

2011 DRAFTING REQUEST

Bill

Received: **10/03/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB: **-2307**

For: **Fred Risser (608) 266-1627**

By/Representing: **Terry**

May Contact:

Drafter: **chanaman**

Subject: **Employ Pub - collective bargain**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reinstate collective bargaining provisions eliminated in Act 10

Instructions:

See attached

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>
/?	chanaman 10/03/2011	wjackson 10/03/2011		_____			S&L
/1			phenry 10/03/2011	_____	lparisi 10/03/2011	mbarman 10/04/2011	

FE Sent For:

<END>

↪ At Intro.

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FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-23071
CMH:wlj:ph

2011 BILL

-3060/1

companion
bill
no changes

TODAY
plan

refer car

1 AN ACT *to repeal* 20.865 (1) (cm), 20.865 (1) (im), 20.865 (1) (sm), 40.51 (7) (b),
2 59.875 (2) (b), 62.623 (2), 66.0506, 66.0508, 66.0509 (1m), 73.03 (68), 111.70 (1)
3 (cm), 111.70 (1) (fm), 111.70 (1) (mm), 111.70 (1) (p), 111.70 (3) (a) 7m., 111.70
4 (3) (b) 6m., 111.70 (3g), 111.70 (4) (bm), 111.70 (4) (cg), 111.70 (4) (d) 3. b., 111.70
5 (4) (mb), 111.70 (4) (mbb), 111.70 (4) (mc) 5. and 6., 111.71 (4m), 111.71 (5m),
6 111.81 (3n), 111.81 (9g), 111.81 (15r), 111.825 (1) (g), 111.825 (6) (b), 111.83 (3)
7 (b), 111.845, 111.91 (2) (fm), 111.91 (3), 111.91 (3q), 111.92 (3) (b), 111.93 (3) (b),
8 118.223, 118.245 and 120.12 (4m); *to renumber* 111.825 (6) (a) and 111.83 (3)
9 (a); *to renumber and amend* 40.51 (7) (a), 59.875 (2) (a), 62.623 (1), 111.02 (7)
10 (a), 111.115 (1), 111.17, 111.70 (4) (c) 1., 111.70 (4) (mc) (intro.), 111.92 (3) (a),
11 111.965, 111.999 and 111.9991 (1); *to consolidate, renumber and amend*
12 111.70 (4) (d) 3. a. and c. and 111.93 (3) (intro.) and (a); *to amend* 7.33 (1) (c),
13 7.33 (4), 13.111 (2), 13.172 (1), 13.48 (13) (a), 13.62 (2), 13.94 (4) (a) 1., 13.95
14 (intro.), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (12) (a), 16.045 (1) (a), 16.15

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1 (1) (ab), 16.41 (4), 16.417 (1) (b), 16.50 (3) (e), 16.52 (7), 16.528 (1) (a), 16.53 (2),
2 16.54 (9) (a) 1., 16.70 (2), 16.765 (1), 16.765 (2), 16.765 (4), 16.765 (5), 16.765 (6),
3 16.765 (7) (intro.), 16.765 (7) (d), 16.765 (8), 16.85 (2), 16.865 (8), 19.82 (1), 19.85
4 (3), 19.86, 20.425 (1) (a), 20.425 (1) (i), 20.545 (1) (k), 20.545 (1) (km), 20.865 (1)
5 (ci), 20.865 (1) (ic), 20.865 (1) (si), 20.917 (3) (b), 20.921 (1) (a) 2., 20.921 (1) (b),
6 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 40.02 (25) (b) 8., 40.05 (4) (bw), 40.05
7 (4g) (a) 4., 40.05 (5) (intro.), 40.05 (5) (b) 4., 40.05 (6) (a), 40.62 (2), 40.80 (3),
8 40.81 (3), 40.95 (1) (a) 2., 46.2895 (8) (a) 1., 71.26 (1) (be), 77.54 (9a) (a), 100.45
9 (1) (dm), 101.177 (1) (d), 109.03 (1) (b), 111.02 (1), 111.02 (2), 111.02 (3), 111.02
10 (7) (b) 1., 111.05 (2), 111.06 (1) (c) 1., 111.06 (1) (d), 111.06 (1) (i), 111.06 (2) (i),
11 111.115 (title), 111.70 (1) (a), 111.70 (1) (f), 111.70 (1) (j), 111.70 (1) (n), 111.70
12 (2), 111.70 (3) (a) 3., 111.70 (3) (a) 5., 111.70 (3) (a) 6., 111.70 (3) (a) 9., 111.70 (4)
13 (c) (title), 111.70 (4) (c) 2., 111.70 (4) (c) 3. (intro.), 111.70 (4) (cm) (title), 1., 2.,
14 3. and 4., 111.70 (4) (cm) 8m., 111.70 (4) (d) 2. a., 111.70 (4) (L), 111.70 (4) (p),
15 111.70 (7m) (c) 1. a., 111.70 (8) (a), 111.71 (2), 111.77 (intro.), 111.77 (8) (a),
16 111.77 (9), 111.81 (1), 111.81 (9), 111.81 (12) (intro.), 111.81 (12m), 111.81 (16),
17 111.815 (1), 111.815 (2), 111.82, 111.825 (3), 111.825 (4), 111.825 (5), 111.83 (1),
18 111.83 (4), 111.84 (1) (b), 111.84 (1) (d), 111.84 (1) (f), 111.84 (2) (c), 111.84 (3),
19 111.85 (1), (2) and (4), 111.90 (2), 111.91 (1) (a), 111.91 (1) (b), 111.91 (1) (c),
20 111.91 (1) (cm), 111.91 (1) (d), 111.91 (2) (intro.), 111.91 (2) (gu), 111.92 (1) (a),
21 111.98 (2) (a), 111.997 (intro.) and (1), 111.998 (1) (b), 111.998 (1) (c), 111.998 (1)
22 (d), 111.998 (1) (e), 111.998 (1) (f), 111.998 (2) (intro.), 118.40 (2r) (b) 3. a., 118.42
23 (3) (a) 4., 118.42 (5), 119.04 (1), 120.12 (15), 120.18 (1) (gm), 230.01 (3), 230.03
24 (3), 230.046 (10) (a), 230.10 (1), 230.12 (3) (e) 1., 230.34 (1) (ar), 230.35 (1s),
25 230.35 (2d) (e), 230.35 (3) (e) 6., 230.88 (2) (b), 233.02 (8), 233.03 (7), 233.10 (2)

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1 (intro.), 281.75 (4) (b) 3., 285.59 (1) (b), 704.31 (3), 851.71 (4), 904.085 (2) (a) and
2 978.12 (1) (c); **to repeal and recreate** 16.705 (3) (intro.), 36.09 (1) (j), 40.05 (1)
3 (b), 40.05 (4) (ag), 40.05 (4) (b), 111.815 (1), 111.815 (2), 111.825 (3) and 111.825
4 (4); **to create** 16.705 (3), 19.42 (10) (s), 20.865 (1) (cm), 20.865 (1) (im), 20.865
5 (1) (sm), 46.284 (4) (m), 46.2898, 46.48 (9m), 49.825 (3) (b) 4., 49.826 (3) (b) 4.,
6 chapter 52, 70.11 (41s), 111.02 (6) (am), 111.02 (7) (a) 2., 3. and 4., 111.02 (7m),
7 (9m) and (10m), 111.05 (3g), 111.05 (5), 111.05 (6), 111.05 (7), 111.06 (1) (m),
8 111.075, 111.115 (1) (a), 111.115 (2), 111.17 (2), 111.70 (1g), 111.70 (3) (a) 7.,
9 111.70 (3) (b) 6., 111.70 (3m), 111.70 (3p), 111.70 (4) (c) 1g., 111.70 (4) (cm) 5.,
10 111.70 (4) (cm) 6., 111.70 (4) (cm) 7., 111.70 (4) (cm) 7g., 111.70 (4) (cm) 7r., 111.70
11 (4) (cm) 8., 111.70 (4) (cm) 9., 111.70 (4) (m), 111.70 (4) (n) and (o), 111.70 (7),
12 111.70 (7m) (b), 111.70 (7m) (c) 3., 111.70 (7m) (e), 111.70 (7m) (f), 111.71 (4),
13 111.71 (5), 111.80, 111.81 (3h), 111.81 (7) (g), 111.81 (9k), 111.825 (2g), 111.83
14 (5m), 111.905, 111.91 (1) (cg), 111.91 (1) (e), 111.91 (2c), 111.92 (2m), subchapter
15 VI of chapter 111 [precedes 111.95], 111.965 (2m), 111.999 (2), 111.9991 (1) (b),
16 118.22 (4), 118.23 (5) and 233.02 (1) (h) of the statutes; and **to affect** 2011
17 Wisconsin Act 10, section 9132 and 2011 Wisconsin Act 10, section 9155;
18 **relating to:** collective bargaining for public employees, granting rule-making
19 authority, and making appropriations.

