# 2013 DRAFTING REQUEST

Bill								
Receiv	ved: 1	1/11/2013				Received By:	emueller	
Wante	ed: z	As time pern	nits			Same as LRB:		
For:	1	Fred Risser (	(608) 260	5-1627		By/Representing:	Terry Tuscher	n
May C	Contact:					Drafter:	emueller	
Subjec	Subject: Employ Pub - collective bargain Local Gov't - munis generally				Addl. Drafters:	chanaman		
		Local Gov't - counties Transportation - mass trnst/rail				Extra Copies:	ARG, MES	
Reque Carbo Pre To No spo	ecific pre	nil: (C) to: topic given		sser@legis.w		ov		
Proof	of physic	al fitness for	certain lo	ocal transit en	nployees			
Instru	ictions:							
Redra	ft 09-310	1.						
Drafti	ing Histo	ry:						
Vers.	<u>Drafted</u>	Rev	<u>iewed</u>	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/?	emuelle 1/28/20	, ,	r /2013	rschluet 1/29/2013				
/P1	emuelle 10/11/20					mbarman 1/29/2013		Local
/P2	emuelle	r jdye	r	jfrantze		sbasford		Local

10/14/2013

11/8/2013

10/14/2013 10/14/2013

**LRB-1114** 11/20/2013 8:20:31 AM Page 2

Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/P3	emueller 11/19/2013	jdyer 11/8/2013	jmurphy 11/8/2013	-	lparisi 11/8/2013		Local
/1		jdyer 11/20/2013	rschluet 11/20/2013		mbarman 11/20/2013	mbarman 11/20/2013	Local

FE Sent For:

Little

3/14/14

<END>

Local

# 2013 DRAFTING REQUEST

Bill								
Receiv	red: 1/	11/2013				Received By:	emueller	
Wante	d: A	s time pei	mits			Same as LRB:		
For:	F	red Rissei	r (608) 26	6-1627		By/Representing:	Terry Tuscher	n
May C	Contact:					Drafter:	emueller	
1		ocal Gov'	t - munis	tive bargain generally		Addl. Drafters:	chanaman	
		ocal Gov' ransporta		es ss trnst/rail		Extra Copies:	ARG, MES	
Reque Carbon Pre To	ecific pre t	il: C) to:		isser@legis.w	visconsin.g	ov		
-		l fitness fo	or certain l	local transit en	mployees			
Instru	ections:							
Redra	ft 09-3101							
Draft	ing Histor	y:						
Vers.	Drafted	<u>Re</u>	eviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/?	emueller 1/28/201		yer 29/2013	rschluet 1/29/2013		-		
/P1	emueller					mbarman 1/29/2013		Local

/P2

emueller

11/8/2013

jdyer

10/14/2013

jfrantze

10/14/2013

sbasford

10/14/2013

**LRB-1114** 11/20/2013 8:17:51 AM Page 2

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/P3	emueller 11/19/2013	jdyer 11/8/2013	jmurphy 11/8/2013		lparisi 11/8/2013		Local
/1		jdyer 11/20/2013	rschluet 11/20/2013		mbarman 11/20/2013		Local

FE Sent For:

<END>

## 2013 DRAFTING REQUEST

Bill

Received:

1/11/2013

Received By:

emueller

Wanted:

As time permits

Same as LRB:

For:

Fred Risser (608) 266-1627

By/Representing: Terry Tuschen

May Contact:

Drafter:

emueller

Subject:

Employ Pub - collective bargain

Addl. Drafters:

chanaman

Local Gov't - munis generally Local Gov't - counties

Transportation - mass trnst/rail

Extra Copies:

ARG, MES

Submit via email:

**YES** 

Requester's email:

Sen.Risser@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Proof of physical fitness for certain local transit employees

**Instructions:** 

Redraft 09-3101.

