

2017 DRAFTING REQUEST**Bill**

For: **Lisa Subeck (608) 266-7521** Drafter: **kpleviak**
 By: **Zach** Secondary Drafters:
 Date: **11/21/2017** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Subeck@legis.wisconsin.gov**
 Carbon copy (CC) to: **krista.pleviak@legis.wisconsin.gov**
michael.duchek@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allow local FMLA regulation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpleviak 11/21/2017	kfollett 11/21/2017			
/P1	kpleviak 11/29/2017		lparisi 11/21/2017		Local
/P2	kpleviak 12/6/2017	kfollett 11/30/2017	lparisi 11/30/2017		Local
/1		kfollett 12/6/2017	mbarman 12/6/2017	dwalker 2/8/2018	Local

FE Sent For: *2*
at
intro

<END>

Pleviak, Krista

From: Madden, Zachary
Sent: Tuesday, November 21, 2017 10:04 AM
To: Pleviak, Krista
Subject: RE: Bill Draft Needed

Krista,

Sorry. That wasn't clear. The uniformity provision in 103.10 that preempts locals from establishing a higher floor for family medical leave is what we want repealed.

This would be a stand alone bill, not an addition to 4544. I will check in with Lisa about the bone marrow and organ donation and let you know, but for now lets leave it out.

Lets get it drafted as a p drat for now.

Thanks,
Zach

Zachary Madden
Legislative Aide,
Representative Lisa Subeck
78th Assembly District
State Capitol, Room 418 North
P.O. Box 8953, Madison, WI 53708
(608) 266-7521

From: Pleviak, Krista
Sent: Tuesday, November 21, 2017 9:56 AM
To: Madden, Zachary <Zachary.Madden@legis.wisconsin.gov>
Subject: RE: Bill Draft Needed

Zach:

I'm not sure what you mean by "local sick leave ordinance." Are you referring to the provisions in s. 103.10, stats., related to the family and medical leave law? If yes, do you also want to repeal local preemption of bone marrow and organ donation leave ordinances in s. 103.11, stats.?

Are you looking for a separate bill or do you want to add this to LRB-4544?

Krista

Krista R. Pleviak
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037

Madison, WI 53701-2037
(608) 266 - 7290
krista.pleviak@legis.wisconsin.gov

From: Madden, Zachary
Sent: Tuesday, November 21, 2017 9:38 AM
To: Pleviak, Krista <Krista.Pleviak@legis.wisconsin.gov>
Subject: Bill Draft Needed

Krista,

We need a bill drafted that is similar to LRB-4544 that you did for us, but repeals the language in state statute that preempts local units of government from establishing a local sick leave ordinance.

Thanks,
Zach

Zachary Madden
Legislative Aide,
Representative Lisa Subeck
78th Assembly District
State Capitol, Room 418 North
P.O. Box 8953, Madison, WI 53708
(608) 266-7521



State of Wisconsin
2017 - 2018 LEGISLATURE

W: 11/21/17
DUE: 11/22/17 (Wed.)

PI
LRB-4889?
KRP: [Signature]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: allowing the enactment of local family and medical leave
2 ordinances.

Analysis by the Legislative Reference Bureau

Current law prohibits a city, village, town, or county from enacting and administering an ordinance requiring an employer to provide an employee with leave from employment for certain family or medical reasons. This bill eliminates that prohibition.

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. 103.10 (1) (b) of the statutes is amended to read:
4 103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, "employee"
5 means an individual employed in this state by an employer, except the employer's
6 parent, spouse, domestic partner, or child.

History: 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33; 2009 a. 28; 2011 a. 16; 2013 a. 362; 2015 a. 258.

7 SECTION 2. 103.10 (1) (c) of the statutes is amended to read:

Pleviak, Krista

From: Madden, Zachary
Sent: Wednesday, November 29, 2017 12:06 PM
To: Pleviak, Krista
Subject: RE: LRB-4889

Krista,

After talking with Rep. Subeck. We would like it redrafted that way.

Thanks,
Zach

Zachary Madden
Legislative Aide,
Representative Lisa Subeck
78th Assembly District
State Capitol, Room 418 North
P.O. Box 8953, Madison, WI 53708
(608) 266-7521

From: Pleviak, Krista
Sent: Wednesday, November 22, 2017 11:00 AM
To: Madden, Zachary <Zachary.Madden@legis.wisconsin.gov>
Subject: LRB-4889

Zach:

I just had a thought. If you would prefer that your draft not have the definition of "sexual assault" in it, I could renumber that provision rather than repealing it and creating it in the other chapter. If you prefer that option, let me know—it would be a pretty easy change.

Krista

Krista R. Pleviak
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266 - 7290
krista.pleviak@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

IN: 11/29/17

DUE: 11/30/17 (Thurs.)