Analysis by the Legislative Reference Bureau

Current law grants certain protective occupation participants under the Wisconsin Retirement System (public safety employees) and certain municipal transit employees the right to collectively bargain over wages, hours, and conditions of employment. State government and municipal government employees who are not public safety employees or municipal transit employees (general employees) have the right to collectively bargain over a percentage increase in base wages that does not exceed the percentage change in the consumer price index. Current law also

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prohibits municipal employers from collectively bargaining with municipal general employees in matters that are not permitted under the Municipal Employment Relations Act (MERA). Under this bill, all municipal employees have the right to collectively bargain over wages, hours, and conditions of employment under MERA, and all state employees have the right to collectively bargain over wages, hours, and conditions of employment under the State Employment Labor Relations Act (SELRA). In addition, this bill provides University of Wisconsin (UW) System employees, employees of the UW Hospitals and Clinics Authority, and certain home care and child care providers the right to collectively bargain over wages, hours, and conditions of employment.

Under SELRA and MERA, each collective bargaining unit containing general employees must have an annual election to certify the labor organization that represents the collective bargaining unit. If, at the election, less than 51 percent of the actual employees in the collective bargaining unit vote for a representative, then, at the expiration of the current collective bargaining agreement, the current representative is decertified and the members of the collective bargaining unit are nonrepresented and may not be represented for one year. This bill eliminates the requirement to have an annual certification election. Once the majority of employees in a collective bargaining unit elects a labor organization as their representative, that labor organization remains the representative unless a percentage of members of the collective bargaining unit supports a petition for a new election and subsequently votes to decertify the representative.

Currently, the term for a collective bargaining agreement covering a general employee may not exceed one year and may not be extended. This bill generally limits the term to two years and eliminates the prohibition on agreement extensions. Current law prohibits the deduction of labor organization dues from salaries of general employees. This bill allows employees who are represented by a labor organization to have the organization dues deducted from their salaries.

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.** 7.33 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 10, is
2 amended to read:

3 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and
4 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,
5 or 237.

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1 **SECTION 2.** 7.33 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is
2 amended to read:

3 **7.33 (4)** Except as otherwise provided in this subsection, each local
4 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
5 proper application under sub. (3), permit each of its employees to serve as an election
6 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
7 scheduled working hours during the period specified in sub. (3), without loss of pay
8 for scheduled working hours during the period specified in sub. (3) except as provided
9 in sub. (5), and without any other penalty. For employees who are included in a
10 collective bargaining unit for which a representative is recognized or certified under
11 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
12 collective bargaining agreement.

13 **SECTION 3.** 13.111 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
14 amended to read:

15 **13.111 (2) DUTIES.** The joint committee on employment relations shall perform
16 the functions assigned to it under ~~subch. subchs. V and VI~~ of ch. 111, subch. II of ch.
17 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923.

18 **SECTION 4.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is
19 amended to read:

20 **13.172 (1)** In this section, “agency” means an office, department, agency,
21 institution of higher education, association, society, or other body in state
22 government created or authorized to be created by the constitution or any law, that
23 is entitled to expend moneys appropriated by law, including the legislature and the
24 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
25 ch. 52, 231, 233, 234, 238, or 279.

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1 **SECTION 5.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

3 13.48 **(13)** (a) Except as provided in par. (b) or (c), every building, structure or
4 facility that is constructed for the benefit of or use of the state, any state agency,
5 board, commission or department, the University of Wisconsin Hospitals and Clinics
6 Authority, the Fox River Navigational System Authority, the Wisconsin Quality
7 Home Care Authority, the Wisconsin Economic Development Corporation, or any
8 local professional baseball park district created under subch. III of ch. 229 if the
9 construction is undertaken by the department of administration on behalf of the
10 district, shall be in compliance with all applicable state laws, rules, codes and
11 regulations but the construction is not subject to the ordinances or regulations of the
12 municipality in which the construction takes place except zoning, including without
13 limitation because of enumeration ordinances or regulations relating to materials
14 used, permits, supervision of construction or installation, payment of permit fees, or
15 other restrictions.

16 **SECTION 6.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
17 amended to read:

18 13.62 **(2)** “Agency” means any board, commission, department, office, society,
19 institution of higher education, council, or committee in the state government, or any
20 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
21 233, 234, 237, 238, or 279, except that the term does not include a council or
22 committee of the legislature.

23 **SECTION 7.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 10,
24 is amended to read:

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1 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
2 credentialing board, commission, independent agency, council or office in the
3 executive branch of state government; all bodies created by the legislature in the
4 legislative or judicial branch of state government; any public body corporate and
5 politic created by the legislature including specifically the Wisconsin Quality Home
6 Care Authority, the Fox River Navigational System Authority, the Lower Fox River
7 Remediation Authority, the Wisconsin Aerospace Authority, and the Wisconsin
8 Economic Development Corporation, a professional baseball park district, a local
9 professional football stadium district, a local cultural arts district and a long-term
10 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
11 49; every provider of medical assistance under subch. IV of ch. 49; technical college
12 district boards; every county department under s. 51.42 or 51.437; every nonprofit
13 corporation or cooperative or unincorporated cooperative association to which
14 moneys are specifically appropriated by state law; and every corporation, institution,
15 association or other organization which receives more than 50% of its annual budget
16 from appropriations made by state law, including subgrantee or subcontractor
17 recipients of such funds.

18 **SECTION 8.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act 10,
19 is amended to read:

20 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
21 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
22 shall be strictly nonpartisan and shall at all times observe the confidential nature
23 of the research requests received by it; however, with the prior approval of the
24 requester in each instance, the bureau may duplicate the results of its research for
25 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s

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1 designated employees shall at all times, with or without notice, have access to all
2 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
3 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
4 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
5 Authority, the Wisconsin Economic Development Corporation, and the Fox River
6 Navigational System Authority, and to any books, records, or other documents
7 maintained by such agencies or authorities and relating to their expenditures,
8 revenues, operations, and structure.

9 **SECTION 9.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
10 amended to read:

11 16.002 (2) “Departments” means constitutional offices, departments, and
12 independent agencies and includes all societies, associations, and other agencies of
13 state government for which appropriations are made by law, but not including
14 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
15 233, 234, 235, 237, 238, or 279.

16 **SECTION 10.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
17 is amended to read:

18 16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the
19 department as the secretary designates may enter into the offices of state agencies
20 and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under
21 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
22 and any other matter that in the secretary’s judgment should be examined and may
23 interrogate the agency’s employees publicly or privately relative thereto.

