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period to take two weeks of family leave in a 12-month period to care for a child, spouse, domestic partner, or parent who has a serious health condition and two weeks of medical leave in a 12-month period when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties (family and medical leave law).

the effective date of this bill

This bill prohibits the legislature from enacting a bill that would limit the rights, remedies, or procedures provided to an individual, a class of individuals, or an employee under the open housing law, the public accommodations law, the fair employment law, or the family and medical leave law as of the day before the effective date of the bill. If the legislature enacts a bill on or after ~~that date~~ expanding the scope of individuals, classes of individuals, or employees who are provided with any rights, remedies, or procedures under any of those laws, that bill must provide to those individuals, classes of individuals, or employees the same rights, remedies, and procedures that are provided to individuals, classes of individuals, or employees who are covered under the law as of the day before the effective date of that bill. If the legislature enacts a bill on or after ~~that date~~ expanding the rights, remedies, or procedures that are provided to an individual, class of individuals, or employee under any of those laws, that bill must provide the same rights, remedies, and procedures to all individuals, classes of individuals, or employees who are covered under the law.

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

the effective date of this subsection ~~xxx~~ [lrb insert date]

1 SECTION 1. 103.10 (15) of the statutes is created to read:

2 103.10 (15) RIGHTS, REMEDIES, AND PROCEDURES NOT TO BE LIMITED. Beginning

3 on the effective date of this subsection ... [lrb inserts date], the legislature may not

4 enact any bill that would limit the rights, remedies, or procedures provided to an

5 employee under this section as of the day before ~~that date~~. If the legislature enacts

6 a bill on or after the effective date of this subsection ... [lrb inserts date] expanding

7 the scope of employees who are provided with any rights, remedies, or procedures

8 under this section, the bill shall provide to those employees the same rights,

9 remedies, and procedures that are provided to employees who are covered under this

10 section as of the day before the effective date of the bill. If the legislature enacts a

11 bill on or after the effective date of this subsection ... [lrb inserts date] expanding the

12 rights, remedies, or procedures that are provided to an employee under this section,

13 the bill shall provide the same rights, remedies, and procedures to all employees who

14 are covered under this section.

6 6 6

the effective date of this section ~~106.53~~ (lrb inserts date)

just twice

1

SECTION 2. 106.53 of the statutes is created to read:

2

106.53 Rights, remedies, and procedures not to be limited. Beginning

3

on the effective date of this section ... lrb inserts date], the legislature may not enact

4

any bill that would limit the rights, remedies, or procedures provided to a person or

5

class of persons under s. 106.50 or 106.52 as of the day before ~~that date~~. If the

6

legislature enacts a bill on or after the effective date of this section ... lrb inserts

7

date], expanding the scope of persons or classes of persons who are provided with any

8

rights, remedies, or procedures under s. 106.50 or 106.52, the bill shall provide to

9

those persons or classes of persons the same rights, remedies, and procedures that

10

are provided to the persons or classes of persons who are covered under s. 106.50 or

11

106.52 as of the day before the effective date of the bill. If the legislature enacts a

12

bill on or after the effective date of this section ... lrb inserts date], expanding the

13

rights, remedies, or procedures that are provided to a person or class of persons under

14

s. 106.50 or 106.52, the bill shall provide the same rights, remedies, and procedures

15

to all persons or classes of persons who are covered under s. 106.50 or 106.52.

16

SECTION 3. 111.40 of the statutes is created to read:

17

111.40 Rights, remedies, and procedures not to be limited. Beginning

18

on the effective date of this section ... lrb inserts date], the legislature may not enact

19

any bill that would limit the rights, remedies, or procedures provided to an individual

20

or class of individuals under this subchapter as of the day before ~~that date~~. If the

21

legislature enacts a bill on or after the effective date of this section ... lrb inserts

22

date], expanding the scope of individuals or classes of individuals who are provided

23

with any rights, remedies, or procedures under this subchapter, the bill shall provide

24

to those individuals or classes of individuals the same rights, remedies, and

25

procedures that are provided to individuals or classes of individuals who are covered

1 under this subchapter as of the day before the effective date of the bill. If the
2 legislature enacts a bill on or after the effective date of this section ... [lrb inserts
3 date] expanding the rights, remedies, or procedures that are provided to an
4 individual or class of individuals under this subchapter, the bill shall provide the
5 same rights, remedies, and procedures to all individuals or classes of individuals who
6 are covered under this subchapter.