**Jacketed** 

Drafting	History
----------	---------

<u>Vers.</u>	Drafted	Reviewed	Typed	Proofed
/?	emueller 1/28/2013	jdyer 1/29/2013	rschluet 1/29/2013	Machinellassamoranasassassassassassas
/P1	emueller 10/11/2013	20 ju	jac	
/P2	emueller 11/8/2013	jdyer 10/14/2013	jfrantze 10/14/2013	

mbarman

**Submitted** 

1/29/2013

Local

Required

sbasford 10/14/2013 Local

**LRB-1114** 11/8/2013 2:44:03 PM Page 2

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/P3		jdyer 11/8/2013	jmurphy 11/8/2013		lparisi 11/8/2013		Local
/ (	EVM 11/19/13						
	nt For:						

<END>

Local

# 2013 DRAFTING REQUEST

Bill								
Receiv	ved:	1/11/20	13			Received By:	emueller	
Wante	ed:	As time	permits			Same as LRB:		
For:		Fred Ri	isser (608) 26	6-1627		By/Representing:	Terry Tuscher	1
May C	Contact:					Drafter:	emueller	
Subject: Employ Pub - collective bargain Local Gov't - munis generally				Addl. Drafters:	chanaman			
			Gov't - counti ortation - ma			Extra Copies:	ARG, MES	
Reque	it via em ester's en n copy (	nail:	YES Sen.R	isser@legis.w	visconsin.g	30V		
Pre T								<del></del>
No sp	ecific pr	e topic g	iven					
Topic	•							<u></u>
Proof	of physi	cal fitnes	ss for certain l	ocal transit en	nployees			
Instru	ictions:							
Redra	ft 09-31	01.						
Drafti	ing Hist	ory:			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			• • • • • • • • • • • • • • • • • • • •
Vers.	Drafte	<u>d</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/?	emuell 1/28/20		jdyer 1/29/2013	rschluet 1/29/2013		- -		
/P1	emuell 10/11/2		P3/8/16	i jd	Jul 8	mbarman 1/29/2013		Local

jfrantze

10/14/2013

sbasford

10/14/2013

jdyer

10/14/2013

193 EVM 11/8/13

/P2

**LRB-1114** 10/14/2013 8:24:25 AM Page 2

FE Sent For:

<END>

## 2013 DRAFTING REQUEST

В	Ì	I	l

Received:

1/11/2013

Received By:

emueller

Wanted:

As time permits

Same as LRB:

For:

Fred Risser (608) 266-1627

By/Representing: Terry Tuschen

May Contact:

Drafter:

emueller

Subject:

**Employ Pub - collective bargain** 

Addl. Drafters:

chanaman

Local Gov't - munis generally Local Gov't - counties

Transportation - mass trnst/rail

Extra Copies:

ARG, MES

Submit via email:

YES

Requester's email:

Sen.Risser@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Proof of physical fitness for certain local transit employees

Instructions:

Redraft 09-3101.

**Drafting History:** 

Vers. Drafted Reviewed <u>Typed</u> **Proofed Submitted** <u>Jacketed</u> Required

/?

emueller 1/28/2013 jdyer 1/29/2013

rschluet

1/29/2013

/P1

FE Sent For:

mbarman 1/29/2013 Local

## 2013 DRAFTING REQUEST

Received:

1/11/2013

Received By:

emueller

Wanted:

As time permits

Same as LRB:

For:

Fred Risser (608) 266-1627

By/Representing: Terry Tuschen

May Contact:

Drafter:

emueller

Subject:

**Employ Pub - collective bargain** 

Local Gov't - munis generally

Local Gov't - counties

Addl. Drafters:

chanaman

Transportation - mass trnst/rail

Extra Copies:

ARG, MES

Submit via email:

YES

Requester's email:

Sen.Risser@legis.wisconsin.gov

Carbon copy (CC) to: Pre Topic:

No specific pre topic given

Topic:

Proof of physical fitness for certain local transit employees

Instructions:

Redraft 09-3101.

