



LPS: ~~turn off / copy~~  
delete & star  
notes

CmH; RAC; TJD

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

LPS: delete "burning dots"  
in the analysis  
AND  
TURN OFF burning dots in  
rest of the bill

state finances; collective bargaining for  
public employees; compensation and  
pension benefits of public employees;  
state civil service system;  
Medical Assistance program;  
sale of certain  
facilities

Do NOT  
gen

1 AN ACT (...) relating to: increasing Temporary Assistance for Needy Families  
2 block grant funding to support the earned income tax credit; the budget;  
3 relating to: the budget; relating to: the budget; relating to: adult correctional  
4 services; relating to: the budget; relating to: the budget; the budget; relating  
5 to: the budget; relating to: the budget; relating to: the budget; relating to: the  
6 budget; increasing the amount of public debt that may be contracted to refund  
7 any unpaid indebtedness used to finance tax-supported or self-amortizing  
8 facilities; relating to: the budget; relating to: the budget; relating to: sale or  
9 contractual operation of state-owned heating, cooling, and power plants;  
10 relating to: the budget; relating to: the budget; relating to: the budget; relating  
11 to: the budget; relating to: the budget; relating to: the budget; relating  
12 to: eliminating collective bargaining rights for employees of the University of  
13 Wisconsin System, the University of Wisconsin Hospitals and Clinics  
14 Authority, and home care and child care providers; limiting collective  
15 bargaining rights for state employees and municipal employees who are not law

1 enforcement or fire fighting personnel; prohibiting certain deductions of labor  
 2 organization dues; eliminating the Wisconsin Quality Home Care Authority;;  
 3 relating to:the budget; relating to:the budget; relating to:the budget; relating  
 4 to:the budget granting bonding authority and making an appropriation.

**Analysis by the Legislative Reference Bureau**

**\*\*\* ANALYSIS FROM -0198/1 \*\*\***

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, DCF allocates in each fiscal year federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs, for child care-related purposes, and for transfer to DOR for the earned income tax credit (EITC). To reflect the receipt of TANF emergency contingency funds, this bill increases by \$37,000,000 from a JCF federal program supplement appropriation the amount of TANF moneys received in fiscal year 2010-11 and allocated for transfer to DOR for the EITC.

**\*\*\* ANALYSIS FROM -0220/1 \*\*\***

**RETIREMENT AND GROUP INSURANCE**

Current law, with important exceptions, prevents the Group Insurance Board (GIB) from modifying or expanding group insurance coverage in such a manner as to materially affect the level of premiums paid by the state or its employees, or the level of benefits to be provided, under any group insurance coverage plan. This bill provides that this restriction does not prevent GIB from encouraging participation in wellness or disease management programs under any of its group insurance coverage plans.

**\*\*\* ANALYSIS FROM -0221/1 \*\*\***

**RETIREMENT AND GROUP INSURANCE**

Current law permits the Group Insurance Board (GIB) to contract with DHS and other public or private entities for data collection and analysis services related to health maintenance organizations and insurance companies that provide health insurance to state employees. This bill permits GIB to contract for any other consulting services related to plans it offers.

**\*\*\* ANALYSIS FROM -0263/1 \*\*\***

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, generally, an unencumbered balance in any biennial appropriation from general purpose revenue reverts to the general fund at the end of the fiscal biennium. For the 2009-11 fiscal biennium, any unencumbered balance in the general purpose revenue appropriation for the Medical Assistance program

remains in that appropriation account and does not revert to the general fund. DHS is currently allowed to expend that unencumbered balance in the 2009-11 fiscal biennium in addition to the amounts listed in the appropriation schedule for that appropriation account.

This bill requires that the unencumbered balance in the general purpose revenue appropriation account for the Medical Assistance program reverts to the general fund at the end of the 2009-11 fiscal biennium. DHS is not allowed to expend the amount of the unencumbered balance in that appropriation account in the 2009-11 fiscal biennium.

**\*\*\* ANALYSIS FROM -0324/P3 \*\*\***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

**\*\*\* ANALYSIS FROM -0331/4 \*\*\***

### **HEALTH AND HUMAN SERVICES**

#### **CHILDREN**

This bill requires DCF to lapse to the general fund \$2,011,200 in federal revenues received as a result of income augmentation activities and appropriated for those activities in state fiscal year 2010-2011.

#### **HEALTH**

This bill requires DHS to lapse to the general fund \$4,500,000 in federal revenues received as a result of income augmentation activities and appropriated for those activities in state fiscal year 2010-2011.

**\*\*\* ANALYSIS FROM -0639/15 \*\*\***

### **RETIREMENT AND GROUP INSURANCE**

Currently, state employees, as well as employees of public authorities created by the state, receive health care coverage under plans offered by the Group Insurance Board (GIB), which plans are assigned to one of three tiers depending on the employee's premium costs. The employer share of premium costs for employees who work more than 1,565 hours a year is an amount not less than 80 percent of the average premium costs under the various health care coverage plans. The amount for represented employees is subject to collective bargaining and the amount for nonrepresented employees is established in various compensation plans.

This bill provides instead that the employer may not pay more than 88 percent of the average premium cost of plans offered in the tier with the lowest employee premium cost. For employees who work less than 1,566 hours a year, with exceptions, the employer must pay an amount determined by the director of the Office of State Employment Relations (OSER). Under the bill, the actual employer and employee share of premium costs is established on an annual basis by the director of OSER.

For the remainder of 2011, however, for pay periods after March 13, 2011, the bill provides that state employees, as well as employees of public authorities created by the state, who work more than 1,565 hours a year shall pay \$84 a month for individual coverage and \$208 a month for family coverage for health care coverage

under any plan offered in the tier with the lowest employee premium cost; \$122 a month for individual coverage and \$307 a month for family coverage for health care coverage under any plan offered in the tier with the next lowest employee premium cost; and \$226 a month for individual coverage and \$567 a month for family coverage for health care coverage under any plan offered in the tier with the highest employee premium cost. University of Wisconsin System graduate assistants and teaching assistants must pay half of these amounts during this period. Employees who work less than 1,566 hours a year are required to pay the same amount for health care coverage during 2011 that they were required to pay before the bill's effective date.

The bill further provides that a local government employer who participates in the local government health insurance plan offered by GIB may not participate in the plan if it intends to pay more than 88 percent of the average premium cost of plans offered in any tier with the lowest employee premium cost.