7 (END)

D-note

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

LRB-4016/1dn
GMM.....

Representative Sinicki:

As I already told Mary Beth by e-mail, this draft, if enacted, is not likely to be all that legally effective because there is no way short of a constitutional amendment for one legislature to bind future legislatures. A future legislature is perfectly free to amend or repeal anything enacted by a previous legislature, including a provision saying that it cannot. So even if the language is enacted, if a future legislature wants to create an exemption to the discrimination laws or the family and medical leave law, all it would have to do is amend the language to say, "except as provided in ~~././~~_{AA} [the exemption]."

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

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

LRB-4016/1dn
GMM:bjk:jf

December 18, 2009

Representative Sinicki:

As I already told Mary Beth by e-mail, this draft, if enacted, is not likely to be all that legally effective because there is no way short of a constitutional amendment for one legislature to bind future legislatures. A future legislature is perfectly free to amend or repeal anything enacted by a previous legislature, including a provision saying that it cannot. So even if the language is enacted, if a future legislature wants to create an exemption to the discrimination laws or the family and medical leave law, all it would have to do is amend the language to say, "except as provided in ... [the exemption]."

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Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

Malaise, Gordon

From: Rep.Sinicki
Sent: Friday, January 08, 2010 3:33 PM
To: Malaise, Gordon
Subject: re: LRB 4016

Hi Gordon,

Sorry it's taken me awhile to get back to you re: your drafter's note regarding this draft, but i did want to respond to it and the draft.

I appreciate your pointing out that this bill, if passed, would not be legally binding on a future legislature. I agree.

However, my idea about this bill is to make it harder politically for a future legislature to tamper with anti-discrimination laws. And I believe this would make it harder to do that.

Also, I don't think I want the language of the bill to be framed as an overt prohibition to a future legislature about what bills they can or can't do. I'd like to keep it more focused on the discrimination laws, and just say that no class protected under any of our laws can be discriminated against more by exempting them specifically, but not other groups, from any of the remedies under the laws. Can you do another draft for me that would word it more that way? I would appreciate it.

If you have any questions, please call me, or you could talk to my staff.

Thanks -- hope you have a great weekend.

Chris Sinicki
414-481-7667



State of Wisconsin
2009 - 2010 LEGISLATURE

IN 111
4:50 PM

LRB-4016/0
GMM:bjk:jf
STAYS
RMR

2009 BILL

SA

any limitation on

1 AN ACT to create 103.10 (15), 106.53 and 111.40 of the statutes; relating to:
2 prohibiting ~~the legislature from enacting a bill that would limit~~ the rights,
3 remedies, or procedures ^{that are} provided to a person, class of persons, or employee
4 under the laws prohibiting discrimination in housing, public accommodations,
5 and employment and the family and medical leave law.

Analysis by the Legislative Reference Bureau

Current law prohibits: 1) discrimination in housing because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, ancestry, or status as a victim of domestic abuse, sexual assault, or stalking (open housing law); 2) discrimination in the full and equal enjoyment of public places of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry (public accommodations law); and 3) discrimination in employment because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, military service, or use or nonuse of lawful products off the employer's premises during nonworking hours (fair employment law).

Current law also requires an employer, including the state, employing at least 50 individuals on a permanent basis in this state to permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period to take two weeks of family leave in a 12-month period to care for a child, spouse, domestic

BILL

partner, or parent who has a serious health condition and two weeks of medical leave in a 12-month period when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties (family and medical leave law).

This bill prohibits ~~the legislature from enacting a bill that would limit~~ the rights, remedies, or procedures provided to an individual, a class of individuals, or an employee under the open housing law, the public accommodations law, the fair employment law, or the family and medical leave law as of the day before the effective date of the bill. ~~If the legislature enacts a bill~~ ^{expanding} the scope of individuals, classes of individuals, or employees, who are provided with any rights, remedies, or procedures under any of those laws, ~~that bill must provide to~~ those individuals, classes of individuals, or employees, the same rights, remedies, and procedures that are provided to individuals, classes of individuals, or employees who are covered under the law as of the day before the effective date of that bill. ~~If the legislature enacts a bill~~ ^{expanding} the rights, remedies, or procedures that are provided to an individual, class of individuals, or employee under any of those laws, ~~that bill must provide~~ the same rights, remedies, and procedures to all individuals, classes of individuals, or employees who are covered under the law.