**Drafting History:** 

Vers. Drafted

Reviewed

Proofed

**Submitted** 

<u>Jacketed</u>

Required

emueller

/PI EVM 1/28/13

FE Sent For:

<END>

Typed

#### Mueller, Eric

From:

Tuschen, Terry

Sent:

Friday, January 11, 2013 11:18 AM

To: Cc: Mueller, Eric Tuschen, Terry

Subject:

Sen. Risser re(sorta)draft of 2009-10 LRB 3101/P4

Hi Eric, Senator Risser would like to have this preliminary draft redrafted for this session, along with the drafters notes. It should be a primary draft at first. Do you have these documents available? I only have paper copies for some reason. But if you need them, I'll scan and get them over to you.

Anyway, thanks very much for your help! Terry

\*\*\*\*\*\*\*\*\*\*\*

Terry Tuschen
Office of State Senator Fred Risser
220 South, State Capitol
Madison, WI 53707-7882
608.266.1627
Terry.Tuschen@legis.wisconsin.gov





# State of Misconsin 2009 - 2010 LEGISLATURE

LRB-3101/Pi 1114/PI

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PMNR



( 1/28/13)

84 2/1)

X

Col

AN ACT (to create 66.1022 and 111.70 (4) (mc) 4. of the statutes) relating to:

(2)

that is

documentary proof of physical fitness requirements for certain local transit

employees.

# Analysis by the Legislative Reference Bureau

Under this bill, an individual who is employed by certain mass transit systems as an operator of a vehicle in revenue service must provide the same proof of physical fitness documentation required for school bus operators by the Department of Transportation and this requirement is a prohibited subject of collective bargaining. A vehicle is in revenue service when the vehicle is available to members of the general public and there is an expectation of carrying passengers who have paid fares, who have provided payment through a contractual arrangement, or who are subsidized by public funds.

For further information see the *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:

- **S**ECTION **1.** 66.1022 of the statutes is created to read:
- 5 66.1022 Proof of physical fitness required for transit positions. (1) In
- 6 this section:

25

1	(a) $^{\mathbf{V}_{u}}$ Proof of physical fitness" means the same documentation that a school bus	
2	operator would be required to provide, under rules established by the department of	
3	transportation, to satisfy the requirements of s. 343.12 (2) (g).	
4	(b) "Revenue service" means the time when a vehicle is available to members	
5	of the general public and there is an expectation of carrying passengers who directly	
6	pay fares, provide payment through a contractual arrangement, or are subsidized by	
7	public funds.	
8	(c) "Transit employee" means an employee of a system receiving funding under	
9	s. 85.20 if the employee operates a vehicle in revenue service as part of his or her job.	
10	(2) A transit employee shall, as a condition of employment, provide proof of	
11	physical fitness to his or her employer at the following times:	
12	(a) The time of hire.	
13	(b) If the employee has not attained the age of 70 years, once every 2 years.	
14	(c) If the employee has attained the age of 70 years, every year.	
15	(3) An employer of a transit employee shall provide the transit employee with	
16	notice of the requirement to provide proof of physical fitness at least 30 days before	
17	the proof of physical fitness is due under sub. (2).	
18	SECTION 2. 111.70 (4) (m/c) 4. of the statutes is created to read:	
19	111.70 (4) (mc) 4. The requirement under s. 66.1022 for transit employees to	
20_	provide proof of physical fitness.	ال
21	Section 3. Initial applicability.	-
22	(1) This act first applies to collective bargaining agreements entered into,	
23	extended, modified, or renewed, whichever occurs first, on the effective date of this	
24	subsection.	

(END)

#### 2013-2014 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB - 111/1/61
CMH:...:...

fixed

alum.

1	Insert 2–20
2	SECTION 1. 111.70 (4) (md) of the statutes is created to read:
3	111.70 (4) (md) Prohibited subjects of bargaining; transit employees. The
4	municipal employer is prohibited from bargaining collectively with a collective
5	bargaining unit containing a transit employee with respect to the requirement under
6	s. 66.1022 for transit employees to provide proof of physical fitness.

(end ins)

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-\(\beta\)101/P4dn\(\right)

The follows is the text of the drafters notes that accompanied the PI and 1P4 versions of LRB-3101 of the 2009-10 sessional?

ATTN: Sen. Fred Risser

Please review the attached draft carefully to ensure that it is consistent with your intent. Please review, in particular, the definitions for "revenue service" and "proof of physical fitness" that I have provided in this draft.

