

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget 6-1037** Drafter: **mshovers**
 By: **Hynek** Secondary Drafters: **kpleviak**
 Date: **2/14/2019** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**
eric.mueller@legis.wisconsin.gov

Pre Topic:

DOA:.....Hynek, BB0374 -

Topic:

State, local employment regulations

Instructions:

See attached. Repeal the provisions enacted in 2017 Act 327, which preempted local governments from regulating certain areas of employment

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mshovers 2/18/2019	anienaja 2/15/2019	lparisi 2/15/2019		State S&L
/P2	mmcgreev 2/21/2019	wjackson 2/21/2019	jmurphy 2/18/2019		State S&L
/P3			lparisi 2/21/2019		State S&L

FE Sent For: **<END>**

Shovers, Marc

From: Hanaman, Cathlene
Sent: Thursday, February 14, 2019 11:11 AM
To: Mueller, Eric; Shovers, Marc
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Sent: Thursday, February 14, 2019 10:40 AM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>; Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Local Employment Regulations

Tracking Code: BB0374

SBO Team: EWD

SBO Analyst: Hynek, Sara - DOA
Phone: (608) 266-1037
E-mail: Sara.Hynek@Wisconsin.gov

Agency Acronym: 445

Agency Number: 445

Priority: Medium

Intent:

Repeal the provisions enacted in 2017 Act 327, which preempted local governments from regulating certain areas of employment such as hours, wage claims, etc.

Attachments: False

Please send completed drafts to SBOSatlanguage@spsmail.enterprise.wistate.us



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2044/P1
MES&KRP:...

IN: 02/14/19
DUE: 02/15/19 (Fri.)

DOA:.....Hynek, BB0374 - State, local, employment regulations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

SA
Xref

No gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

State, local employment regulations; repeal preemption of local government regulations

This bill repeals the preemption of local governments from enacting or enforcing ordinances related to various employment matters, including the following:

1. Regulations related to wage claims and collections.
2. Regulation of employee hours and overtime, including scheduling of employee work hours or shifts.
3. The employment benefits an employer may be required to provide to its employees.
4. An employer's right to solicit information regarding the salary history of prospective employees.

The bill repeals a prohibition on political subdivisions from enacting or enforcing an ordinance regarding any of those matters.

The bill also repeals a prohibition against a political subdivision from imposing an occupational licensing requirement on an individual, to whom a state government occupational licensing requirement applies, which is more stringent than the state requirement. The bill also repeals a provision under which neither the state nor a local governmental unit may enact a statute or ordinance, adopt a policy or

that

Current law

regulation, or impose a contract, zoning, permitting, or licensing requirement, or any other condition that would require any person to accept any provision that is a subject of collective bargaining under state or federal labor laws. The bill defines federal labor laws as the National Labor Relations Act. Finally, the bill repeals a prohibition under which the state and local governments, and their employees, could require any person to waive the person's rights under state or federal labor laws as a condition of any other approval by the state or local governmental unit.

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

Insert
Anal. →

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

1 SECTION 1. 66.0134 of the statutes is repealed.

2 SECTION 2. 66.0408 (2) (d) of the statutes is repealed.

3 SECTION 3. 103.007 of the statutes is repealed.

4 SECTION 4. 103.12 of the statutes is repealed.

5 SECTION 5. 103.36 of the statutes is repealed.

6 SECTION 6. 104.001 (3) of the statutes is created to read:

7 104.001 (3) This section does not affect an ordinance that, subject to s. 66.0903,
8 requires an employee of a county, city, village, or town, an employee who performs
9 work under a contract for the provision of services to a county, city, village, or town,
10 or an employee who performs work that is funded by financial assistance from a
11 county, city, village, or town to be paid at a minimum wage rate specified in the
12 ordinance.

13 SECTION 7. 109.09 (3) of the statutes is repealed.

14 SECTION 8. 947.21 of the statutes is repealed.

15 (END)

INSERT ANAL.

EMPLOYMENT

1. State and local employment regulations; repeal preemption of local government regulations

This bill repeals the preemption of local governments from enacting or enforcing ordinances related to various employment matters, including the following:

1. Regulations related to wage claims and collections.
2. Regulation of employee hours and overtime, including scheduling of employee work hours or shifts.
3. The employment benefits an employer may be required to provide to its employees.
4. An employer's right to solicit information regarding the salary history of prospective employees.