**\*\*\* ANALYSIS FROM -0732/3 \*\*\***

### **HEALTH AND HUMAN SERVICES**

#### **OTHER HEALTH AND HUMAN SERVICES**

This bill eliminates the UW Hospitals and Clinics Board, a state agency assigned the single duty to enter into a contractual services agreement with the UW Hospitals and Clinics Authority to provide the services of state employees who are in clerical, blue collar and nonbuilding trades, building trades crafts, security and public safety, and technical collective bargaining units. The bill also transfers all employees of the UW Hospitals and Clinics Board to the UW Hospitals and Clinics Authority.

**\*\*\* ANALYSIS FROM -0757/10 \*\*\***

### **RETIREMENT AND GROUP INSURANCE**

Currently, employer and employee required contributions, and the earnings on these contributions, fund the cost of providing retirement annuities to all public employees who are covered under the Wisconsin Retirement System (WRS). Employer required and employee required contribution rates are set on an annual basis. This bill provides that the employee required contribution rate for general participating employees and for elected and executive participating employees must equal one-half of all actuarially required contributions, as determined by the Employee Trust Funds Board. For protective occupation employees, the bill provides that employee required contribution rate must equal the percentage of earnings paid by general participating employees.

Current law also requires the employer to pay all of the employer required contributions, but permits the employer, on behalf of its employees, to pay all or part of the employee required contributions. This bill provides that an employer may not pay, on behalf of its employees, any of the employee required contributions under the WRS or under an employee retirement system of a 1st class city or a county having a population of 500,000 or more. This provision would therefore cover not only the WRS, but also the City of Milwaukee Employees' Retirement System and the Milwaukee County Employees' Retirement System. The bill further provides that if any local governmental unit establishes a defined benefit pension plan for its employees, the plan must require employees to pay half of all actuarially required

contributions for funding benefits under the plan and prohibits the local governmental unit from paying on behalf of an employee any of the employee's share of the actuarially required contributions.

Currently, when a WRS participant terminates employment and becomes eligible for a retirement annuity, assuming the participant does not receive a money purchase annuity, the amount of the annuity is determined by multiplying the participant's final average earnings by the participant's years of creditable service and by a percentage multiplier. For a protective occupation participant, the multiplier is either 2 percent or 2.5 percent, depending on whether the person is covered by social security. For elected officials and executive participating employees, the multiplier is 2 percent. For all other participants in the WRS, the multiplier is 1.6 percent. This bill decreases the multiplier for elected officials and executive participating employees from 2 percent to 1.6 percent for creditable service that is performed on or after the bill's effective date.

**\*\*\* ANALYSIS FROM -0764/5 \*\*\***

### **RETIREMENT AND GROUP INSURANCE**

This bill requires the director of the Office of State Employment Relations (OSER) and the secretary of employee trust funds to study the feasibility of offering to employees eligible who receive health care coverage under the Group Insurance Board plans, beginning on January 1, 2013, the option of receiving health care coverage through either a low-cost health care coverage plan or through a high-deductible health plan and the establishment of a health savings account, as described under federal law. The study shall also examine the feasibility of requiring state employees to receive health care coverage through a health benefits exchange established pursuant to the federal Patient Protection and Affordable Care Act of 2010 and creating a health care insurance purchasing pool for all state and local government employees and individuals receiving health care coverage under the Medical Assistance program.

Federal law authorizes the establishment of health savings accounts, under which individuals may establish health savings accounts into which they and their employers can make federal tax-exempt contributions that can be used for the payment of certain qualified medical expenses. Annual contribution limits are established under federal law and are based on the individual's status, eligibility, and health plan coverage. As a condition of establishing a health savings account, an individual must be covered under a high-deductible health plan. The specific requirements of high-deductible health plans are provided in federal law, but generally require the payment of a certain minimum deductible and the expenditure of certain out-of-pocket expenses before an individual's medical services are covered under the plan.

No later than June 30, 2012, the director and secretary shall report their findings and recommendations to the governor.

In addition, the bill requires the Employee Trust Funds Board, with the assistance of DETF, to study the structure of the Wisconsin Retirement System (WRS) and benefits provided under the WRS. The study must specifically address

establishing a defined contribution plan as a retirement option for WRS participating employees; establishing a vesting period of one, five, or ten years for employer contributions and eligibility for retirement benefits under the WRS; modifying the supplemental health insurance premium credit program for state employees under the WRS; and permitting participating employees to not make employee required contributions under the WRS and limiting retirement benefits for these employees to a money purchase annuity, which is an annuity purchased from contributions made by or for the employee under the WRS.

Under the bill, no later than June 30, 2012, the secretary of administration, the director of OSER, the secretary of employee trust funds, and the cochairpersons of the Joint Survey Committee on Retirement Systems shall report their findings and recommendations to the chief clerk of each house of the legislature, for distribution to the legislature.

**\*\*\* ANALYSIS FROM -0813/5 \*\*\***

## **HEALTH AND HUMAN SERVICES**

### **MEDICAL ASSISTANCE**

Under current law, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Also under current law, DHS makes payments from a long-term care general purpose revenue (GPR) appropriation account, including community aids to counties, payments for certain MA programs, and social service payments. DHS also currently makes payments for administration of income maintenance activities among other payments. This bill decreases the amount that DHS is authorized to spend from the long-term care GPR appropriation account in fiscal year 2010-11. The bill also increases the amount that DHS is authorized to spend from the MA program benefits and administration GPR appropriation accounts, the income maintenance GPR appropriation account, and the MA trust fund, in fiscal year 2010-11.

**\*\*\* ANALYSIS FROM -0946/1 \*\*\***

## **STATE GOVERNMENT**

### **STATE EMPLOYMENT**

The director of the Office of State Employment Relations has promulgated rules to establish a career executive program. The program provides state agencies with highly qualified executive candidates, provides outstanding administrative employees a broad opportunity for career advancement, and provides for the mobility of such employees among state agencies for the most advantageous use of their managerial and administrative skills. Under current administrative rules, an appointing authority may reassign a career executive employee from one career executive position to another career executive position within the same state agency. This bill permits an appointing authority to reassign an employee in a career executive position to a career executive position in any state agency if the appointing authority in the state agency to which the employee is to be reassigned approves of the reassignment.

**\*\*\* ANALYSIS FROM -1032/1 \*\*\***

This bill increases the amount of state public debt that may be contracted to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities from \$309,000,000 to \$474,000,000. Such refunded debt must be contracted before July 1, 2011.

**\*\*\* ANALYSIS FROM -1120/4 \*\*\***

**RETIREMENT AND GROUP INSURANCE**

This bill requires the secretary of administration to lapse to the general fund, before July 1, 2011, from executive branch agencies, an amount equal to \$27,891,400. The bill further requires the cochairpersons of the Joint Committee on Legislative Organization to lapse to the general fund, from appropriations to the legislature, an amount equal to \$717,700. The bill requires the governor to lapse to the general fund, from appropriations to the office of the governor, an amount equal to \$37,500. Finally, the bill requires the chief justice of the supreme court to lapse to the general fund, from appropriations to the judicial branch, an amount equal to \$1,153,400. The lapse requirement seeks to capture savings resulting from increases in the portion of premiums that state employees must pay for health insurance and increases in the retirement contributions that state employees must pay.