24 **SECTION 11.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
25 is amended to read:

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1 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
2 authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs.
3 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
4 with the secretary and shall comply with every request of the secretary relating to
5 his or her functions.

6 **SECTION 12.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
7 10, is amended to read:

8 16.004 (12) (a) In this subsection, “state agency” means an association,
9 authority, board, department, commission, independent agency, institution, office,
10 society, or other body in state government created or authorized to be created by the
11 constitution or any law, including the legislature, the office of the governor, and the
12 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
13 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
14 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
15 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
16 River Navigational System Authority.

17 **SECTION 13.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
18 is amended to read:

19 16.045 (1) (a) “Agency” means an office, department, independent agency,
20 institution of higher education, association, society, or other body in state
21 government created or authorized to be created by the constitution or any law, that
22 is entitled to expend moneys appropriated by law, including the legislature and the
23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
24 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

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1 **SECTION 14.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

3 16.15 **(1)** (ab) “Authority” has the meaning given under s. 16.70 (2), but
4 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
5 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
6 Wisconsin Economic Development Corporation, and the Health Insurance
7 Risk-Sharing Plan Authority.

8 **SECTION 15.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is
9 amended to read:

10 16.41 **(4)** In this section, “authority” means a body created under subch. II of
11 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 16.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
13 is amended to read:

14 16.417 **(1)** (b) “Authority” means a body created under subch. II of ch. 114 or
15 ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

16 **SECTION 17.** 16.50 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 10,
17 is amended to read:

18 16.50 **(3)** (e) No pay increase may be approved unless it is at the rate or within
19 the pay ranges prescribed in the compensation plan or as provided in a collective
20 bargaining agreement under subch. V or VI of ch. 111.

21 **SECTION 18.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 10, is
22 amended to read:

23 16.52 **(7)** **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
24 that is authorized to maintain a contingent fund under s. 20.920 may establish a
25 petty cash account from its contingent fund. The procedure for operation and

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1 maintenance of petty cash accounts and the character of expenditures therefrom
2 shall be prescribed by the secretary. In this subsection, "agency" means an office,
3 department, independent agency, institution of higher education, association,
4 society, or other body in state government created or authorized to be created by the
5 constitution or any law, that is entitled to expend moneys appropriated by law,
6 including the legislature and the courts, but not including an authority created in
7 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

8 **SECTION 19.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
9 is amended to read:

10 16.528 (1) (a) "Agency" means an office, department, independent agency,
11 institution of higher education, association, society, or other body in state
12 government created or authorized to be created by the constitution or any law, that
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
15 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

16 **SECTION 20.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
17 amended to read:

18 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
19 invoice, the agency shall notify the sender of the invoice within 10 working days after
20 it receives the invoice of the reason it is improperly completed. In this subsection,
21 "agency" means an office, department, independent agency, institution of higher
22 education, association, society, or other body in state government created or
23 authorized to be created by the constitution or any law, that is entitled to expend
24 moneys appropriated by law, including the legislature and the courts, but not

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1 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
2 52, 231, 233, 234, 237, 238, or 279.

3 **SECTION 21.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
4 10, is amended to read:

5 16.54 **(9)** (a) 1. “Agency” means an office, department, independent agency,
6 institution of higher education, association, society or other body in state
7 government created or authorized to be created by the constitution or any law, which
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
10 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

11 **SECTION 22.** 16.70 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
12 amended to read:

13 16.70 **(2)** “Authority” means a body created under subch. II of ch. 114 or subch.
14 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

15 **SECTION 23.** 16.705 (3) (intro.) of the statutes, as created by 2011 Wisconsin Act
16 (this act), is repealed and recreated to read:

17 16.705 **(3)** (intro.) The director of the office of state employment relations, prior
18 to award, under conditions established by rule of the department, shall review
19 contracts for contractual services in order to ensure that all agencies, except the
20 University of Wisconsin System, do all of the following:

21 **SECTION 24.** 16.705 (3) of the statutes is created to read:

22 16.705 **(3)** The director of the office of state employment relations, prior to
23 award, under conditions established by rule of the department, shall review
24 contracts for contractual services in order to ensure that agencies do all of the
25 following:

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1 (a) Properly utilize the services of state employees.

2 (b) Evaluate the feasibility of using limited term appointments prior to
3 entering into a contract for contractual services.

4 (c) Do not enter into any contract for contractual services in conflict with any
5 collective bargaining agreement under subch. V or VI of ch. 111.

6 **SECTION 25.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
7 is amended to read:

8 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
9 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
10 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
11 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
12 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
13 Entertainment Corporation shall include in all contracts executed by them a
14 provision obligating the contractor not to discriminate against any employee or
15 applicant for employment because of age, race, religion, color, handicap, sex, physical
16 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
17 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
18 orientation, obligating the contractor to take affirmative action to ensure equal
19 employment opportunities.

20 **SECTION 26.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
21 is amended to read:

22 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
25 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the

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1 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
2 Entertainment Corporation shall include the following provision in every contract
3 executed by them: "In connection with the performance of work under this contract,
4 the contractor agrees not to discriminate against any employee or applicant for
5 employment because of age, race, religion, color, handicap, sex, physical condition,
6 developmental disability as defined in s. 51.01 (5), sexual orientation or national
7 origin. This provision shall include, but not be limited to, the following: employment,
8 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
9 termination; rates of pay or other forms of compensation; and selection for training,
10 including apprenticeship. Except with respect to sexual orientation, the contractor
11 further agrees to take affirmative action to ensure equal employment opportunities.
12 The contractor agrees to post in conspicuous places, available for employees and
13 applicants for employment, notices to be provided by the contracting officer setting
14 forth the provisions of the nondiscrimination clause".

15 **SECTION 27.** 16.765 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
16 is amended to read:

17 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
18 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
19 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
20 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
21 the Bradley Center Sports and Entertainment Corporation shall take appropriate
22 action to revise the standard government contract forms under this section.

23 **SECTION 28.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
24 is amended to read:

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1 16.765 (5) The head of each contracting agency and the boards of directors of
2 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
3 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
4 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
5 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
6 Development Corporation, and the Bradley Center Sports and Entertainment
7 Corporation shall be primarily responsible for obtaining compliance by any
8 contractor with the nondiscrimination and affirmative action provisions prescribed
9 by this section, according to procedures recommended by the department. The
10 department shall make recommendations to the contracting agencies and the boards
11 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
12 River Navigational System Authority, the Wisconsin Aerospace Authority, the
13 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
14 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
15 Development Corporation, and the Bradley Center Sports and Entertainment
16 Corporation for improving and making more effective the nondiscrimination and
17 affirmative action provisions of contracts. The department shall promulgate such
18 rules as may be necessary for the performance of its functions under this section.

19 **SECTION 29.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 10,
20 is amended to read:

21 16.765 (6) The department may receive complaints of alleged violations of the
22 nondiscrimination provisions of such contracts. The department shall investigate
23 and determine whether a violation of this section has occurred. The department may
24 delegate this authority to the contracting agency, the University of Wisconsin
25 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the

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1 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
2 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
3 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
4 Sports and Entertainment Corporation for processing in accordance with the
5 department's procedures.

6 **SECTION 30.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
7 Act 10, is amended to read:

8 16.765 (7) (intro.) When a violation of this section has been determined by the
9 department, the contracting agency, the University of Wisconsin Hospitals and
10 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
11 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
12 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
13 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
14 Entertainment Corporation, the contracting agency, the University of Wisconsin
15 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
16 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
17 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
18 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
19 Sports and Entertainment Corporation shall:

20 **SECTION 31.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act 10,
21 is amended to read:

22 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
23 further violations of this section and to report its corrective action to the contracting
24 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
25 Navigational System Authority, the Wisconsin Aerospace Authority, the Health

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1 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
2 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
3 Development Corporation, or the Bradley Center Sports and Entertainment
4 Corporation.