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3 on the effective date of this subsection [LRB inserts date], ~~the legislature may not~~
4 ~~enact any bill that would limit~~ the rights, remedies, or procedures provided to an
5 employee under this section as of the day before the effective date of this subsection
6 [LRB inserts date]. If ~~the legislature enacts a bill~~ on or after the effective date of
7 this subsection [LRB inserts date], ~~expanding~~ the scope of employees who are
8 provided with any rights, remedies, or procedures under this section, ~~the bill shall~~
9 ~~provide to~~ those employees, ^{shall be provided with} the same rights, remedies, and procedures that are
10 provided to employees who are covered under this section as of the day before the
11 ~~effective date of the bill~~ ^{expansion}. If ~~the legislature enacts a bill~~ on or after the effective date
12 of this subsection [LRB inserts date], ~~expanding~~ the rights, remedies, or

is expanded

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are expanded

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the bill shall provide

1 procedures that are provided to an employee under this section,
2 the same rights, remedies, and procedures, to all employees who are covered under
3 this section.

may not be limited

4 **SECTION 2.** 106.53 of the statutes is created to read:

5 **106.53 Rights, remedies, and procedures not to be limited.** Beginning

6 on the effective date of this section [LRB inserts date],
7 ~~enact any bill that would limit~~ the rights, remedies, or procedures provided to a

the legislature may not

8 person or class of persons under s. 106.50 or 106.52 as of the day before the effective
9 date of this section [LRB inserts date].

~~If the legislature enacts a bill~~

10 the effective date of this section [LRB inserts date],
11 or classes of persons who are provided with any rights, remedies, or procedures under

expanding

12 s. 106.50 or 106.52, ~~the bill shall provide to~~ those persons or classes of persons
13 the same rights, remedies, and procedures that are provided to the persons or classes of

is expanded

shall be provided with

14 persons who are covered under s. 106.50 or 106.52 as of the day before the effective
15 date of ~~the bill~~. If ~~the legislature enacts a bill~~ on or after the effective date of this

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16 section [LRB inserts date],
17 provided to a person or class of persons under s. 106.50 or 106.52, ~~the bill shall~~

expanding

the bill shall

18 ~~provide~~ the same rights, remedies, and procedures to all persons or classes of persons
19 who are covered under s. 106.50 or 106.52.

are expanded

shall be provided

20 **SECTION 3.** 111.40 of the statutes is created to read:

21 **111.40 Rights, remedies, and procedures not to be limited.** Beginning

22 on the effective date of this section [LRB inserts date],
23 ~~enact any bill that would limit~~ the rights, remedies, or procedures provided to an

the legislature may not

24 individual or class of individuals under this subchapter as of the day before the
25 effective date of this section [LRB inserts date].

may not be limited

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or after the effective date of this section [LRB inserts date], ~~expanding~~ the scope
of individuals or classes of individuals who are provided with any rights, remedies,
or procedures under this subchapter, ~~the bill shall provide to~~ those individuals or
classes of individuals ~~the same rights, remedies, and procedures that are provided~~
to individuals or classes of individuals who are covered under this subchapter as of
the day before the effective date of ~~the bill~~. If ~~the legislature enacts a bill~~ on or after
the effective date of this section [LRB inserts date], ~~expanding~~ the rights,
remedies, or procedures that are provided to an individual or class of individuals
under this subchapter, ~~the bill shall provide~~ the same rights, remedies, and
procedures ~~to all individuals or classes of individuals who are covered under this~~
subchapter.

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(END)

Malaise, Gordon

From: Rep.Sinicki
Sent: Tuesday, January 26, 2010 5:49 PM
To: Malaise, Gordon
Subject: re: discrim bill and another one
Attachments: 09-40162.pdf

Gordon,

I am deciding to scale back this anti-discrimination bill to just apply to the Wisc Fair Employment law. Could you please take the other ones out for me and send me a new draft so that it just applies to that?

Also, I was told you probably draft bills having to do with daycare? I want to add something to the current law that allows day care center owners to hire administrators who can operate the center in their absence.

I want to add to that law so that family day care operators also can hire such administrators, who would have to meet the same criteria as administrators for day care centers.

My purpose for this is to add something to the law that will allow family day care providers to take a leave of absence from their day care if they need to do that for their own or their family's illness, without having to close the daycare while they have recuperate or go away to take care of someone. It's sort of family and medical leave for them, so they can keep their source of income going until they can take it over

But I do not know what part of the statutes this is in -- if it's day care licensing or somewhere else?