**\*\*\* ANALYSIS FROM -1121/2 \*\*\***

**RETIREMENT AND GROUP INSURANCE**

Under current law, state employees become participating employees in the Wisconsin Retirement System (WRS) if they are expected to work at least one-third of what is considered full-time employment by the Department of Employee Trust Funds, as determined by rule, and have an expected duration of employment of one year or more. If a state employee becomes a participating employee in the WRS, the employee is also entitled to receive health insurance under a program administered by the Group Insurance Board (GIB). A current group of state employees are appointed to state positions as limited term appointments in the state civil service, which are provisional appointments or appointments for less than 1,044 hours per year. This bill prohibits state employees who have limited term appointments from participating in the WRS, as well as prohibits these employees from receiving health insurance under the GIB program.

**\*\*\* ANALYSIS FROM -1130/4 \*\*\***

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, this state owns and operates numerous heating, cooling, and power plants that were constructed by the state to provide heating, cooling, and power to state facilities. ~~Generally, the heating and cooling is provided by producing steam and chilled water, which is then piped directly from the plants to the facilities. In some cases, nonstate governmental and private facilities are also served by the state-owned plants. Under current law, DOA determines the method of operation of state-owned or operated heating, cooling, and power plants and may delegate this authority to any other state agency that has managing authority for a plant. DOA also approves the rates that each agency charges for heating, cooling, and power that it provides at such plants, and may assess state agencies for their proportionate~~

*move to INS JTK P11*

*for these*

share of DOA's administrative costs with respect to state heating, cooling, and power provided by state-owned or operated plants.

This bill permits DOA to sell or contract for the operation of any ~~state-owned heating, cooling, and power~~ plant. The bill exempts such sales and contracts from the requirement for PSC approval that may otherwise apply under current law. The bill provides that the net proceeds of any sale, after retirement of any outstanding state debt ~~that was used to finance the acquisition, construction, or improvement of a plant and any necessary repayment to the federal government~~ of federal financial assistance ~~that was used by this state to acquire, construct, or improve a plant~~, is deposited in the budget stabilization fund.

The bill also allows DOA, at any time, to petition the PSC to regulate as a public utility any person who purchases or contracts for the operation of any plant under the bill ~~(purchaser or contractor)~~. Under current law, the PSC has regulatory authority over public utilities, including the authority to set rates for utility service.

Current law defines "public utility" as, in part, a person who provides utility service directly or indirectly to or for the public. This bill allows DOA to petition the PSC if the purchaser or contractor fails to satisfy the definition of public utility because the purchaser or contractor does not provide utility service directly or indirectly to or for the public. Upon a petition by DOA, the bill requires the PSC to regulate the purchaser or contractor as a public utility if the PSC determines that such regulation is in the public interest.

The bill provides that any contract for the sale or operation of a plant must provide that, unless otherwise expressly agreed between the parties, the purchaser or contractor will continue to operate the plant and keep it in good repair, and will continue to provide adequate and sufficient heating, cooling, and power sufficient to meet the state's current and future needs. The bill also requires any such contract to require the purchaser or contractor to submit to the jurisdiction of the PSC if the PSC determines to regulate the purchaser or contractor as a public utility in response to a DOA petition that is described above. The bill permits the secretary of administration to decrease the authorized full-time positions for any state agency to reflect any positions the responsibilities of which were primarily related to management or operation of a plant before the effective date of a sale or contract for operational services. The bill also permits the secretary, with certain exceptions, to transfer or lapse unencumbered balances of appropriations to state agencies that were allocated for the purpose of management or operation of a plant, effective on the date that an agency ceases to have managerial or operational authority, and to reallocate moneys that were appropriated for management or operation of a plant to be used instead for the purpose of purchase of heating, cooling, or power or for the purchase of contractual services relating to heating, cooling, or power services for state facilities.

\*\*\* ANALYSIS FROM -1143/5 \*\*\*

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to

MS  
JTK cont  
NOF

INS  
JTK

and  
such

NOF



individuals who have limited resources. Some services are provided through programs that operate under a waiver of federal laws related to medical assistance (MA waiver programs). This bill requires DHS to study potential changes to the MA state plan and to waivers of federal law relating to medical assistance for certain purposes, including increasing the cost effectiveness and efficiency of care for the MA program and MA waiver programs and improving the health status of individuals who receive benefits under the MA program or an MA waiver program. If DHS determines, as a result of the study, that revision of existing statutes or rules would be necessary to advance any of the purposes for which the study was conducted, DHS may promulgate rules to do any of the following: require cost sharing from program benefit recipients up to the maximum allowed by the federal government; authorize providers to deny care or services if a program benefit recipient is unable to share costs; modify existing benefits or establish various benefits packages and offer different packages to different groups of recipients; revise provider reimbursement models for particular services; mandate that program benefit recipients enroll in managed care; restrict or eliminate presumptive eligibility; impose restrictions on providing benefits to individuals who are not citizens of the United States; set standards for establishing and verifying eligibility requirements; develop standards and methodologies to assure accurate eligibility determinations and redetermine continuing eligibility; and reduce income levels for purposes of determining eligibility. Before promulgating a rule, DHS must submit the proposed rule and any plan developed as a result of the study to JCF for review. DHS must submit an amendment to the state MA plan or request a waiver of federal laws related to medical assistance, if necessary, to the extent necessary to implement any proposal. If the federal Department of Health and Human Services does not allow the amendment or does not grant the waiver, DHS may not put the rule into effect or implement the proposal. To reduce the eligibility income levels to a certain amount, DHS must request a waiver from the secretary of the federal Department of Health and Human Services to permit DHS to have in effect eligibility standards, methodologies, and procedures that are more restrictive than those in place on March 23, 2010. If DHS does not receive approval for the waiver, DHS must reduce the eligibility income levels for MA programs and MA waiver programs to 133 percent of the federal poverty line for adults who are not pregnant and not disabled, to the extent allowed under and following procedures under federal law. DHS may promulgate the rules as emergency rules without the findings or evidence of emergency and without the statutory time limits.

**\*\*\* ANALYSIS FROM -1151/3 \*\*\***

### **STATE GOVERNMENT**

#### **STATE EMPLOYMENT**

Under current law, the governor may declare a state of emergency if he or she determines that an emergency exists resulting from a disaster or the imminent threat of a disaster. Generally, a disaster is a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this state or a portion of this state, or its critical systems.