5 **SECTION 32.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 10,
6 is amended to read:

7 16.765 (8) If further violations of this section are committed during the term
8 of the contract, the contracting agency, the Fox River Navigational System Authority,
9 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
10 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
11 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
12 Center Sports and Entertainment Corporation may permit the violating party to
13 complete the contract, after complying with this section, but thereafter the
14 contracting agency, the Fox River Navigational System Authority, the Wisconsin
15 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
16 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
17 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
18 Entertainment Corporation shall request the department to place the name of the
19 party on the ineligible list for state contracts, or the contracting agency, the Fox River
20 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
21 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
22 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
23 Development Corporation, or the Bradley Center Sports and Entertainment
24 Corporation may terminate the contract without liability for the uncompleted

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1 portion or any materials or services purchased or paid for by the contracting party
2 for use in completing the contract.

3 **SECTION 33.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 10, is
4 amended to read:

5 16.85 (2) To furnish engineering, architectural, project management, and other
6 building construction services whenever requisitions therefor are presented to the
7 department by any agency. The department may deposit moneys received from the
8 provision of these services in the account under s. 20.505 (1) (kc) or in the general
9 fund as general purpose revenue — earned. In this subsection, “agency” means an
10 office, department, independent agency, institution of higher education, association,
11 society, or other body in state government created or authorized to be created by the
12 constitution or any law, which is entitled to expend moneys appropriated by law,
13 including the legislature and the courts, but not including an authority created in
14 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

15 **SECTION 34.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 10,
16 is amended to read:

17 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
18 proportionate share of the estimated costs attributable to programs administered by
19 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
20 may charge premiums to agencies to finance costs under this subsection and pay the
21 costs from the appropriation on an actual basis. The department shall deposit all
22 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
23 Costs assessed under this subsection may include judgments, investigative and
24 adjustment fees, data processing and staff support costs, program administration
25 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this

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1 subsection, “agency” means an office, department, independent agency, institution
2 of higher education, association, society, or other body in state government created
3 or authorized to be created by the constitution or any law, that is entitled to expend
4 moneys appropriated by law, including the legislature and the courts, but not
5 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
6 52, 231, 232, 233, 234, 235, 237, 238, or 279.

7 **SECTION 35.** 19.42 (10) (s) of the statutes is created to read:

8 19.42 **(10)** (s) The executive director and members of the board of directors of
9 the Wisconsin Quality Home Care Authority.

10 **SECTION 36.** 19.82 (1) of the statutes, as affected by 2011 Wisconsin Act 10, is
11 amended to read:

12 19.82 **(1)** “Governmental body” means a state or local agency, board,
13 commission, committee, council, department or public body corporate and politic
14 created by constitution, statute, ordinance, rule or order; a governmental or
15 quasi-governmental corporation except for the Bradley center sports and
16 entertainment corporation; a local exposition district under subch. II of ch. 229; a
17 long-term care district under s. 46.2895; or a formally constituted subunit of any of
18 the foregoing, but excludes any such body or committee or subunit of such body which
19 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
20 ~~or V, or VI~~ of ch. 111.

21 **SECTION 37.** 19.85 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is
22 amended to read:

23 19.85 **(3)** Nothing in this subchapter shall be construed to authorize a
24 governmental body to consider at a meeting in closed session the final ratification or

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1 approval of a collective bargaining agreement under subch. I, IV, ~~or V~~, or VI of ch. 111
2 which has been negotiated by such body or on its behalf.

3 **SECTION 38.** 19.86 of the statutes, as affected by 2011 Wisconsin Act 10, is
4 amended to read:

5 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
6 19.82 (1), where notice has been given by either party to a collective bargaining
7 agreement under subch. I, IV, ~~or V~~, or VI of ch. 111 to reopen such agreement at its
8 expiration date, the employer shall give notice of such contract reopening as provided
9 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
10 by the employer's chief officer or such person's designee.

11 **SECTION 39.** 20.425 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 20.425 (1) (a) *General program operations.* The amounts in the schedule for
14 the purposes provided in subchs. I, IV, ~~and V~~, and VI of ch. 111 and s. 230.45 (1).

15 **SECTION 40.** 20.425 (1) (i) of the statutes, as affected by 2011 Wisconsin Act 32,
16 is amended to read:

17 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
18 The amounts in the schedule for the performance of fact-finding, mediation,
19 certification, and arbitration functions, for the provision of copies of transcripts, for
20 the cost of operating training programs under ss. 111.09 (3), 111.71 (5), 111.71 (5m),
21 and 111.94 (3), for the preparation of publications, transcripts, reports, and other
22 copied material, and for costs related to conducting appeals under s. 230.45. All
23 moneys received under ss. 111.09 (1) and (2), ~~111.70 (4) (d) 3. b.~~, 111.71 (1) and (2),
24 111.83 (3) (b), 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from
25 arbitrators and arbitration panel members, and individuals who are interested in

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1 serving in such positions, and from individuals and organizations who participate in
2 other collective bargaining training programs conducted by the commission, and all
3 moneys received from the sale of publications, transcripts, reports, and other copied
4 material shall be credited to this appropriation account.

5 **SECTION 41.** 20.545 (1) (k) of the statutes, as affected by 2011 Wisconsin Act 10,
6 is amended to read:

7 20.545 (1) (k) *General program operations.* The amounts in the schedule to
8 administer state employment relations functions and the civil service system under
9 ~~subch. subchs. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and
10 to defray the expenses of the state employees suggestion board. All moneys received
11 from state agencies for materials and services provided by the office of state
12 employment relations shall be credited to this appropriation.

13 **SECTION 42.** 20.545 (1) (km) of the statutes, as affected by 2011 Wisconsin Act
14 10, is amended to read:

15 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
16 the schedule for the payment of the state's share of costs related to collective
17 bargaining grievance arbitrations under s. 111.86 and related to collective
18 bargaining grievance arbitrations under s. 111.993. All moneys received from state
19 agencies for the purpose of reimbursing the state's share of the costs related to
20 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
21 training related to grievance arbitrations, and all moneys received from institutions,
22 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
23 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
24 of costs for training related to grievance arbitrations shall be credited to this
25 appropriation account.

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1 **SECTION 43.** 20.865 (1) (ci) of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

3 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*
4 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related
5 adjustments approved by the joint committee on employment relations under s.
6 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)
7 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit
8 for which a representative is certified under subch. V or VI of ch. 111, as determined
9 under s. 20.928, other than adjustments funded under par. (cj).

10 **SECTION 44.** 20.865 (1) (cm) of the statutes is created to read:

11 20.865 (1) (cm) *Represented university faculty and academic staff pay*
12 *adjustments.* A sum sufficient to supplement the appropriations to the Board of
13 Regents of the University of Wisconsin System for the cost of compensation and
14 related adjustments approved by the legislature under s. 111.9991 for University of
15 Wisconsin System employees under s. 230.08 (2) (d) who are included within a
16 collective bargaining unit for which a representative is certified under subch. VI of
17 ch. 111, as determined under s. 20.928.

18 **SECTION 45.** 20.865 (1) (cm) of the statutes, as created by 2011 Wisconsin Act
19 (this act), is repealed.

20 **SECTION 46.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act
21 10, is amended to read:

22 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
23 *academic pay adjustments.* From the appropriate program revenue and program
24 revenue–service accounts, a sum sufficient to supplement the appropriations to the
25 University of Wisconsin System to pay the cost of pay and related adjustments

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1 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
2 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
3 230.08 (2) (d) who are not included within a collective bargaining unit for which a
4 representative is certified under subch. V or VI of ch. 111, as determined under s.
5 20.928, other than adjustments funded under par. (cj).