For the "revenue service" definition, I have provided a paraphrased and somewhat reworded version of the definition from NTD that you provided. Of particular note, I substituted "subsidized by public funds" for "subsidized by public policy." I changed this wording because "public policy" is not used in a similar way elsewhere in the statutes. Does the new wording meet your intent? I also omitted the final sentence of the NTD definition, as the exclusions contained in that sentence appear to be

> For the definition of "proof of physical fitness," I referred generically to "the same documentation that a school bus operator would be required to provide." Under current Department of Transportation rules, this documentation would consist of the documentation required under s. Trans. 112.03 (3), Wis. Adm. Code.

> matters that do not fit within the definition. Please let me know if you believe any of

these specific exclusions need to be referenced in the definition.

Also, my notes did not clearly indicate one way or the other, but because it appeared that we were working off of LRB-3101/P2, I reinserted the employer notice requirement included as s. 66.1022 (4) in that draft. Let me know if this should be removed.

As an additional note, the term "vehicle" used in the definition of "transit employee" in this draft may be somewhat ambiguous. The definition of "transit employee" refers to a system receiving funding under s. 85.20, stats. Certain commuter or light rail systems are eligible to receive funding under s. 85.20 (4m) (a) 6. e., stats. Because there is no specific definition of "vehicle" provided for s. 66.1022, as created by this draft, the term can likely be interpreted to either exclude or include commuter or light rail conveyance devices. On the one hand, since s. 66.1022, as created by this draft, deals with transportation matters, the definition of "vehicle" contained in s. 340.01 (74), stats., may be referenced by a reviewing court. This definition of "vehicle" excludes "railroad trains." I do not know, however, if the definition of "railroad train" in s. 340.01 (48), stats., would include a commuter or light rail conveyance device. On the other hand, the definition of "transit employee," as created by this draft, clearly refers to a

system receiving funding under s. 85.20—certain commuter and light rail systems are eligible to receive funding under that section. Also, because there is no provided definition or cross—reference, reference to the definition of "vehicle" in s. 340.01 (74), stats., is not necessarily required. The common dictionary definition of "vehicle" is likely broad enough to include commuter or light rail conveyance devices. Do you wish to clarify the applicability of this provision in regards to commuter or light rail systems?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft. >>

Eric V. Mueller Legislative Attorney Phone: (608) 261–7032

E-mail: eric.mueller@legis.wisconsin.gov

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3101/P1dn ARG:kjf:md

August 11, 2009

DNote 1

Senator Risser:

The requirements in the attached draft apply to all transit systems receiving state transit aids under s. 85.20. I believe that all significant transit systems in the state receive such aids. Please advise if you would like me to confer with DOT on this issue.

To the extent this draft is intended to cover bus operators (and potentially train operators in the future), the provisions of the draft may overlap with federal law. Bus operators are required to hold commercial driver licenses and may be subject to other physical qualification requirements, including drug testing, under federal law. Train operators may also be subject to federal fitness standards. You may wish to confer with DOT on the question of how federal regulation may impact this bill or, if you prefer, I would be happy to contact DOT on this subject.

Aaron R. Gary Legislative Attorney Phone: (608) 261–6926

 $E\text{-}mail:\ aaron.gary@legis.wisconsin.gov$ 

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1114/P1dn EVM:jld:rs

January 29, 2013

ATTN: Sen. Fred Risser

The following is the text of the drafter's notes that accompanied the /P1 and /P4 versions of LRB-3101 of the 2009-10 session:

"Senator Risser:

The requirements in the attached draft apply to all transit systems receiving state transit aids under s. 85.20. I believe that all significant transit systems in the state receive such aids. Please advise if you would like me to confer with DOT on this issue.

To the extent this draft is intended to cover bus operators (and potentially train operators in the future), the provisions of the draft may overlap with federal law. Bus operators are required to hold commercial driver licenses and may be subject to other physical qualification requirements, including drug testing, under federal law. Train operators may also be subject to federal fitness standards. You may wish to confer with DOT on the question of how federal regulation may impact this bill or, if you prefer, I would be happy to contact DOT on this subject.