Chris Sinicki



State of Wisconsin
2009 - 2010 LEGISLATURE

SN 1127
5001

LRB-4016/07
GMM:bjk:rs

stays

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2009 BILL

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an

individual or class of individuals

Agencies

1 AN ACT to create 103.10 (15), 106.53 and 111.40 of the statutes; relating to:

2 prohibiting any limitation on the rights, remedies, or procedures that are

3 provided to a person, class of persons, or employee under the laws prohibiting

4 discrimination in housing, public accommodations, and employment and the

5 family and medical leave law

Analysis by the Legislative Reference Bureau

Current law prohibits 1) discrimination in housing because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, ancestry, or status as a victim of domestic abuse, sexual assault, or stalking (open housing law); 2) discrimination in the full and equal enjoyment of public places of accommodation or amusement because of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry (public accommodations law); and 3) discrimination in employment because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, military service, or use or nonuse of lawful products off the employer's premises during nonworking hours (fair employment law).

Current law also requires an employer, including the state, employing at least 50 individuals on a permanent basis in this state to permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period to take two weeks of family leave in a 12-month period to care for a child, spouse, domestic

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~~partner, or parent who has a serious health condition and two weeks of medical leave in a 12-month period when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties (family and medical leave law).~~

This bill prohibits the rights, remedies, or procedures provided to an individual, a class of individuals, ~~or an employee~~ under the ~~open housing law, the public accommodations law, the~~ fair employment law, ~~or the family and medical leave law~~ as of the day before the effective date of the bill from being limited. If on or after the effective date of this bill ~~expanding~~ the scope of individuals, classes of individuals, ~~or employees~~ who are provided with any rights, remedies, or procedures under ~~one~~ of those laws are expanded, those individuals, classes of individuals, ~~or employees~~ shall be provided with the same rights, remedies, and procedures that are provided to individuals, classes of individuals, ~~or employees~~ who are covered under ~~the~~ law as of the day before the effective date of that expansion. If on or after the effective date of this bill the rights, remedies, or procedures that are provided to an individual, class of individuals, ~~or employee~~ under ~~any of those laws~~ are expanded, the same rights, remedies, and procedures shall be provided to all individuals, classes of individuals, ~~or employees~~ who are covered under ~~the~~ law.

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

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~~SECTION 1. 103.10 (15) of the statutes is created to read.~~

~~103.10 (15) RIGHTS, REMEDIES, AND PROCEDURES NOT TO BE LIMITED. Beginning on the effective date of this subsection [LRB inserts date], the rights, remedies, or procedures provided to an employee under this section as of the day before the effective date of this subsection [LRB inserts date], may not be limited. If on or after the effective date of this subsection [LRB inserts date], the scope of employees who are provided with any rights, remedies, or procedures under this section is expanded, those employees shall be provided with the same rights, remedies, and procedures that are provided to employees who are covered under this section as of the day before the effective date of that expansion. If on or after the effective date of this subsection [LRB inserts date], the rights, remedies, or procedures that are provided to an employee under this section are expanded, the~~

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same rights, remedies, and procedures shall be provided to all employees who are covered under this section.

SECTION 2. 106.53 of the statutes is created to read:

106.53 Rights, remedies, and procedures not to be limited. Beginning on the effective date of this section ... [LRB inserts date], the rights, remedies, or procedures provided to a person or class of persons under s. 106.50 or 106.52 as of the day before the effective date of this section ... [LRB inserts date], may not be limited. If on or after the effective date of this section ... [LRB inserts date], the scope of persons or classes of persons who are provided with any rights, remedies, or procedures under s. 106.50 or 106.52 is expanded, those persons or classes of persons shall be provided with the same rights, remedies, and procedures that are provided to the persons or classes of persons who are covered under s. 106.50 or 106.52 as of the day before the effective date of that expansion. If on or after the effective date of this section ... [LRB inserts date], the rights, remedies, or procedures that are provided to a person or class of persons under s. 106.50 or 106.52 are expanded, the same rights, remedies, and procedures shall be provided to all persons or classes of persons who are covered under s. 106.50 or 106.52.