6 **SECTION 47.** 20.865 (1) (im) of the statutes is created to read:

7 20.865 (1) (im) *Represented university system faculty and academic staff pay*
8 *adjustments; program revenue.* From the appropriate program revenue and program
9 revenue–service accounts, a sum sufficient to supplement the appropriations to the
10 Board of Regents of the University of Wisconsin System for the cost of compensation
11 and related adjustments for University of Wisconsin System employees under s.
12 230.08 (2) (d) who are included within a collective bargaining unit for which a
13 representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

14 **SECTION 48.** 20.865 (1) (im) of the statutes, as created by 2011 Wisconsin Act
15 (this act), is repealed.

16 **SECTION 49.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin Act
17 10, is amended to read:

18 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
19 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient
20 to supplement the appropriations to the University of Wisconsin System to pay the
21 cost of pay and related adjustments approved by the joint committee on employment
22 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under
23 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a
24 collective bargaining unit for which a representative is certified under subch. V or
25 VI of ch. 111, as determined under s. 20.928.

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1 **SECTION 50.** 20.865 (1) (sm) of the statutes is created to read:

2 20.865 (1) (sm) *Represented university faculty and academic staff pay*
3 *adjustments; segregated revenues.* From the appropriate segregated funds, a sum
4 sufficient to supplement the appropriations to the Board of Regents of the University
5 of Wisconsin System for the cost of compensation and related adjustments for
6 University of Wisconsin System employees under s. 230.08 (2) (d) who are included
7 within a collective bargaining unit for which a representative is certified under
8 subch. VI of ch. 111, as determined under s. 20.928.

9 **SECTION 51.** 20.865 (1) (sm) of the statutes, as created by 2011 Wisconsin Act
10 (this act), is repealed.

11 **SECTION 52.** 20.917 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 20.917 (3) (b) This subsection applies to employees in all positions in the civil
14 service, including those employees in positions included in collective bargaining
15 units under subch. V or VI of ch. 111, whether or not the employees are covered by
16 a collective bargaining agreement.

17 **SECTION 53.** 20.921 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin Act
18 10, is amended to read:

19 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~
20 ~~(15r),~~ payment Payment of dues to employee organizations.

21 **SECTION 54.** 20.921 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 10,
22 is amended to read:

23 20.921 (1) (b) Except as provided in ~~s.~~ ss. 111.06 (1) (c) and 111.84 (1) (f), the
24 request under par. (a) shall be made to the state agency or to the University of
25 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the

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1 directions and information prescribed by each state agency or by the authority. The
2 request may be withdrawn or the amount paid to the payee may be changed by
3 notifying the state agency or the authority to that effect, but no such withdrawal or
4 change shall affect a payroll certification already prepared.

5 **SECTION 55.** 20.923 (6) (intro.) of the statutes, as affected by 2011 Wisconsin
6 Act 10, is amended to read:

7 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
8 following positions may be set by the appointing authority, subject to restrictions
9 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
10 where the salaries are a subject of bargaining with a certified representative of a
11 collective bargaining unit under s. 111.91 or 111.998:

12 **SECTION 56.** 20.928 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
13 is amended to read:

14 20.928 (1) Each state agency head shall certify to the department of
15 administration, at such time and in such manner as the secretary of administration
16 prescribes, the sum of money needed by the state agency from the appropriations
17 under s. 20.865 (1) (c), (ci), (~~cm~~), (cj), (d), (i), (ic), (~~im~~), (j), (s), (si), (~~sm~~), and (t). Upon
18 receipt of the certifications together with such additional information as the
19 secretary of administration prescribes, the secretary shall determine the amounts
20 required from the respective appropriations to supplement state agency budgets.

21 **SECTION 57.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 10,
22 is amended to read:

23 36.09 (1) (j) Except where such matters are a subject of bargaining with a
24 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
25 board shall establish salaries for persons not in the classified staff prior to July 1 of

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1 each year for the next fiscal year, and shall designate the effective dates for payment
2 of the new salaries. In the first year of the biennium, payments of the salaries
3 established for the preceding year shall be continued until the biennial budget bill
4 is enacted. If the budget is enacted after July 1, payments shall be made following
5 enactment of the budget to satisfy the obligations incurred on the effective dates, as
6 designated by the board, for the new salaries, subject only to the appropriation of
7 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
8 authority of the board to establish salaries for new appointments. The board may
9 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
10 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
11 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
12 increase to correct salary inequities under par. (h), to fund job reclassifications or
13 promotions, or to recognize competitive factors. The board may not increase the
14 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
15 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
16 board authorizes the salary increase to correct a salary inequity or to recognize
17 competitive factors. The board may not increase the salary of any position identified
18 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
19 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
20 the increase is approved by the office of state employment relations. The granting
21 of salary increases to recognize competitive factors does not obligate inclusion of the
22 annualized amount of the increases in the appropriations under s. 20.285 (1) for
23 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
24 report to the joint committee on finance and the secretary of administration and
25 director of the office of state employment relations concerning the amounts of any

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1 salary increases granted to recognize competitive factors, and the institutions at
2 which they are granted, for the 12-month period ending on the preceding June 30.

3 **SECTION 58.** 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Acts 32
4 and (this act), is repealed and recreated to read:

5 36.09 (1) (j) Except where such matters are a subject of bargaining with a
6 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
7 board shall establish salaries for persons prior to July 1 of each year for the next fiscal
8 year, and shall designate the effective dates for payment of the new salaries. In the
9 first year of the biennium, payments of the salaries established for the preceding
10 year shall be continued until the biennial budget bill is enacted. If the budget is
11 enacted after July 1, payments shall be made following enactment of the budget to
12 satisfy the obligations incurred on the effective dates, as designated by the board, for
13 the new salaries, subject only to the appropriation of funds by the legislature and s.
14 20.928 (3). This paragraph does not limit the authority of the board to establish
15 salaries for new appointments. The board may not increase the salaries of employees
16 under this paragraph unless the salary increase conforms to the proposal as
17 approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct
18 salary inequities under par. (h), to fund job reclassifications or promotions, or to
19 recognize competitive factors. The granting of salary increases to recognize
20 competitive factors does not obligate inclusion of the annualized amount of the
21 increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums.
22 No later than October 1 of each year, the board shall report to the joint committee
23 on finance and the secretary of administration and director of the office of state
24 employment relations concerning the amounts of any salary increases granted to

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1 recognize competitive factors, and the institutions at which they are granted, for the
2 12-month period ending on the preceding June 30.

3 **SECTION 59.** 40.02 (25) (b) 8. of the statutes, as affected by 2011 Wisconsin Act
4 10, is amended to read:

5 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
6 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or
7 under s. 230.12 or 233.10.

8 **SECTION 60.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 32,
9 is repealed and recreated to read:

10 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
11 the contributions required by par. (a), but all the payments shall be available for
12 benefit purposes to the same extent as required contributions deducted from
13 earnings of the participating employees. Action to assume employee contributions
14 as provided under this paragraph shall be taken at the time and in the form
15 determined by the governing body of the participating employer. The state shall pay
16 under this paragraph for employees who are covered by a collective bargaining
17 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits
18 are determined under s. 230.12 an amount equal to 4 percent of the earnings paid
19 by the state unless otherwise provided in a collective bargaining agreement under
20 subch. V or VI of ch. 111 or unless otherwise determined under s. 230.12. The
21 University of Wisconsin Hospitals and Clinics Authority shall pay under this
22 paragraph for employees who are covered by a collective bargaining agreement
23 under subch. I of ch. 111 and for employees whose fringe benefits are determined
24 under s. 233.10 an amount equal to 4 percent of the earnings paid by the authority
25 unless otherwise provided in a collective bargaining agreement under subch. I of ch.