This bill authorizes an appointing authority of a state agency to discharge any state employee who fails to report to work as scheduled for any three working days during a state of emergency or who participates in a strike, work stoppage, sit-down, stay-in, slowdown, or other concerted interruption of operations or services, including specifically purported mass resignations or sick calls. Under the bill, engaging in any of these actions constitutes just cause for discharge.

**\*\*\* ANALYSIS FROM -1157/1 \*\*\***

### **HEALTH AND HUMAN SERVICES**

#### **MEDICAL ASSISTANCE**

Under current law, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Some of the funding for the MA program derives from a general purpose revenue (GPR) appropriation account. This bill increases the amount the department may spend from the GPR account for fiscal year 2010-11 for the MA program for the purpose of funding the contribution for indigent health care for Milwaukee County.

**\*\*\* ANALYSIS FROM -1180/1 \*\*\***

### **RETIREMENT AND GROUP INSURANCE**

This bill requires the secretary of employee trust funds to allocate \$28,000,000, from reserve accounts established in the public employee trust fund for group health and pharmacy benefits for state employees, to reduce employer costs for providing group health insurance for state employees for the period beginning on July 1, 2011, and ending on December 31, 2011.

**\*\*\* ANALYSIS FROM -1181/2 \*\*\***

### **STATE GOVERNMENT**

#### **STATE FINANCE**

This bill reduces executive branch agency lapses and transfers to the general fund for the 2009-11 fiscal biennium that were required under 2007 Wisconsin Act 20 from \$200,000,000 to \$121,000,000.

**\*\*\* ANALYSIS FROM -1194/2 \*\*\***

### **STATE GOVERNMENT**

#### **STATE FINANCE**

This bill reduces the expenditure authority of JCF during the 2010-11 fiscal year by \$4,590,400 from its appropriation to supplement programs funded with general purpose revenue.

**\*\*\* ANALYSIS FROM -1211/P10 \*\*\***

### **COLLECTIVE BARGAINING**

Under current law, municipal employees have the right to collectively bargain over wages, hours, and conditions of employment under the Municipal Employment Relations Act (MERA), and state employees have the right to collectively bargain over wages, hours, and conditions of employment under the State Employment Labor Relations Act (SELRA). This bill changes MERA and SELRA with respect to all employees except employees who are certain protective occupation participants

under the Wisconsin Retirement System or under a county or city retirement system (public safety employees). This bill limits the right to collectively bargain for all employees who are not public safety employees (general employees) to the subject of base wages. In addition, unless a referendum authorizes a greater increase, any general employee who is part of a collective bargaining unit is limited to bargaining over a percentage of total base wages increase that is no greater than the percentage change in the consumer price index. This bill also prohibits municipal employers from collectively bargaining with municipal general employees in manners that are not permitted under MERA.

Under SELRA and MERA, a collective bargaining unit elects a labor organization as its representative once a majority of the employees in that collective bargaining unit who are actually voting votes for that labor organization; 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. This bill requires an annual certification election of the labor organization that represents each collective bargaining unit containing general employees. 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 requires an initial certification election for represented state general employees in April 2011, for represented school district employees in the first May following the termination of their current collective bargaining agreements, and for other represented municipal general employees in the first December following the termination of their current collective bargaining agreements.

Currently, except for an initial collective bargaining agreement, the terms of collective bargaining agreements are generally two years for state and municipal employees, and current law does not prohibit collective bargaining agreements from being extended. This bill limits the term for general employees to one year and prohibits the extension of collective bargaining agreements.

Current law provides that state and municipal employees who are represented by a labor organization have the organization dues deducted from their salaries. Except for salary deductions for public safety employees, this bill prohibits the salary deductions for labor organization dues. This bill also allows a general employee to refrain from paying dues and remain a member of a collective bargaining unit.

Under current law, University of Wisconsin (UW) System employees, employees of the UW Hospitals and Clinics Authority, and certain home care and child care providers have the right to collectively bargain over wages, hours, and conditions of employment. This bill eliminates the rights of these employees to collectively bargain.

**\*\*\* ANALYSIS FROM -12/2/3 \*\*\***

**RETIREMENT AND GROUP INSURANCE**

Currently, the attorney general, or his or her designee, serves on the Group Insurance Board (GIB). This bill requires that the attorney general designee on the

INS RC-2

INS RC-1

INS JTK from earlier pages

GIB must be an attorney. Current law also provides that the GIB may not enter into agreements to modify or expand group insurance coverage in a manner that conflicts with applicable statutes, or rules promulgated by the Department of Employee Trust Funds, or that materially affects the level of premiums required to be paid by the state or its employees or the level of benefits provided under any group insurance coverage. This bill provides that this prohibition does not apply to GIB agreements relating to group insurance coverage for the 2012 and 2013 calendar years.

The bill also requires the GIB to design health care coverage plans for the 2012 calendar year that, after adjusting for any inflationary increase in health benefit costs, reduces the average premium cost of plans offered in the tier with the lowest employee premium cost by at least 5 percent from the cost of such plans offered during the 2011 calendar year. The GIB must include copayments in the health care coverage plans for the 2012 calendar year and may require health risk assessments for state employees and participation in wellness or disease management programs.

**\*\*\* ANALYSIS FROM -1222/5 \*\*\***

**STATE GOVERNMENT**

**STATE EMPLOYMENT**

This bill increases the number of unclassified division administrators by 35 FTE positions, decreases 36 FTE positions in executive branch agencies, which positions are to be determined by the secretary of administration, expands the definition of division administrator to include other managerial positions, and permits the director of OSER to appoint either a deputy director or an executive assistant in the unclassified service.

**\*\*\* ANALYSIS FROM -1286/1 \*\*\***

**RETIREMENT AND GROUP INSURANCE**

This bill provides that if DETF determines that an audit of its employee benefit programs is necessary during the 2011-12 fiscal year, for the purpose of verifying the eligibility of dependents covered under the programs, DETF must submit a written request to the secretary of administration to expend an amount not exceeding \$700,000 to conduct the audit.

**\*\*\* ANALYSIS FROM -1400/1 \*\*\***

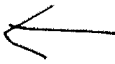
**NATURAL RESOURCES**

**OTHER NATURAL RESOURCES**

Under current law, a tax incremental district (TID) does not include any wetland that is identified on a wetland inventory map prepared by DNR. Under this bill, a wetland that is located in a TID is considered part of the TID for determining certification for compliance with wetland water quality standards if the activity for which the certification is sought is to fill the wetland.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

*Handwritten mark: a checkmark and the number 1669.*



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           **\*-1211/P10.1\* SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

2           7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and  
3 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,  
4 or 237.

