

**2007 DRAFTING REQUEST**

**Senate Amendment (SA-SB5)**

Received: **01/15/2008**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Kelly**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - employee benefits**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Eliminate health care coverage for covered public officials

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**Instructions:**

See Topic

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**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>
/1	rchampag 01/15/2008	kfollett 01/15/2008	nnatzke 01/15/2008	_____	lparisi 01/15/2008	lparisi 01/15/2008	

FE Sent For:

<END>

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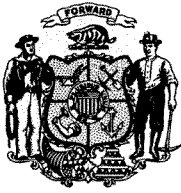
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FE Sent For:

<END>



## 2007 SENATE BILL 5

January 9, 2007 - Introduced by Senators KANAVAS, DARLING, LEIBHAM, KAPANKE, GROTHMAN, COWLES and LAZICH, cosponsored by Representatives STRACHOTA, KLEEFISCH, ZIPPERER, KESTELL, LEMAHIEU, ZIEGELBAUER, PRIDEMORE, VUKMIR, KERKMAN, LOTHIAN, HAHN, NYGREN, GOTTLIEB, VOS, BIES, GUNDRUM, J. OTT, J. FITZGERALD and ROTH. Referred to Committee on Ethics Reform and Government Operations.

1     **AN ACT to renumber and amend** 13.121 (4), 230.35 (2) and 757.02 (5); and **to**  
2             **create** 13.121 (4) (b), 230.35 (2) (b) and (c) and 757.02 (5) (b) of the statutes;  
3             **relating to:** elimination of accumulated sick leave credit program for  
4             legislators, justices and judges, all other state elected officials, and certain  
5             appointed executive branch officials.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a state employee in a position that is covered under the Wisconsin Retirement System (WRS) is entitled to receive paid sick leave credits as part of his or her compensation under the state compensation plan, at the election of the employer, or pursuant to a collective bargaining agreement. If a state employee does not use all of his or her sick leave credits during a calendar year, he or she may accumulate this unused sick leave from year to year in a sick leave account. Generally, if a state employee terminates covered employment under the WRS and meets certain conditions related to age or years of employment, the employee's accumulated unused sick leave may be converted, at his or her highest basic pay rate, to credits for the payment of postretirement health insurance premiums under a health insurance plan administered by the Group Insurance Board.

This bill provides that:

1. No member of the legislature may accumulate unused sick leave from year to year in his or her sick leave account for work performed as a member of the legislature during any term of office that begins after the bill's effective date.

**SENATE BILL 5**

2. No supreme court justice, court of appeals judge, or circuit court judge may accumulate unused sick leave from year to year in his or her sick leave account for work performed as a supreme court justice, court of appeals judge, or circuit court judge during any term of office that begins after the bill's effective date.

3. No other state elected official may accumulate unused sick leave from year to year in his or her sick leave account for work performed during any term of office that begins after the bill's effective date.

4. No person who is appointed by the governor to a position in the executive branch after the bill's effective date, and whose appointment requires confirmation by the senate, may accumulate unused sick leave from year to year in his or her sick leave account for work performed while serving in that position.

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

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

1           **SECTION 1.** 13.121 (4) of the statutes is renumbered 13.121 (4) (a) and amended  
2 to read:

3           13.121 (4) (a) For the purpose of premium determinations under s. 40.05 (4)  
4 and (5) each member of the legislature shall accrue sick leave at a rate equivalent  
5 to a percentage of time worked recommended for such positions by the director of the  
6 office of state employment relations and approved by the joint committee on  
7 employment relations in the same manner as compensation for such positions is  
8 determined under s. 20.923, except as provided in par. (b). This percentage of time  
9 worked shall be applied to the sick leave accrual rate established under s. 230.35 (2).  
10 The approved percentage shall be incorporated into the compensation plan under s.  
11 230.12 (1).

12           **SECTION 2.** 13.121 (4) (b) of the statutes is created to read:

13           13.121 (4) (b) No member of the legislature may accumulate unused sick leave  
14 from year to year in his or her sick leave account for work performed as a member

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1 of the legislature during any term of office that begins after the effective date of this  
2 paragraph .... [revisor inserts date].