The bill repeals a prohibition on political subdivisions from enacting or enforcing an ordinance regarding any of those matters.

The bill also repeals a prohibition against a political subdivision from imposing an occupational licensing requirement on an individual, to whom a state government occupational licensing requirement applies, that is more stringent than the state requirement. The bill also repeals a provision under which neither the state nor a local governmental unit may enact a statute or ordinance, adopt a policy or regulation, or impose a contract, zoning, permitting, or licensing requirement, or any other condition, that would require any person to accept any provision that is a subject of collective bargaining under state or federal labor laws. Current law defines "federal labor laws" as the National Labor Relations Act. Finally, the bill repeals a prohibition under which the state and local governments, and their employees, could require any person to waive the person's rights under state or federal labor laws as a condition of any other approval by the state or local governmental unit.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2044/P1
MES&KRP:amn

P2
vahl
RMR

DOA:.....Hynek, BB0374 - State, local employment regulations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

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2. Regulation of employee hours and overtime, including scheduling of employee work hours or shifts.
3. The employment benefits an employer may be required to provide to its employees.
4. An employer's right to solicit information regarding the salary history of prospective employees.

The bill repeals a prohibition on political subdivisions from enacting or enforcing an ordinance regarding any of those matters.

The bill also repeals a prohibition against a political subdivision from imposing an occupational licensing requirement on an individual (to whom a state government occupational licensing requirement applies), that is more stringent than the state requirement. The bill also repeals a provision under which neither the state nor a local governmental unit may enact a statute or ordinance, adopt a policy or

See local governments, -- FY19

regulation, or impose a contract, zoning, permitting, or licensing requirement, or any other condition, that would require any person to accept any provision that is a subject of collective bargaining under state or federal labor laws. Current law defines "federal labor laws" as the National Labor Relations Act. Finally, the bill repeals a prohibition under which the state and local governments, and their employees, could require any person to waive the person's rights under state or federal labor laws as a condition of any other approval by the state or local governmental unit.

EMPLOYMENT

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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:

1 SECTION 1. 66.0134 of the statutes is repealed.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2044/P2
MES&KRP(amn&ah)

P3
all

DOA:.....Hynek, BB0374 - State, local employment regulations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

D-Note

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

1. State and local employment regulations; repeal preemption of local government regulations

This bill repeals the preemption of local governments enacting or enforcing ordinances related to the following:

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prohibition under which the state and local governments, and their employees, could require any person to waive the person's rights under state or federal labor laws as a condition of any other approval by the state or local governmental unit.

EMPLOYMENT

1. *State and local employment regulations; repeal preemption of local government regulations*

This bill repeals the preemption of local governments from enacting or enforcing ordinances related to various employment matters. *See Local Government.*

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

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2 SECTION 2. 66.0408 (2) (d) of the statutes is repealed.

3 SECTION 3. 103.007 of the statutes is repealed.

4 SECTION 4. 103.12 of the statutes is repealed.

5 ~~SECTION 5.~~ **** This is reconciled s.103.12. This section has been affected by drafts*
SECTION 5. 103.36 of the statutes is repealed. *With the following LRB numbers:*

6 SECTION 6. 104.001 (3) of the statutes is created to read: *- 2039/p1 and -2044/p2.*

7 104.001 (3) This section does not affect an ordinance that, subject to s. 66.0903,
8 requires an employee of a county, city, village, or town, an employee who performs
9 work under a contract for the provision of services to a county, city, village, or town,
10 or an employee who performs work that is funded by financial assistance from a
11 county, city, village, or town to be paid at a minimum wage rate specified in the
12 ordinance.

13 SECTION 7. 109.09 (3) of the statutes is repealed.

14 SECTION 8. 947.21 of the statutes is repealed.

15

(END)

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

LRB-2044/P3dn
MES/KRP/MIM:wj

February 21, 2019

This draft reconciles LRB-1775/P2, LRB-2039/P1 and LRB-2044/P2. All of these drafts should continue to appear in the compiled bill.

Mary Alice McGreevy
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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2044/P3
MES/KRP/MIM:all

DOA:.....Hynek, BB0374 - State, local employment regulations

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

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