5           **\*-1211/P10.2\* SECTION 2.** 7.33 (4) of the statutes is amended to read:

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

16           ~~**\*-0757/10.1\* SECTION 3.** 13.111 (2) of the statutes is amended to read:~~

17           ~~13.111 (2) DUTIES. The joint committee on employment relations shall perform~~  
18 ~~the functions assigned to it under subchs. V and VI of ch. 111, subch. II of ch. 230 and~~  
19 ~~ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923 and 40.05 (1) (b).~~

20           **\*-1211/P10.3\* SECTION 4.** 13.111 (2) of the statutes is amended to read:

1 13.111 (2) DUTIES. The joint committee on employment relations shall perform  
2 the functions assigned to it under ~~subchs. subch. V and VI~~ <sup>and</sup> of ch. 111, subch. II of ch.  
3 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and ~~40.05 (1) (b)~~.

4 **\*-1211/P10.4\* SECTION 5.** 13.172 (1) of the statutes, as affected by 2011  
5 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

6 13.172 (1) In this section, "agency" means an office, department, agency,  
7 institution of higher education, association, society, or other body in state  
8 government created or authorized to be created by the constitution or any law, that  
9 is entitled to expend moneys appropriated by law, including the legislature and the  
10 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in  
11 ch. ~~52~~, 231, 233, 234, 238, or 279.

12 **\*-1211/P10.5\* SECTION 6.** 13.48 (13) (a) of the statutes, as affected by 2011  
13 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

14 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or  
15 facility that is constructed for the benefit of or use of the state, any state agency,  
16 board, commission or department, the University of Wisconsin Hospitals and Clinics  
17 Authority, the Fox River Navigational System Authority, ~~the Wisconsin Quality~~  
18 ~~Home Care Authority~~, the Wisconsin Economic Development Corporation, or any  
19 local professional baseball park district created under subch. III of ch. 229 if the  
20 construction is undertaken by the department of administration on behalf of the  
21 district, shall be in compliance with all applicable state laws, rules, codes and  
22 regulations but the construction is not subject to the ordinances or regulations of the  
23 municipality in which the construction takes place except zoning, including without  
24 limitation because of enumeration ordinances or regulations relating to materials

1 used, permits, supervision of construction or installation, payment of permit fees, or  
2 other restrictions.

3 **\*-1211/P10.6\* SECTION 7.** 13.62 (2) of the statutes, as affected by 2011  
4 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

5 13.62 (2) "Agency" means any board, commission, department, office, society,  
6 institution of higher education, council, or committee in the state government, or any  
7 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,  
8 233, 234, 237, 238, or 279, except that the term does not include a council or  
9 committee of the legislature.

10 **\*-1211/P10.7\* SECTION 8.** 13.94 (4) (a) 1. of the statutes, as affected by 2011  
11 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

12 13.94 (4) (a) 1. Every state department, board, examining board, affiliated  
13 credentialing board, commission, independent agency, council or office in the  
14 executive branch of state government; all bodies created by the legislature in the  
15 legislative or judicial branch of state government; any public body corporate and  
16 politic created by the legislature including specifically ~~the Wisconsin Quality Home~~  
17 ~~Care Authority~~, the Fox River Navigational System Authority, the Lower Fox River  
18 Remediation Authority, ~~and~~ the Wisconsin Aerospace Authority, and the Wisconsin  
19 Economic Development Corporation, a professional baseball park district, a local  
20 professional football stadium district, a local cultural arts district and a long-term  
21 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.  
22 49; every provider of medical assistance under subch. IV of ch. 49; technical college  
23 district boards; every county department under s. 51.42 or 51.437; every nonprofit  
24 corporation or cooperative or unincorporated cooperative association to which  
25 moneys are specifically appropriated by state law; and every corporation, institution,

1 association or other organization which receives more than 50% of its annual budget  
2 from appropriations made by state law, including subgrantee or subcontractor  
3 recipients of such funds.

4 **\*-1211/P10.8\* SECTION 9.** 13.95 (intro.) of the statutes, as affected by 2011  
5 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

6 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
7 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau  
8 shall be strictly nonpartisan and shall at all times observe the confidential nature  
9 of the research requests received by it; however, with the prior approval of the  
10 requester in each instance, the bureau may duplicate the results of its research for  
11 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's  
12 designated employees shall at all times, with or without notice, have access to all  
13 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
14 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
15 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
16 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River  
17 Navigational System Authority, and to any books, records, or other documents  
18 maintained by such agencies or authorities and relating to their expenditures,  
19 revenues, operations, and structure.

20 **\*-0732/3.1\* SECTION 10.** 15.07 (1) (a) 6. of the statutes is repealed.

21 **\*-1211/P10.9\* SECTION 11.** 15.07 (1) (a) 6. of the statutes is repealed.

22 **\*-0732/3.2\* SECTION 12.** 15.07 (4) of the statutes is amended to read:

23 15.07 (4) QUORUM. A majority of the membership of a board constitutes a  
24 quorum to do business and, unless a more restrictive provision is adopted by the  
25 board, a majority of a quorum may act in any matter within the jurisdiction of the



1 board. This subsection does not apply to actions of the government accountability  
2 board, ~~the University of Wisconsin Hospitals and Clinics Board~~, or the school district  
3 boundary appeal board as provided in ss. 5.05 (1e), ~~15.96 (2)~~, and 117.05 (2) (a).

4 **\*-1212/3.1\* SECTION 13.** 15.165 (2) of the statutes is amended to read:

5 15.165 (2) GROUP INSURANCE BOARD. There is created in the department of  
6 employee trust funds a group insurance board. The board shall consist of the  
7 governor, the attorney general, the secretary of administration, the director of the  
8 office of state employment relations, and the commissioner of insurance or their  
9 designees, and 6 persons appointed for 2-year terms, of whom one shall be an insured  
10 participant in the Wisconsin Retirement System who is not a teacher, one shall be  
11 an insured participant in the Wisconsin Retirement System who is a teacher, one  
12 shall be an insured participant in the Wisconsin Retirement System who is a retired  
13 employee, one shall be an insured employee of a local unit of government, and one  
14 shall be the chief executive or a member of the governing body of a local unit of  
15 government that is a participating employer in the Wisconsin Retirement System.

16 The designee of the attorney general shall be an attorney.

17 **\*-0732/3.3\* SECTION 14.** 15.96 of the statutes is repealed. 97

18 **\*-1211/P10.10\* SECTION 15.** 15.96 (1) (h) of the statutes is repealed.