P2
LRB-4889/P1
KRP:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

Regis

1 **AN ACT to repeal** 103.10 (1m); **to amend** 103.10 (1) (b), 103.10 (1) (c) and 165.68
2 (1) (a) 3.; and **to create** 165.68 (1) (h) of the statutes; **relating to:** allowing the
3 enactment of local family and medical leave ordinances.

Analysis by the Legislative Reference Bureau

Current law prohibits a city, village, town, or county from enacting and administering an ordinance requiring an employer to provide an employee with leave from employment for certain family or medical reasons. This bill eliminates that prohibition.

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:

4 **SECTION 1.** 103.10 (1) (b) of the statutes is amended to read:
5 103.10 (1) (b) Except as provided in sub. ~~(1m) (b) 2.~~ and s. 452.38, "employee"
6 means an individual employed in this state by an employer, except the employer's
7 parent, spouse, domestic partner, or child.

1 SECTION 2. 103.10 (1) (c) of the statutes is amended to read:

2 103.10 (1) (c) ~~Except as provided in sub. (1m) (b) 3., "employer"~~ "Employer"
3 means a person engaging in any activity, enterprise, or business in this state
4 employing at least 50 individuals on a permanent basis. "Employer" includes the
5 state and any office, department, independent agency, authority, institution,
6 association, society, or other body in state government created or authorized to be
7 created by the constitution or any law, including the legislature and the courts.

INSERT
2-8

8 SECTION 3. 103.10 (1m) of the statutes is repealed.

9 SECTION 4. 165.68 (1) (a) 3. of the statutes, as created by 2015 Wisconsin Act
10 356, is amended to read:

11 165.68 (1) (a) 3. Sexual abuse, as defined in s. 103.10 (1m) (b) 6.

12 SECTION 5. 165.68 (1) (h) of the statutes is created to read:

13 165.68 (1) (h) "Sexual abuse" means conduct that is in violation of s. 940.225,
14 944.30 (1m), 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or
15 948.10 or that is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

16 (END)

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4889/P2
KPP....

INSERT 2-8

1 **SECTION 1.** 103.10 (1m) (title), (a), (b) (intro.), 1., 2., 3., 4., 5. and 7., (c), (d) and
2 (e) of the statutes are repealed.

3 **SECTION 2.** 103.10 (1m) (b) 6. of the statutes is renumbered 165.68 (1) (h).

(END INSERT 2-8)

Pleviak, Krista

From: LRB.Legal
Sent: Wednesday, December 06, 2017 9:22 AM
To: Pleviak, Krista
Subject: FW: Draft review: LRB -4889/P2

From: Madden, Zachary
Sent: Wednesday, December 06, 2017 9:21 AM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -4889/P2

This looks good to go. We are ready for a /1.

Thanks,
Zach

Zachary Madden
Legislative Aide,
Representative Lisa Subeck
78th Assembly District
State Capitol, Room 418 North
P.O. Box 8953, Madison, WI 53708
(608) 266-7521

From: LRB.Legal
Sent: Thursday, November 30, 2017 1:21 PM
To: Rep.Subeck <Rep.Subeck@legis.wisconsin.gov>
Subject: Draft review: LRB -4889/P2

Following is the PDF version of draft LRB -4889/P2.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4889/P2
KRP:kjf

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

e
RMR

No CHANGES

1 AN ACT *to repeal* 103.10 (1m) (title), (a), (b) (intro.), 1., 2., 3., 4., 5. and 7., (c), (d)
2 and (e); *to renumber* 103.10 (1m) (b) 6.; and *to amend* 103.10 (1) (b), 103.10
3 (1) (c) and 165.68 (1) (a) 3. of the statutes; **relating to:** allowing the enactment
4 of local family and medical leave ordinances.

Analysis by the Legislative Reference Bureau

Current law prohibits a city, village, town, or county from enacting and administering an ordinance requiring an employer to provide an employee with leave from employment for certain family or medical reasons. This bill eliminates that prohibition.

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:

5 SECTION 1. 103.10 (1) (b) of the statutes is amended to read:
6 103.10 (1) (b) Except as provided in sub. (1m) (b) 2. and s. 452.38, "employee"
7 means an individual employed in this state by an employer, except the employer's
8 parent, spouse, domestic partner, or child.

Walker, Dan

From: Madden, Zachary
Sent: Thursday, February 08, 2018 12:02 PM
To: LRB.Legal
Subject: Draft Review: LRB -4889/1

We would like this jacketed for the Assembly ASAP.

Thanks,
Zach

Zachary Madden
Legislative Aide,
Representative Lisa Subeck
78th Assembly District
State Capitol, Room 418 North
P.O. Box 8953, Madison, WI 53708
(608) 266-7521