Aaron R. Gary Legislative Attorney Phone: (608) 261–6926

E-mail: aaron.gary@legis.wisconsin.gov

Please review the attached draft carefully to ensure that it is consistent with your intent. Please review, in particular, the definitions for "revenue service" and "proof of physical fitness" that I have provided in this draft.

For the "revenue service" definition, I have provided a paraphrased and somewhat reworded version of the definition from NTD that you provided. Of particular note, I substituted "subsidized by public funds" for "subsidized by public policy." I changed this wording because "public policy" is not used in a similar way elsewhere in the statutes. Does the new wording meet your intent? I also omitted the final sentence

of the NTD definition, as the exclusions contained in that sentence appear to be matters that do not fit within the definition. Please let me know if you believe any of these specific exclusions need to be referenced in the definition.

For the definition of "proof of physical fitness," I referred generically to "the same documentation that a school bus operator would be required to provide." Under current Department of Transportation rules, this documentation would consist of the documentation required under s. Trans. 112.03 (3), Wis. Adm. Code.

Also, my notes did not clearly indicate one way or the other, but because it appeared that we were working off of LRB-3101/P2, I reinserted the employer notice requirement included as s. 66.1022 (4) in that draft. Let me know if this should be removed.

As an additional note, the term "vehicle" used in the definition of "transit employee" in this draft may be somewhat ambiguous. The definition of "transit employee" refers to a system receiving funding under s. 85.20, stats. Certain commuter or light rail systems are eligible to receive funding under s. 85.20 (4m) (a) 6. e., stats. Because there is no specific definition of "vehicle" provided for s. 66.1022, as created by this draft, the term can likely be interpreted to either exclude or include commuter or light rail conveyance devices. On the one hand, since s. 66.1022, as created by this draft, deals with transportation matters, the definition of "vehicle" contained in s. 340.01 (74). stats., may be referenced by a reviewing court. This definition of "vehicle" excludes "railroad trains." I do not know, however, if the definition of "railroad train" in s. 340.01 (48), stats., would include a commuter or light rail conveyance device. On the other hand, the definition of "transit employee," as created by this draft, clearly refers to a system receiving funding under s. 85.20 — certain commuter and light rail systems are eligible to receive funding under that section. Also, because there is no provided definition or cross-reference, reference to the definition of "vehicle" in s. 340.01 (74), stats., is not necessarily required. The common dictionary definition of "vehicle" is likely broad enough to include commuter or light rail conveyance devices. Do you wish to clarify the applicability of this provision in regards to commuter or light rail systems?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft."

Eric V. Mueller Legislative Attorney Phone: (608) 261–7032

E-mail: eric.mueller@legis.wisconsin.gov

#### Gary, Aaron

From:

Tuschen, Terry

Sent:

Friday, October 04, 2013 1:59 PM

To: Cc: Gary, Aaron Tuschen, Terry

Subject:

RE: Draft review: LRB -1114/P1 Topic: Proof of physical fitness for certain local transit

employees

Hi Aaron, can you touch this up so that it only affects bus drivers in public mass transit systems (i.e. Madison Metro, etc.)? I don't want to involve railroad trains.

Thanks, Terry

From: Risser, Fred A.

Sent: Tuesday, January 29, 2013 1:43 PM

To: Tuschen, Terry

Subject: FW: Draft review: LRB -1114/P1 Topic: Proof of physical fitness for certain local transit employees

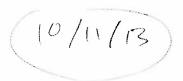


# State of Misconsin 2013 - 2014 LEGISLATURE



# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION





x Reger

AN ACT to create 66.1022 and 111.70 (4) (md) of the statutes; relating to: proof

of physical fitness requirement for certain local transit employees.

bus

2

# Analysis by the Legislative Reference Bureau

\*

3

Under this bill, an individual who is employed by certain mass transit systems as an operator of a **provide** in revenue service must provide the same proof of physical fitness documentation that is required for school bus operators. This requirement is a prohibited subject of collective bargaining. A vehicle is in revenue service when the vehicle is available to members of the general public and there is an expectation of carrying passengers who have paid fares, who have provided payment through a contractual arrangement, or who are subsidized by public funds.