19 **\*-1211/P10.11\* SECTION 16.** 15.96 (2) of the statutes is amended to read:

20 15.96 (2) Eight ~~voting~~ members of the University of Wisconsin Hospitals and  
21 Clinics Board constitute a quorum for the purpose of conducting the business and  
22 exercising the powers of the board, notwithstanding the existence of a vacancy.

23 **\*-1211/P10.12\* SECTION 17.** 16.002 (2) of the statutes, as affected by 2011  
24 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

1           16.002 (2) "Departments" means constitutional offices, departments, and  
2 independent agencies and includes all societies, associations, and other agencies of  
3 state government for which appropriations are made by law, but not including  
4 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232,  
5 233, 234, 235, 237, 238, or 279.

6           \***-1211/P10.13\*** SECTION 18. 16.004 (4) of the statutes, as affected by 2011  
7 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

8           16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
9 department as the secretary designates may enter into the offices of state agencies  
10 and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and  
11 under chs. ~~52~~, 231, 233, 234, 237, 238, and 279, and may examine their books and  
12 accounts and any other matter that in the secretary's judgment should be examined  
13 and may interrogate the agency's employees publicly or privately relative thereto.

14           \***-1211/P10.14\*** SECTION 19. 16.004 (5) of the statutes, as affected by 2011  
15 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

16           16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
17 authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under  
18 chs. ~~52~~, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall  
19 cooperate with the secretary and shall comply with every request of the secretary  
20 relating to his or her functions.

21           \***-1211/P10.15\*** SECTION 20. 16.004 (12) (a) of the statutes, as affected by 2011  
22 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

23           16.004 (12) (a) In this subsection, "state agency" means an association,  
24 authority, board, department, commission, independent agency, institution, office,  
25 society, or other body in state government created or authorized to be created by the

1 constitution or any law, including the legislature, the office of the governor, and the  
2 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
3 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
4 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
5 ~~Care Authority~~, the Wisconsin Economic Development Corporation, and the Fox  
6 River Navigational System Authority.

7 **\*-1211/P10.16\* SECTION 21.** 16.045 (1) (a) of the statutes, as affected by 2011  
8 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

9 16.045 (1) (a) "Agency" means an office, department, independent agency,  
10 institution of higher education, association, society, or other body in state  
11 government created or authorized to be created by the constitution or any law, that  
12 is entitled to expend moneys appropriated by law, including the legislature and the  
13 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
14 ch. 149 or in ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

15 **\*-1211/P10.17\* SECTION 22.** 16.15 (1) (ab) of the statutes, as affected by 2011  
16 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

17 16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but  
18 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
19 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the  
20 Wisconsin Economic Development Corporation, and the Health Insurance  
21 Risk-Sharing Plan Authority.

22 **\*-1211/P10.18\* SECTION 23.** 16.41 (4) of the statutes, as affected by 2011  
23 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

24 16.41 (4) In this section, "authority" means a body created under subch. II of  
25 ch. 114 or subch. III of ch. 149 or under ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

1           **\*-1211/P10.19\* SECTION 24.** 16.417 (1) (b) of the statutes, as affected by 2011  
2 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

3           16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or  
4 ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

5           **\*-0732/3.4\* SECTION 25.** 16.50 (3) (b) of the statutes is amended to read:

6           16.50 (3) (b) No change in the number of full-time equivalent positions  
7 authorized through the biennial budget process or other legislative act may be made  
8 without the approval of the joint committee on finance, except for position changes  
9 made by the governor under s. 16.505 (1) (c) or (2), ~~by the University of Wisconsin~~  
10 ~~Hospitals and Clinics Board under s. 16.505 (2n)~~, or by the board of regents of the  
11 University of Wisconsin System under s. 16.505 (2m) or (2p).

12           **\*-1211/P10.20\* SECTION 26.** 16.50 (3) (e) of the statutes is amended to read:

13           16.50 (3) (e) No pay increase may be approved unless it is at the rate or within  
14 the pay ranges prescribed in the compensation plan or as provided in a collective  
15 bargaining agreement under subch. V ~~or VI~~ of ch. 111.

16           **\*-0732/3.5\* SECTION 27.** 16.505 (1) (intro.) of the statutes is amended to read:

17           16.505 (1) (intro.) Except as provided in subs. (2), (2m), ~~(2n)~~, and (2p), no  
18 position, as defined in s. 230.03 (11), regardless of funding source or type, may be  
19 created or abolished unless authorized by one of the following:

20           **\*-0732/3.6\* SECTION 28.** 16.505 (2n) of the statutes is repealed.

21           **\*-1211/P10.21\* SECTION 29.** 16.52 (7) of the statutes, as affected by 2011  
22 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is 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

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 **\*-1211/P10.22\* SECTION 30.** 16.528 (1) (a) of the statutes, as affected by 2011  
9 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), 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 **\*-1211/P10.23\* SECTION 31.** 16.53 (2) of the statutes, as affected by 2011  
17 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is 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

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 **\*-1211/P10.24\* SECTION 32.** 16.54 (9) (a) 1. of the statutes, as affected by 2011  
4 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), 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 **\*-1211/P10.25\* SECTION 33.** 16.70 (2) of the statutes is amended to read:

12 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.  
13 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

14 **\*-1211/P10.26\* SECTION 34.** 16.705 (3) of the statutes is repealed.

15 **\*-1211/P10.27\* SECTION 35.** 16.765 (1) of the statutes, as affected by 2011  
16 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

17 16.765 (1) 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,~~ the  
21 Wisconsin Economic Development Corporation, and the Bradley Center Sports and  
22 Entertainment Corporation shall include in all contracts executed by them a  
23 provision obligating the contractor not to discriminate against any employee or  
24 applicant for employment because of age, race, religion, color, handicap, sex, physical  
25 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as

1 defined in s. 111.32 (13m), or national origin and, except with respect to sexual  
2 orientation, obligating the contractor to take affirmative action to ensure equal  
3 employment opportunities.

4 **\*-1211/P10.28\* SECTION 36.** 16.765 (2) of the statutes, as affected by 2011  
5 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

6 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
7 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
8 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
9 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the  
10 Wisconsin Economic Development Corporation, and the Bradley Center Sports and  
11 Entertainment Corporation shall include the following provision in every contract  
12 executed by them: "In connection with the performance of work under this contract,  
13 the contractor agrees not to discriminate against any employee or applicant for  
14 employment because of age, race, religion, color, handicap, sex, physical condition,  
15 developmental disability as defined in s. 51.01 (5), sexual orientation or national  
16 origin. This provision shall include, but not be limited to, the following: employment,  
17 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or  
18 termination; rates of pay or other forms of compensation; and selection for training,  
19 including apprenticeship. Except with respect to sexual orientation, the contractor  
20 further agrees to take affirmative action to ensure equal employment opportunities.  
21 The contractor agrees to post in conspicuous places, available for employees and  
22 applicants for employment, notices to be provided by the contracting officer setting  
23 forth the provisions of the nondiscrimination clause".