3 **SECTION 3.** 230.35 (2) of the statutes is renumbered 230.35 (2) (a) and amended  
4 to read:

5 230.35 (2) (a) ~~Leave~~ Subject to pars. (b) and (c), leave of absence with pay owing  
6 to sickness and leave of absence without pay, other than annual leave and leave  
7 under s. 103.10, shall be regulated by rules of the director, except that unused sick  
8 leave shall accumulate from year to year. After July 1, 1973, employees appointed  
9 to career executive positions under the program established under s. 230.24 or  
10 positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized  
11 under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are  
12 reemployed in a career executive position or in a position under s. 19.42 (10) (L) or  
13 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the  
14 duration of their absence. Restoration of unused sick leave credits if reemployment  
15 is to a position other than those specified above shall be in accordance with rules of  
16 the director.

17 **SECTION 4.** 230.35 (2) (b) and (c) of the statutes are created to read:

18 230.35 (2) (b) A person who holds a state office, as defined in s. 5.02 (23), and  
19 who accrues sick leave under this subsection may not accumulate unused sick leave  
20 from year to year in his or her sick leave account for work performed during any term  
21 of office that begins after the effective date of this paragraph .... [revisor inserts date].

22 (c) A person who is appointed by the governor to a position in the executive  
23 branch after the effective date of this paragraph .... [revisor inserts date], and whose  
24 appointment requires confirmation by the senate, may not accumulate unused sick

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1 leave from year to year in his or her sick leave account for work performed while  
2 serving in that position.

3 **SECTION 5.** 757.02 (5) of the statutes is renumbered 757.02 (5) (a) and amended  
4 to read:

5 757.02 (5) (a) Except for retired judges appointed under s. 753.075, and except  
6 as provided in par. (b), each supreme court justice, court of appeals judge and circuit  
7 court judge included under ch. 40 shall accrue sick leave at the rate established  
8 under s. 230.35 (2) for the purpose of credits under s. 40.05 (4) (b) and for premium  
9 payment determinations under s. 40.05 (4) and (5).

10 **SECTION 6.** 757.02 (5) (b) of the statutes is created to read:

11 757.02 (5) (b) No supreme court justice, court of appeals judge, or circuit court  
12 judge may accumulate unused sick leave from year to year in his or her sick leave  
13 account for work performed as a supreme court justice, court of appeals judge, or  
14 circuit court judge included under ch. 40 during any term of office that begins after  
15 the effective date of this paragraph .... [revisor inserts date].

16 (END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBa1082/1

RAC...

Handwritten initials 'gf' in the top right corner.

A large handwritten signature 'JGM' enclosed in a hand-drawn oval.

**SENATE AMENDMENT ,  
TO 2007 SENATE BILL 5**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after “officials” insert “, and elimination of health care  
3 coverage for legislators”.

4 **2.** Page 3, line 2: after that line insert:

5 “SECTION 2h. 40.51 (6) of the statutes is amended to read:

6 40.51 (6) This state shall offer to all of its employees at least 2 insured or  
7 uninsured health care coverage plans providing substantially equivalent hospital  
8 and medical benefits, including a health maintenance organization or a preferred  
9 provider plan, if those health care plans are determined by the group insurance  
10 board to be available in the area of the place of employment and are approved by the  
11 group insurance board. The group insurance board shall place each of the plans into  
12 one of 3 tiers established in accordance with standards adopted by the group  
13 insurance board. The tiers shall be separated according to the employee’s share of

1 premium costs. No person holding the office of senator or representative to the  
 2 assembly may receive health care benefits under this subsection while serving in  
 3 that office during any term of office that begins after the effective date of this  
 4 paragraph .... [revisor inserts date].

History: 1981 c. 96; 1983 a. 27; 1985 a. 29; 1987 a. 27, 107, 356; 1987 a. 403 s. 256; 1989 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 152, 269, 315, 1993 a. 450, 481; 1995 a. 289; 1997 a. 27, 155, 202, 237, 252; 1999 a. 32, 95, 115, 155; 2001 a. 16, 38, 104; 2003 a. 33; 2005 a. 194; 2007 a. 36.

5 **SECTION 2j. 40.52 (1) (intro.) of the statutes is amended to read:**

6 40.52 (1) (intro.) The group insurance board shall establish by contract a  
 7 standard health insurance plan in which all insured employees shall participate  
 8 except as otherwise provided in this chapter. No person holding the office of senator  
 9 or representative to the assembly may receive health care benefits under this section  
 10 while serving in that office during any term of office that begins after the effective  
 11 date of this paragraph .... [revisor inserts date]. The standard plan shall provide:"

History: 1981 c. 96, 381; 1983 a. 429; 1987 a. 107; 1987 a. 327, 356; 1987 a. 403 s. 256; 1989 a. 13; 1991 a. 45; 1995 a. 216; 2001 a. 82.

(END)

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