For further information see the *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:

SECTION 1. 66.1022 of the statutes is created to read:

B

66.1022 Proof of physical fitness required for transit positions. (1) In

5 this section:

22

23

1	(a) "Proof of physical fitness" means the same documentation that a school bus
2	operator would be required to provide, under rules established by the department of
3	transportation, to satisfy the requirements of s. 343.12 (2) (g).
4	(b) "Revenue service" means the time when a vehicle is available to members
5	of the general public and there is an expectation of carrying passengers who directly
6	pay fares, provide payment through a contractual arrangement, or are subsidized by
7	public funds.
8	(c) "Transit employee" means an employee of a system receiving funding under
9	s. 85.20 if the employee operates a vehicle in revenue service as part of his or her job.
10	(2) A transit employee shall, as a condition of employment, provide proof of
11	physical fitness to his or her employer at the following times:
12	(a) The time of hire.
13	(b) If the employee has not attained the age of 70 years, once every 2 years.
14	(c) If the employee has attained the age of 70 years, every year.
15	(3) An employer of a transit employee shall provide the transit employee with
16	notice of the requirement to provide proof of physical fitness at least 30 days before
17	the proof of physical fitness is due under sub. (2).
18	Section 2. 111.70 (4) (md) of the statutes is created to read:
19	111.70 (4) (md) Prohibited subjects of bargaining; transit employees. The
20	municipal employer is prohibited from bargaining collectively with a collective
21	bargaining unit containing a transit employee with respect to the requirement under

s. 66.1022 for transit employees to provide proof of physical fitness.

SECTION 3. Initial applicability.

1	(1) This act first applies to collective bargaining agreements entered into,
2	extended, modified, or renewed, whichever occurs first, on the effective date of this
3	subsection.

4 (END)

#### Mueller, Eric

From:

Tuschen, Terry

Sent:

Thursday, November 07, 2013 3:52 PM

To:

Mueller, Eric

Subject:

RE: Draft review: LRB -1114/P2 Topic: Proof of physical fitness for certain local transit

employees

Hi Eric, go ahead and use "all of the following" and discard the second suggestion. That's plenty good enough © Thanks for getting back to me and for your feedback. It's helpful!

Terry

From: Mueller, Eric

Sent: Thursday, November 07, 2013 3:41 PM

To: Tuschen, Terry

Subject: RE: Draft review: LRB -1114/P2 Topic: Proof of physical fitness for certain local transit employees

Terry, sorry I haven't gotten back to you earlier. I don't believe any change is necessary here, but if you do want something we often use the construction "all of the following" before a list. So the change would be at p. 2, ln. 11 insert "all of" after "at." The second suggestion, with the conjunctives, is contrary to current drafting standards. I don't think I'd be able to get that through editing. Please let me know how you would like to proceed.

Eric Mueller

Attorney, Legislative Reference Bureau

Phone: (608)261-7032

eric.mueller@legis.wisconsin.gov

From: Tuschen, Terry

Sent: Tuesday, October 29, 2013 2:15 PM

To: Mueller, Eric

Subject: RE: Draft review: LRB -1114/P2 Topic: Proof of physical fitness for certain local transit employees

Hi Eric, thank you. It does. I appreciate you getting back to me too.

During the discussions with Madison, their city attorney asked for a couple tweaks. I've pasted it below. Let me know if what they ask doesn't make sense or if you have any questions about it. Thanks Terry

From John Strange – our City Attorney for Metro Transit

That is how I would read it. if I'm being nitpicky, for clarity I would suggest someone insert the word "each" on line 11 between "at" and "of", or that the list be made conjunctive kind of like this:

- a) time of hire, and
- b) if less than 70, once every two years, or
- c) if more than 70, every year.

From: Mueller, Eric

Sent: Tuesday, October 29, 2013 1:42 PM

To: Risser, Fred A.