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1 111 or unless otherwise determined under s. 233.10. The state shall pay under this
2 paragraph for employees who are not covered by a collective bargaining agreement
3 under subch. V or VI of ch. 111 and for employees whose fringe benefits are not
4 determined under s. 230.12 an amount equal to 4 percent of the earnings paid by the
5 state unless a different amount is recommended by the director of the office of state
6 employment relations and approved by the joint committee on employment relations
7 in the manner provided for approval of changes in the compensation plan under s.
8 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay
9 under this paragraph for its employees who are not covered by a collective bargaining
10 agreement under subch. I of ch. 111 an amount equal to 4 percent of the earnings paid
11 by the authority unless a different amount is established by the board of directors
12 of the authority under s. 233.10.

13 **SECTION 61.** 40.05 (4) (ag) of the statutes, as affected by 2011 Wisconsin Act 32,
14 is repealed and recreated to read:

15 40.05 (4) (ag) Except as otherwise provided in accordance with a collective
16 bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, the
17 employer shall pay for its currently employed insured employees:

18 1. For insured part-time employees other than employees specified in s. 40.02
19 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are
20 appointed to work less than 1,566 hours per year, an amount equal to 50 percent of
21 the employer contribution under subd. 2.

22 2. For eligible employees not specified in subd. 1., regardless of the plan
23 selected by the employee, not less than 80 percent of the average premium cost of
24 plans offered in the tier with the lowest employee premium cost under s. 40.51 (6).

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1 **SECTION 62.** 40.05 (4) (b) of the statutes, as affected by 2011 Wisconsin Acts 10
2 and 32, is repealed and recreated to read:

3 40.05 **(4)** (b) Except as provided under pars. (bc) and (bp), accumulated
4 unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and
5 subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death, upon
6 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
7 or upon termination of creditable service and qualifying as an eligible employee
8 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
9 he or she received while employed by the state, to credits for payment of health
10 insurance premiums on behalf of the employee or the employee's surviving insured
11 dependents. Any supplemental compensation that is paid to a state employee who
12 is classified under the state classified civil service as a teacher, teacher supervisor,
13 or education director for the employee's completion of educational courses that have
14 been approved by the employee's employer is considered as part of the employee's
15 basic pay for purposes of this paragraph. The full premium for any eligible employee
16 who is insured at the time of retirement, or for the surviving insured dependents of
17 an eligible employee who is deceased, shall be deducted from the credits until the
18 credits are exhausted and paid from the account under s. 40.04 (10), and then
19 deducted from annuity payments, if the annuity is sufficient. The department shall
20 provide for the direct payment of premiums by the insured to the insurer if the
21 premium to be withheld exceeds the annuity payment. Upon conversion of an
22 employee's unused sick leave to credits under this paragraph or par. (bf), the
23 employee or, if the employee is deceased, the employee's surviving insured
24 dependents may initiate deductions from those credits or may elect to delay
25 initiation of deductions from those credits, but only if the employee or surviving

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1 insured dependents are covered by a comparable health insurance plan or policy
2 during the period beginning on the date of the conversion and ending on the date on
3 which the employee or surviving insured dependents later elect to initiate
4 deductions from those credits. If an employee or an employee's surviving insured
5 dependents elect to delay initiation of deductions from those credits, an employee or
6 the employee's surviving insured dependents may only later elect to initiate
7 deductions from those credits during the annual enrollment period under par. (be).
8 A health insurance plan or policy is considered comparable if it provides hospital and
9 medical benefits that are substantially equivalent to the standard health insurance
10 plan established under s. 40.52 (1).

11 **SECTION 63.** 40.05 (4) (bw) of the statutes, as affected by 2011 Wisconsin Act
12 10, is amended to read:

13 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
14 payment of health insurance premiums under par. (b), the department shall add
15 additional credits, calculated in the same manner as are credits under par. (b), that
16 are based on a state employee's accumulated sabbatical leave or earned vacation
17 leave from the state employee's last year of service prior to retirement, or both. The
18 department shall apply the credits awarded under this paragraph for the payment
19 of health insurance premiums only after the credits awarded under par. (b) are
20 exhausted. This paragraph applies only to state employees who are eligible for
21 accumulated unused sick leave conversion under par. (b) and who are entitled to the
22 benefits under this paragraph pursuant to a collective bargaining agreement under
23 subch. V or VI of ch. 111.

24 **SECTION 64.** 40.05 (4g) (a) 4. of the statutes, as affected by 2011 Wisconsin Act
25 10, is amended to read:

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1 40.05 **(4g)** (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
2 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111
3 or under rules promulgated by the director of the office of state employment relations
4 or is eligible for reemployment with the state under s. 321.64 after completion of his
5 or her service in the U.S. armed forces.

6 **SECTION 65.** 40.05 (5) (intro.) of the statutes, as affected by 2011 Wisconsin Act
7 10, is amended to read:

8 40.05 **(5)** INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
9 continuation insurance provided under subch. V the employee shall pay the amount
10 remaining after the employer has contributed the following or, if different, the
11 amount determined under a collective bargaining agreement under subch. I, V, or VI
12 of ch. 111 or s. 230.12 or 233.10:

13 **SECTION 66.** 40.05 (5) (b) 4. of the statutes, as affected by 2011 Wisconsin Acts
14 10 and 32, is amended to read:

15 40.05 **(5)** (b) 4. The accrual and crediting of sick leave shall be determined in
16 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
17 and subch. I, V, or VI of ch. 111.

18 **SECTION 67.** 40.05 (6) (a) of the statutes, as affected by 2011 Wisconsin Act 10,
19 is amended to read:

20 40.05 **(6)** (a) Except as otherwise provided in accordance with a collective
21 bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, each
22 insured employee under the age of 70 and annuitant under the age of 65 shall pay
23 for group life insurance coverage a sum, approved by the group insurance board,
24 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
25 based upon the last amount of insurance in force during the month for which

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1 earnings are paid. The equivalent premium may be fixed by the group insurance
2 board if the annual compensation is paid in other than 12 monthly installments.

3 **SECTION 68.** 40.51 (7) (a) of the statutes, as affected by 2011 Wisconsin Act 32,
4 is renumbered 40.51 (7) and amended to read:

5 40.51 (7) Any employer, other than the state, may offer to all of its employees
6 a health care coverage plan through a program offered by the group insurance board.
7 Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule
8 establish different eligibility standards or contribution requirements for such
9 employees and employers and may by rule limit the categories of employers, other
10 than the state, which may be included as participating employers under this
11 subchapter. Beginning on January 1, 2012, except as otherwise provided in a
12 collective bargaining agreement under subch. IV of ch. 111 and ~~except as provided~~
13 ~~in par. (b)~~, an employer may not offer a health care coverage plan to its employees
14 under this subsection if the employer pays more than 88 percent of the average
15 premium cost of plans offered in any tier with the lowest employee premium cost
16 under this subsection.

17 **SECTION 69.** 40.51 (7) (b) of the statutes, as created by 2011 Wisconsin Act 32,
18 is repealed.

19 **SECTION 70.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Acts 10 and
20 32, is amended to read:

21 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
22 of the department, any collective bargaining agreement under subch. I, V, or VI of
23 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),
24 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

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1 **SECTION 71.** 40.80 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is
2 amended to read:

3 40.80 **(3)** Any action taken under this section shall apply to employees covered
4 by a collective bargaining agreement under subch. V or VI of ch. 111.

5 **SECTION 72.** 40.81 (3) of the statutes, as affected by 2011 Wisconsin Act 10, is
6 amended to read:

7 40.81 **(3)** Any action taken under this section shall apply to employees covered
8 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

9 **SECTION 73.** 40.95 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin Act
10 10, is amended to read:

11 40.95 **(1)** (a) 2. The employee has his or her compensation established in a
12 collective bargaining agreement under subch. V or VI of ch. 111.