24 **\*-1211/P10.29\* SECTION 37.** 16.765 (4) of the statutes is amended to read:

1           16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
2 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
3 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
4 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and  
5 the Bradley Center Sports and Entertainment Corporation shall take appropriate  
6 action to revise the standard government contract forms under this section.

7           **\*-1211/P10.30\* SECTION 38.** 16.765 (5) of the statutes, as affected by 2011  
8 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

9           16.765 (5) The head of each contracting agency and the boards of directors of  
10 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
11 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
12 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
13 Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic  
14 Development Corporation, and the Bradley Center Sports and Entertainment  
15 Corporation shall be primarily responsible for obtaining compliance by any  
16 contractor with the nondiscrimination and affirmative action provisions prescribed  
17 by this section, according to procedures recommended by the department. The  
18 department shall make recommendations to the contracting agencies and the boards  
19 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox  
20 River Navigational System Authority, the Wisconsin Aerospace Authority, the  
21 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
22 Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic  
23 Development Corporation, and the Bradley Center Sports and Entertainment  
24 Corporation for improving and making more effective the nondiscrimination and



1 affirmative action provisions of contracts. The department shall promulgate such  
2 rules as may be necessary for the performance of its functions under this section.

3 **\*-1211/P10.31\* SECTION 39.** 16.765 (6) of the statutes, as affected by 2011  
4 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

5 16.765 (6) The department may receive complaints of alleged violations of the  
6 nondiscrimination provisions of such contracts. The department shall investigate  
7 and determine whether a violation of this section has occurred. The department may  
8 delegate this authority to the contracting agency, the University of Wisconsin  
9 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
10 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
11 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~  
12 ~~Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center  
13 Sports and Entertainment Corporation for processing in accordance with the  
14 department's procedures.

15 **\*-1211/P10.32\* SECTION 40.** 16.765 (7) (intro.) of the statutes, as affected by  
16 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to  
17 read:

18 16.765 (7) (intro.) When a violation of this section has been determined by the  
19 department, the contracting agency, the University of Wisconsin Hospitals and  
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
21 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower  
22 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the  
23 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
24 Entertainment Corporation, the contracting agency, the University of Wisconsin  
25 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the

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 shall:

5 **\*-1211/P10.33\* SECTION 41.** 16.765 (7) (d) of the statutes, as affected by 2011  
6 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

7 16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
8 further violations of this section and to report its corrective action to the contracting  
9 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
10 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
11 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
12 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic  
13 Development Corporation, or the Bradley Center Sports and Entertainment  
14 Corporation.

15 **\*-1211/P10.34\* SECTION 42.** 16.765 (8) of the statutes, as affected by 2011  
16 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

17 16.765 (8) If further violations of this section are committed during the term  
18 of the contract, the contracting agency, the Fox River Navigational System Authority,  
19 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
20 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~  
21 ~~Care Authority~~, the Wisconsin Economic Development Corporation, or the Bradley  
22 Center Sports and Entertainment Corporation may permit the violating party to  
23 complete the contract, after complying with this section, but thereafter the  
24 contracting agency, the Fox River Navigational System Authority, the Wisconsin  
25 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower

1 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the  
2 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
3 Entertainment Corporation shall request the department to place the name of the  
4 party on the ineligible list for state contracts, or the contracting agency, the Fox River  
5 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
6 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation  
7 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic  
8 Development Corporation, or the Bradley Center Sports and Entertainment  
9 Corporation may terminate the contract without liability for the uncompleted  
10 portion or any materials or services purchased or paid for by the contracting party  
11 for use in completing the contract.

12 \***-1130/4.1\*** SECTION 43. 16.84 (1) of the statutes is amended to read:

13 16.84 (1) Have charge of, operate, maintain and keep in repair the state capitol  
14 building, the executive residence, ~~the light, heat and power plant~~, the state office  
15 buildings ~~and their power plants~~, any heating, cooling, and power plants owned and  
16 operated by the state serving those properties, the grounds connected ~~therewith with~~  
17 those properties, and such other state properties as are designated by law. All costs  
18 of such operation and maintenance shall be paid from the appropriations under s.  
19 20.505 (5) (ka) and (kb), except for debt service costs paid under s. 20.866 (1) (u). The  
20 department shall transfer moneys from the appropriation under s. 20.505 (5) (ka) to  
21 the appropriation account under s. 20.505 (5) (kc) sufficient to make principal and  
22 interest payments on state facilities and payments to the United States under s.  
23 13.488 (1) (m).

24 \***-1130/4.2\*** SECTION 44. 16.848 (5) of the statutes is created to read:

1           16.848 (5) This section does not apply to the sale of any state-owned heating,  
2 cooling, and power plant. Any sale of such a plant is governed exclusively by s.  
3 16.896.

4           **\*-1211/P10.35\* SECTION 45.** 16.85 (2) of the statutes, as affected by 2011  
5 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

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

16           **\*-1211/P10.36\* SECTION 46.** 16.865 (8) of the statutes, as affected by 2011  
17 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

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

1 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
2 subsection, "agency" means an office, department, independent agency, institution  
3 of higher education, association, society, or other body in state government created  
4 or authorized to be created by the constitution or any law, that is entitled to expend  
5 moneys appropriated by law, including the legislature and the courts, but not  
6 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
7 ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

8 **\*-1130/4.3\* SECTION 47.** 16.895 (2) (h) of the statutes is amended to read:

9 16.895 (2) (h) Periodically assess to agencies their proportionate cost of the  
10 expenses incurred by the department under this subsection and ss. 16.85 (4), 16.896  
11 (1), 16.90, 16.91 and 16.92 in accordance with a method of apportionment determined  
12 by the department.

13 **\*-1130/4.4\* SECTION 48.** 16.896 of the statutes is created to read:

14 **16.896 Sale or contractual operation of state-owned heating, cooling,**  
15 **and power plants. (1)** Notwithstanding ss. 13.48 (14) (am) and 16.705 (1), the  
16 department may sell any state-owned heating, cooling, and power plant or may  
17 contract with a private entity for the operation of any such plant, with or without  
18 solicitation of bids, for any amount that the department determines to be in the best  
19 interest of the state. Notwithstanding ss. 196.49 and 196.80, no approval or  
20 certification of the public service commission is necessary for a public utility to  
21 purchase, or contract for the operation of, such a plant.