Subject: RE: Draft review: LRB -1114/P2 Topic: Proof of physical fitness for certain local transit employees

Terry,

I think 66.1022 (2) (b) would require that proof of physical fitness be submitted every 2 years for a transit employee who is under 70 and 66.1022 (2) (c) would require that proof of physical fitness be submitted every year for a transit employee who is 70 and over. Does this answer your question?

Eric Mueller

Attorney, Legislative Reference Bureau

Phone: (608)261-7032

eric.mueller@legis.wisconsin.gov

From: Risser, Fred A.

**Sent:** Tuesday, October 29, 2013 10:28 AM **To:** Mueller, Eric; Hanaman, Cathlene

Cc: Tuschen, Terry

Subject: FW: Draft review: LRB -1114/P2 Topic: Proof of physical fitness for certain local transit employees

Importance: High

Hi Eric, Cathlene, we (me and Chuck Kamp, the Director of Metro Transit) are going back and forth about whether or not the requirements of this bill (and linked with DOT's admin rules) whether or not the draft provides for an annual or biennial physical exam requirement for all metro bus drivers.

My reading comes up with such a requirement at initial hire, and then after the driver reaches age 70. But I can't find any annual or even biennial requirement.

Would you review this for me so we have a definitive answer?

Thanks, Terry

From: LRB.Legal

Sent: Monday, October 14, 2013 8:25 AM

To: Risser, Fred A.

Subject: Draft review: LRB -1114/P2 Topic: Proof of physical fitness for certain local transit employees

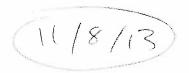
Following is the PDF version of draft LRB -1114/P2.



# State of Misconsin 2013 - 2014 LEGISLATURE



# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION





X

2

Regen

Sour

AN ACT to create 66.1022 and 111.70 (4) (md) of the statutes; relating to: proof

of physical fitness requirement for certain local transit employees.

on contain occasional

Analysis by the Legislative Reference Bureau

X

4

Under this bill, an individual who is employed by certain mass transit systems as an operator of a bus in revenue service must provide the same proof of physical fitness documentation that is required for school bus operators. This requirement is a prohibited subject of collective bargaining. A vehicle is in revenue service when the vehicle is available to members of the general public and there is an expectation of carrying passengers who have paid fares, who have provided payment through a contractual arrangement, or who are subsidized by public funds.

For further information see the *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:

3 SECTION 1. 66.1022 of the statutes is created to read:

66.1022 Proof of physical fitness required for certain transit positions.

5 (1) In this section:

23

1	(a) "Proof of physical fitness" means the same documentation that a school bus
2	operator would be required to provide, under rules established by the department of
3	transportation, to satisfy the requirements of s. 343.12 (2) (g).
4	(b) "Revenue service" means the time when a vehicle is available to members
5	of the general public and there is an expectation of carrying passengers who directly
6	pay fares, provide payment through a contractual arrangement, or are subsidized by
7	public funds.
8	(c) "Transit employee" means an employee of a system receiving funding under
9	s. 85.20 if the employee operates a bus in revenue service as part of his or her job.
10	(2) A transit employee shall, as a condition of employment, provide proof of
11)	physical fitness to his or her employer at the following times:
12	(a) The time of hire.
13	(b) If the employee has not attained the age of 70 years, once every 2 years.
14	(c) If the employee has attained the age of 70 years, every year.
15	(3) An employer of a transit employee shall provide the transit employee with
16	notice of the requirement to provide proof of physical fitness at least 30 days before
17	the proof of physical fitness is due under sub. (2).
18	<b>Section 2.</b> 111.70 (4) (md) of the statutes is created to read:
19	111.70 (4) (md) Prohibited subjects of bargaining; transit employees. The
20	municipal employer is prohibited from bargaining collectively with a collective
21	bargaining unit containing a transit employee with respect to the requirement under
22	s. 66.1022 for transit employees to provide proof of physical fitness.

SECTION 3. Initial applicability.