13 **SECTION 74.** 46.284 (4) (m) of the statutes is created to read:

14 46.284 **(4)** (m) Compensate providers, as defined in s. 46.2898 (1) (e), in
15 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
16 directly by an enrollee and make any payroll deductions authorized by those
17 agreements.

18 **SECTION 75.** 46.2895 (8) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
19 10, is amended to read:

20 46.2895 **(8)** (a) 1. If the long-term care district offers employment to any
21 individual who was previously employed by a county, which participated in creating
22 the district and at the time of the offer had not withdrawn or been removed from the
23 district under sub. (14), and who while employed by the county performed duties
24 relating to the same or a substantially similar function for which the individual is
25 offered employment by the district and whose wages, hours, and conditions of

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1 employment were established in a collective bargaining agreement with the county
2 under subch. IV of ch. 111 that is in effect on the date that the individual commences
3 employment with the district, with respect to that individual, abide by the terms of
4 the collective bargaining agreement concerning the individual's wages and, if
5 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
6 allowance, funeral leave allowance, personal day allowance, or paid time off
7 allowance until the time of the expiration of that collective bargaining agreement or
8 adoption of a collective bargaining agreement with the district under subch. IV of ch.
9 111 covering the individual as an employee of the district, whichever occurs first.

10 **SECTION 76.** 46.2898 of the statutes is created to read:

11 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

12 (a) "Authority" means the Wisconsin Quality Home Care Authority.

13 (b) "Care management organization" has the meaning given in s. 46.2805 (1).

14 (cm) "Consumer" means an adult who receives home care services and who
15 meets all of the following criteria:

16 1. Is a resident of any of the following:

17 a. A county that has acted under sub. (2) (a).

18 b. A county in which the Family Care Program under s. 46.286 is available.

19 c. A county in which the Program of All-Inclusive Care for the Elderly under
20 42 USC 1396u-4 is available.

21 d. A county in which the self-directed services option program under 42 USC
22 1396n (c) is available or in which a program operated under an amendment to the
23 state medical assistance plan under 42 USC 1396n (j) is available.

24 2. Self-directs all or part of his or her home care services and is an employer
25 listed on the provider's income tax forms.

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1 3. Is eligible to receive a home care benefit under one of the following:

2 a. The Family Care Program under s. 46.286.

3 b. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

4 c. A program operated under a waiver from the secretary of the federal
5 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
6 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

7 d. A program operated under an amendment to the state medical assistance
8 plan under 42 USC 1396n (j).

9 (dm) “Home care” means supportive home care, personal care, and other
10 nonprofessional services of a type that may be covered under a medical assistance
11 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them
12 in meeting their daily living needs, ensuring adequate functioning in their homes,
13 and permitting safe access to their communities.

14 (e) “Provider” means an individual who is hired by a consumer to provide home
15 care to the consumer but does not include any of the following:

16 1. A person, while he or she is providing services in the capacity of an employee
17 of any of the following entities:

18 a. A home health agency licensed under s. 50.49.

19 b. A personal care provider agency.

20 c. A company or agency providing supportive home care.

21 d. An independent living center, as defined in s. 46.96 (1) (ah).

22 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
23 51.437.

24 2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her
25 professional capacity.

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1 (f) “Qualified provider” means a provider who meets the qualifications for
2 payment through the Family Care Program under s. 46.286, the Program for
3 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
4 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
5 waiver program operated under a waiver from the secretary of the U.S. department
6 of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c)
7 and any qualification criteria established in the rules promulgated under sub. (7)
8 and who the authority determines is eligible for placement on the registry
9 maintained by the authority under s. 52.20 (1).

10 (2) COUNTY PARTICIPATION. (a) A county board of supervisors may require a
11 county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to follow
12 procedures under this section and to pay providers in accordance with agreements
13 under subch. V of ch. 111.

14 (b) If a county acts under par. (a), it shall notify the department and the
15 authority of its action.

16 (c) A county that acts under par. (a) shall compensate providers in accordance
17 with any agreement under subch. V of ch. 111 and make any payroll deductions
18 authorized by such agreements.

19 (4) DUTIES OF HOME CARE PAYORS. Care management organizations, the state,
20 and counties, as described under sub. (1) (cm) 1. a. to d., that pay for the provision
21 of home care services to consumers shall provide to the authority the name, address,
22 telephone number, date of hire, and date of termination of any provider hired by an
23 individual receiving home care services.

24 (5) DUTIES OF CONSUMERS. A consumer shall do all of the following:

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1 (a) Inform the authority of the name, address, telephone number, date of hire,
2 and date of termination of any provider hired by the consumer to provide home care
3 services.

4 (b) Compensate providers in accordance with any collective bargaining
5 agreement that applies to home care providers under subch. V of ch. 111 and make
6 any payroll deductions authorized by the agreement.

7 **(6) PROVIDERS.** (a) A qualified provider providing home care services under this
8 section shall be subject to the collective bargaining agreement that applies to home
9 care providers under subch. V of ch. 111.

10 (b) A qualified provider may choose to be placed on the registry maintained by
11 the authority under s. 52.20 (1).

12 **(7) DEPARTMENT RULE-MAKING.** The department may promulgate rules defining
13 terms, specifying which services constitute home care, establishing the qualification
14 criteria that apply under sub. (1) (f), and establishing procedures for implementation
15 of this section.

16 **SECTION 77.** 46.48 (9m) of the statutes is created to read:

17 46.48 **(9m)** QUALITY HOME CARE. The department shall award a grant to the
18 Wisconsin Quality Home Care Authority for the purpose of providing services to
19 recipients and providers of home care under s. 46.2898 and ch. 52 and may award
20 grants to counties to facilitate transition to procedures established under s. 46.2898.

21 **SECTION 78.** 49.825 (3) (b) 4. of the statutes is created to read:

22 49.825 **(3)** (b) 4. The department may enter into a memorandum of
23 understanding, as described under s. 111.70 (3m), with the certified representative
24 of the county employees performing services under this section for the unit. If there
25 is a dispute as to hours or conditions of employment that remains between the

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1 department and the certified representative after a good faith effort to resolve it, the
2 department may unilaterally resolve the dispute.

3 **SECTION 79.** 49.826 (3) (b) 4. of the statutes is created to read:

4 49.826 **(3)** (b) 4. The department may enter into a memorandum of
5 understanding, as described under s. 111.70 (3p), with the certified representative
6 of the county employees performing services under this section in the county for the
7 unit. If there is a dispute as to hours or conditions of employment that remains
8 between the department and the certified representative after a good faith effort to
9 resolve it, the department may unilaterally resolve the dispute.

10 **SECTION 80.** Chapter 52 of the statutes is created to read:

11 **CHAPTER 52**

12 **QUALITY HOME CARE**

13 **52.01 Definitions.** In this chapter:

14 **(1)** “Authority” means the Wisconsin Quality Home Care Authority.

15 **(2)** “Board” means the board of directors of the authority.

16 **(3)** “Care management organization” has the meaning given in s. 46.2805 (1).

17 **(3m)** “Consumer” has the meaning given in s. 46.2898 (1) (cm).

18 **(4)** “Department” means the department of health services.

19 **(5)** “Family Care Program” means the benefit program described in s. 46.286.

20 **(6)** “Home care provider” means an individual who is a qualified provider under
21 s. 46.2898 (1) (f).

22 **(7)** “Medical assistance waiver program” means a program operated under a
23 waiver from the secretary of the U.S. department of health and human services
24 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

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1 **(8)** “Program of All-Inclusive Care for the Elderly” means the program
2 operated under 42 USC 1396u-4.

3 **52.05 Creation and organization of authority. (1) CREATION AND**
4 **MEMBERSHIP OF BOARD.** There is created a public body corporate and politic to be
5 known as the “Wisconsin Quality Home Care Authority.” The members of the board
6 shall consist of the following members:

7 (a) The secretary of the department of health services or his or her designee.