SECTION 3. 111.40 of the statutes is created to read:

111.40 Rights, remedies, and procedures not to be limited. Beginning on the effective date of this section ... [LRB inserts date], the rights, remedies, or procedures provided to an individual or class of individuals under this subchapter as of the day before the effective date of this section ... [LRB inserts date], may not be limited. If on or after the effective date of this section ... [LRB inserts date], the scope of individuals or classes of individuals who are provided with any rights, remedies, or procedures under this subchapter is expanded, those individuals or

BILL

1 classes of individuals shall be provided with the same rights, remedies, and
2 procedures that are provided to individuals or classes of individuals who are covered
3 under this subchapter as of the day before the effective date of that expansion. If on
4 or after the effective date of this section [LRB inserts date], the rights, remedies,
5 or procedures that are provided to an individual or class of individuals under this
6 subchapter are expanded the same rights, remedies, and procedures shall be
7 provided to all individuals or classes of individuals who are covered under this
8 subchapter.

9

(END)

Malaise, Gordon

From: Rep.Sinicki
Sent: Friday, February 05, 2010 12:40 PM
To: Malaise, Gordon
Subject: re: LRB 09-40163.pdf
Attachments: 09-40163.pdf

Hi Gordon,

This looks good to go, but please add the comma as J. Karls notes below.

Please then have the email sent over here for jacketing.

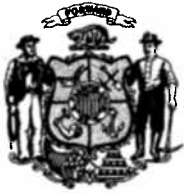
Thanks very much for working on this.

Christine Sinicki

I reviewed the draft, and I see that it narrows the bill to employment discrimination. A comma should be inserted after "expanded" on line 14 of page 2. Other than that, do you have questions or concerns other than the ones we've already discussed?

Jessica

Jessica Karls-Ruplinger
Staff Attorney
Wisconsin Legislative Council
(608) 266-2230
Jessica.Karls@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4016/0

GMM:bjk:md

Handwritten initials and circled number 4

RMR

Handwritten scribble with 'In 215' and 'Today' visible

stays

2009 BILL

In 215
Today
(p 2, 214)

SA

regen.

- 1 AN ACT *to create* 111.40 of the statutes; **relating to:** prohibiting any limitation
- 2 on the rights, remedies, or procedures that are provided to an individual or class
- 3 of individuals under the law prohibiting discrimination in employment.

Analysis by the Legislative Reference Bureau

Current law prohibits discrimination in employment because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest or conviction record, military service, or use or nonuse of lawful products off the employer's premises during nonworking hours (fair employment law).

This bill prohibits the rights, remedies, or procedures provided to an individual or a class of individuals under the fair employment law as of the day before the effective date of the bill from being limited. If on or after the effective date of this bill the scope of the individuals or classes of individuals who are provided with any rights, remedies, or procedures under the fair employment law is expanded, those individuals or classes of individuals shall be provided with the same rights, remedies, and procedures that are provided to the individuals or classes of individuals who are covered under that law as of the day before the effective date of that expansion. If on or after the effective date of this bill the rights, remedies, or procedures that are provided to an individual or class of individuals under the fair

BILL

employment law are expanded, the same rights, remedies, and procedures shall be provided to all individuals or classes of individuals who are covered under that law.

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

1 SECTION 1. 111.40 of the statutes is created to read:

2 **111.40 Rights, remedies, and procedures not to be limited.** Beginning
3 on the effective date of this section [LRB inserts date], the rights, remedies, or
4 procedures provided to an individual or class of individuals under this subchapter
5 as of the day before the effective date of this section [LRB inserts date], may not
6 be limited. If on or after the effective date of this section [LRB inserts date], the
7 scope of individuals or classes of individuals who are provided with any rights,
8 remedies, or procedures under this subchapter is expanded, those individuals or
9 classes of individuals shall be provided with the same rights, remedies, and
10 procedures that are provided to individuals or classes of individuals who are covered
11 under this subchapter as of the day before the effective date of that expansion. If on
12 or after the effective date of this section [LRB inserts date], the rights, remedies,
13 or procedures that are provided to an individual or class of individuals under this
14 subchapter are expanded, the same rights, remedies, and procedures shall be
15 provided to all individuals or classes of individuals who are covered under this
16 subchapter.

(END)

Duerst, Christina

From: George, Mary Beth

Sent: Friday, February 05, 2010 2:58 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-4016/4 Topic: Discrimination; prohibit legislature from granting exemptions

Please Jacket LRB 09-4016/4 for the ASSEMBLY.