1	(1) This act first applies to collective bargaining agreements entered into,
2	extended, modified, or renewed, whichever occurs first, on the effective date of this
3	subsection.
4	(END)

#### Mueller, Eric

From:

Tuschen, Terry

Sent:

Thursday, November 14, 2013 4:02 PM

To:

Mueller, Eric

Subject:

RE: Draft review: LRB -1114/P3 Topic: Proof of physical fitness for certain local transit

employees

Hi Eric, we are a go with this draft. Can you make it a /1 and have it jacketed, or if you need me to do contact someone else, I'm happy to do that too.

Thanks again for your help on this.

TerryT

From: LRB.Legal

Sent: Friday, November 08, 2013 2:44 PM

To: Risser, Fred A.

Subject: Draft review: LRB -1114/P3 Topic: Proof of physical fitness for certain local transit employees

Following is the PDF version of draft LRB -1114/P3.



# State of Misconsin 2013 - 2014 LEGISLATURE



2013 BILL

PRELIMINARY DRAFT NOT READY FOR INTRODUCTION

RMR

No Chayes

(11/19/13)

<u>SON</u>

大

2

3

Kegen

AN ACT to create 66.1022 and 111.70 (4) (md) of the statutes; relating to: proof

of physical fitness requirement for certain local transit employees.

# Analysis by the Legislative Reference Bureau

Under this bill, an individual who is employed by certain mass transit systems as an operator of a bus in revenue service must, on certain occasions, provide the same proof of physical fitness documentation that is required for school bus operators. This requirement is a prohibited subject of collective bargaining. A vehicle is in revenue service when the vehicle is available to members of the general public and there is an expectation of carrying passengers who have paid fares, who have provided payment through a contractual arrangement, or who are subsidized by public funds.

For further information see the 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:

- **Section 1.** 66.1022 of the statutes is created to read:
- 4 66.1022 Proof of physical fitness required for certain transit positions.
- 5 (1) In this section:

(a) "Proof of physical fitness" means the same documentation that a school bus
operator would be required to provide, under rules established by the department of
transportation, to satisfy the requirements of s. 343.12 (2) (g).
(b) "Revenue service" means the time when a vehicle is available to members
of the general public and there is an expectation of carrying passengers who directly
pay fares, provide payment through a contractual arrangement, or are subsidized by
public funds.
(c) "Transit employee" means an employee of a system receiving funding under
s. 85.20 if the employee operates a bus in revenue service as part of his or her job.
(2) A transit employee shall, as a condition of employment, provide proof of
physical fitness to his or her employer at all of the following times:
(a) The time of hire.
(b) If the employee has not attained the age of 70 years, once every 2 years.
(c) If the employee has attained the age of 70 years, every year.
(3) An employer of a transit employee shall provide the transit employee with
notice of the requirement to provide proof of physical fitness at least 30 days before
the proof of physical fitness is due under sub. (2).
Section 2. 111.70 (4) (md) of the statutes is created to read:
111.70 (4) (md) Prohibited subjects of bargaining; transit employees. The
municipal employer is prohibited from bargaining collectively with a collective
bargaining unit containing a transit employee with respect to the requirement under
s. 66.1022 for transit employees to provide proof of physical fitness.

SECTION 3. Initial applicability.

4

1	(1) This act first applies to collective bargaining agreements entered into
2	extended, modified, or renewed, whichever occurs first, on the effective date of this
3	subsection.

(END)

#### Barman, Mike

From:

LRB.Legal

To:

Risser, Fred A.

Subject: Attachments: Draft review: LRB -1114/1 Topic: Proof of physical fitness for certain local transit employees

13-1114/1

# State of Wisconsin - Legislative Reference Bureau

One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Eric V. Mueller, Legislative Attorney, at (608) 261-7032, at <a href="mailto:eric.mueller@legis.wisconsin.gov">eric.mueller@legis.wisconsin.gov</a>, or at One East Main Street, Suite 200.

Per instructions from the drafting attorney (EVM) ... we will jacket this draft for the <u>Senate</u> and send it (by page) to your office this morning.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at <a href="mailto:LRB.Legal@legis.wisconsin.gov">LRB.Legal@legis.wisconsin.gov</a> or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.