8 (b) The secretary of the department of workforce development or his or her
9 designee.

10 (c) The following, to be appointed by the governor to serve 3-year terms:

11 1. One representative from the state assembly.

12 2. One representative from the state senate.

13 3. One representative of care management organizations.

14 4. One representative of county departments, under s. 46.215, 46.22, 46.23,
15 51.42, or 51.437, selected from counties where the Family Care Program is not
16 available.

17 5. One representative of the board for people with developmental disabilities.

18 6. One representative of the council on physical disabilities.

19 7. One representative of the council on mental health.

20 8. One representative of the board on aging and long-term care.

21 9. Eleven individuals, each of whom is a current or former recipient of home
22 care services through the Family Care Program or a medical assistance waiver
23 program or an advocate for or representative of consumers of home care services.

24 **(3) CHAIRPERSON.** Annually, the governor shall appoint one member of the
25 board to serve as the chairperson.

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1 **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.
2 The executive committee shall consist of the chair of the board, the secretary of the
3 department of health services or his or her designee, the secretary of the department
4 of workforce development or his or her designee, and 3 persons selected from board
5 members appointed under sub. (1) (c) 9.

6 (b) The executive committee may do the following:

7 1. Hire an executive director who is not a member of the board and serves at
8 the pleasure of the board.

9 2. Hire employees to carry out the duties of the authority.

10 3. Engage in contracts for services to carry out the duties of the authority.

11 **(5) TERMS.** The terms of members of the board appointed under sub. (1) (c) shall
12 expire on July 1.

13 **(6) QUORUM.** A majority of the members of the board constitutes a quorum for
14 the purpose of conducting its business and exercising its powers and for all other
15 purposes, notwithstanding the existence of any vacancies. Action may be taken by
16 the board upon a vote of a majority of the members present. Meetings of the members
17 of the board may be held anywhere within the state.

18 **(7) VACANCIES.** Each member of the board shall hold office until a successor is
19 appointed and qualified unless the member vacates or is removed from his or her
20 office. A member who serves as a result of holding another office or position vacates
21 his or her office as a member when he or she vacates the other office or position. A
22 member who ceases to qualify for office vacates his or her office. A vacancy on the
23 board shall be filled in the same manner as the original appointment to the board for
24 the remainder of the unexpired term, if any.

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1 **(8) COMPENSATION.** The members of the board are not entitled to compensation
2 for the performance of their duties. The authority may reimburse members of the
3 board for actual and necessary expenses incurred in the discharge of their official
4 duties as provided by the board.

5 **(9) EMPLOYMENT OF BOARD MEMBER.** It is not a conflict of interest for a board
6 member to engage in private or public employment or in a profession or business,
7 except to the extent prohibited by law, while serving as a member of the board.

8 **52.10 Powers of authority.** The authority shall have all the powers
9 necessary or convenient to carry out the purposes and provisions of this chapter and
10 s. 46.2898. In addition to all other powers granted the authority under this chapter,
11 the authority may:

12 **(1)** Adopt policies and procedures to govern its proceedings and to carry out its
13 duties as specified in this chapter.

14 **(2)** Employ, appoint, engage, compensate, transfer, or discharge necessary
15 personnel.

16 **(3)** Make or enter into contracts, including contracts for the provision of legal
17 or accounting services.

18 **(4)** Award grants for the purposes set forth in this chapter.

19 **(5)** Buy, lease, or sell real or personal property.

20 **(6)** Sue and be sued.

21 **(7)** Accept gifts, grants, or assistance funds and use them for the purposes of
22 this chapter.

23 **(8)** Collect fees for its services.

24 **52.20 Duties of authority.** The authority shall:

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1 **(1)** Establish and maintain a registry of eligible home care providers who
2 choose to be on the registry for purposes of employment by consumers and provide
3 referral services for consumers in need of home care services.

4 **(2)** Determine the eligibility of individuals for placement on the registry. For
5 purposes of determining eligibility, the authority shall apply the criteria described
6 in s. 46.2898 (1) (f), including any qualifying criteria established by the department
7 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
8 of placement on or removal of a provider from the registry consistent with the terms
9 of the medical assistance waiver programs, the Family Care Program, an
10 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
11 Program of All-Inclusive Care for the Elderly, as determined by the department.

12 **(3)** Comply with any conditions necessary for consumers receiving home care
13 services to receive federal medical assistance funding through a medical assistance
14 waiver program, the Family Care Program, an amendment to the state medical
15 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the
16 Elderly.

17 **(4)** Develop and operate recruitment and retention programs to expand the
18 pool of home care providers qualified and available to provide home care services to
19 consumers.

20 **(5)** Maintain a list of home care providers included in a collective bargaining
21 unit under s. 111.825 (2g) and provide the list of home care providers to the
22 department at the department's request.

23 **(6)** Notify home care providers providing home care services of any procedures
24 for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department
25 or the authority.

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1 (7) Provide orientation activities and skills training for home care providers.

2 (8) Provide training and support for consumers hiring a home care provider
3 regarding the duties and responsibilities of employers and skills needed to be
4 effective employers.

5 (9) Inform consumers of the experience and qualifications of home care
6 providers on the registry and home care providers identified by consumers of home
7 care services for employment.

8 (10) Develop and operate a system of backup and respite referrals to home care
9 providers and a 24-hour per day call service for consumers of home care services.

10 (11) Report annually to the governor on the number of home care providers on
11 the registry and the number of home care providers providing services under the
12 authority.

13 (12) Conduct activities to improve the supply and quality of home care
14 providers.

15 **52.30 Liability limited.** (1) The state, any political subdivision of the state,
16 or any officer, employee, or agent of the state or a political subdivision who is acting
17 within the scope of employment or agency is not liable for any debt, obligation, act,
18 or omission of the authority.

19 (2) All expenses incurred by the authority in exercising its duties and powers
20 under this chapter shall be payable only from funds of the authority.

21 **52.40 Health data.** Any health data or identifying information collected by
22 the authority is collected for the purpose of government regulatory and management
23 functions.

24 **SECTION 81.** 59.875 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 32,
25 is renumbered 59.875 (2) and amended to read:

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1 59.875 (2) Beginning on July 1, 2011, in any employee retirement system of a
2 county, except as otherwise provided in a collective bargaining agreement entered
3 into under subch. IV of ch. 111 ~~and except as provided in par. (b)~~, employees shall pay
4 half of all actuarially required contributions for funding benefits under the
5 retirement system. The employer may not pay on behalf of an employee any of the
6 employee's share of the actuarially required contributions.

7 **SECTION 82.** 59.875 (2) (b) of the statutes, as created by 2011 Wisconsin Act 32,
8 is repealed.

9 **SECTION 83.** 62.623 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
10 is renumbered 62.623 and amended to read:

11 **62.623 Payment of contributions in an employee retirement system of**
12 **a 1st class city.** Beginning on July 1, 2011, in any employee retirement system of
13 a 1st class city, except as otherwise provided in a collective bargaining agreement
14 entered into under subch. IV of ch. 111 ~~and except as provided in sub. (2)~~, employees
15 shall pay all employee required contributions for funding benefits under the
16 retirement system. The employer may not pay on behalf of an employee any of the
17 employee's share of the required contributions.

18 **SECTION 84.** 62.623 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
19 is repealed.

20 **SECTION 85.** 66.0506 of the statutes, as affected by 2011 Wisconsin Act 32, is
21 repealed.

22 **SECTION 86.** 66.0508 of the statutes, as created by 2011 Wisconsin Act 10, is
23 repealed.

24 **SECTION 87.** 66.0509 (1m) of the statutes, as created by 2011 Wisconsin Act 10,
25 is repealed.