22 **(2)** If there is any outstanding public debt used to finance the acquisition,  
23 construction, or improvement of any plant that is sold under sub. (1), the department  
24 shall deposit a sufficient amount of the net proceeds from the sale of the property in  
25 the bond security and redemption fund under s. 18.09 to repay the principal and pay

1 the interest on the debt, and any premium due upon refunding of the debt. If the  
2 property was acquired, constructed, or improved with federal financial assistance,  
3 the department shall repay to the federal government any of the net proceeds  
4 required by federal law.

5 (3) Except as provided in s. 51.06 (6), if there is no such debt outstanding or  
6 there are no moneys payable to the federal government, or if the net proceeds exceed  
7 the amount required to be deposited or paid under sub. (2), the department shall  
8 deposit the net proceeds or remaining net proceeds in the budget stabilization fund.

9 (4) If the department sells or contracts for the operation of any state-owned  
10 heating, cooling, and power plant under sub. (1), the department may attach such  
11 conditions to the sale or contract as it finds to be in the best interest of the state. Any  
12 such contract shall provide that, unless otherwise expressly agreed between the  
13 parties, the purchaser or contractor will continue to operate the plant and keep it in  
14 good repair, and will continue to provide adequate and sufficient heating, cooling,  
15 and power to meet the state's current and future needs. Any such contract shall also  
16 require the purchaser or contractor to submit to the jurisdiction of the public service  
17 commission under ch. 196 if the commission determines to regulate the purchaser  
18 or contractor as a public utility under s. 196.025 (7).

19 (5) (a) In this subsection, "state agency" has the meaning given under s. 20.001  
20 (1).

21 (b) Notwithstanding s. 16.50 (1), the secretary shall require submission of  
22 expenditure estimates under s. 16.50 (2) for each state agency that proposes to  
23 expend moneys from any appropriation for the operation of a state-owned heating,  
24 cooling, and power plant during any fiscal biennium in which the plant is sold or in  
25 which the department contracts for operation of the plant. Notwithstanding s. 16.50

1 (2), the secretary shall disapprove any such estimate for any period during which  
2 that plant is owned or operated by a private entity. The secretary may then require  
3 the use of the amounts of any disapproved expenditure estimates for the purpose of  
4 purchase of contractual services relating to heating, cooling, or power for state  
5 facilities or payment of the costs of purchasing heating, cooling, or power for the state  
6 agencies or facilities for which the amounts were appropriated.

7 (c) If the department sells or contracts for the operation of any state-owned  
8 heating, cooling, and power plant under sub. (1), the secretary may identify any  
9 full-time equivalent positions authorized for the state agency that has operating  
10 authority for the plant, the duties of which primarily relate to the management or  
11 operation of the plant, and may decrease the authorized full-time equivalent  
12 positions for that state agency by the number of positions so identified effective on  
13 the date that the state agency no longer has operating authority for the plant.

14 (d) Notwithstanding ss. 20.001 (3) (a) to (c) and 25.40 (3), the secretary may  
15 lapse or transfer to the general fund from the unencumbered balances of  
16 appropriations to any state agency, other than sum sufficient appropriations and  
17 appropriations of federal revenues, any amount appropriated to a state agency that  
18 is determined by the secretary to be allocated for the purpose of management or  
19 operation of a plant that is sold or the operation of which is contracted under sub. (1)  
20 effective on the date that the state agency to which the moneys are appropriated no  
21 longer has operating authority for the plant.

22 (e) The secretary shall notify the cochairpersons of the joint committee on  
23 finance of any action taken by the secretary under this subsection.

24 **\*-1211/P10.37\* SECTION 49.** 19.42 (10) (s) of the statutes is repealed.

25 **\*-1211/P10.38\* SECTION 50.** 19.42 (13) (o) of the statutes is repealed.

1           **\*-1211/P10.39\* SECTION 51.** 19.82 (1) of the statutes is amended to read:

2           19.82 (1) "Governmental body" means a state or local agency, board,  
3 commission, committee, council, department or public body corporate and politic  
4 created by constitution, statute, ordinance, rule or order; a governmental or  
5 quasi-governmental corporation except for the Bradley center sports and  
6 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
7 long-term care district under s. 46.2895; or a formally constituted subunit of any of  
8 the foregoing, but excludes any such body or committee or subunit of such body which  
9 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
10 or V, or VI of ch. 111.

11           **\*-1211/P10.40\* SECTION 52.** 19.85 (3) of the statutes is amended to read:

12           19.85 (3) Nothing in this subchapter shall be construed to authorize a  
13 governmental body to consider at a meeting in closed session the final ratification or  
14 approval of a collective bargaining agreement under subch. I, IV, or V, or VI of ch. 111  
15 which has been negotiated by such body or on its behalf.

16           **\*-1211/P10.41\* SECTION 53.** 19.86 of the statutes is amended to read:

17           **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.  
18 19.82 (1), where notice has been given by either party to a collective bargaining  
19 agreement under subch. I, IV, or V, or VI of ch. 111 to reopen such agreement at its  
20 expiration date, the employer shall give notice of such contract reopening as provided  
21 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given  
22 by the employer's chief officer or such person's designee.

23           **\*-1211/P10.42\* SECTION 54.** 20.425 (1) (a) of the statutes is amended to read:

24           20.425 (1) (a) *General program operations.* The amounts in the schedule for  
25 the purposes provided in subchs. I, IV, and V, and VI of ch. 111 and s. 230.45 (1).



1           **\*-1211/P10.43\* SECTION 55.** 20.425 (1) (i) of the statutes is amended to read:

2           20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*

3           The amounts in the schedule for the performance of fact-finding, mediation,  
4           certification, and arbitration functions, for the provision of copies of transcripts, for  
5           the cost of operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94  
6           (3), for the preparation of publications, transcripts, reports, and other copied  
7           material, and for costs related to conducting appeals under s. 230.45. All moneys  
8           received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3)  
9           (b), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all moneys received from arbitrators  
10          and arbitration panel members, and individuals who are interested in serving in  
11          such positions, and from individuals and organizations who participate in other  
12          collective bargaining training programs conducted by the commission, and all  
13          moneys received from the sale of publications, transcripts, reports, and other copied  
14          material shall be credited to this appropriation account.

15          **\*-0732/3.7\* SECTION 56.** 20.495 of the statutes is repealed.


16          **\*-0764/5.1\* SECTION 57.** 20.515 (1) (d) of the statutes is created to read:

17          20.515 (1) (d) *Health insurance and retirement studies.* A sum sufficient to fund  
18          the cost of studies, including any actuarial studies and costs incurred by the  
19          department of employee trust funds, conducted under 2011 Wisconsin Act .... (this  
20          act), section 9115 (1) and (3). No moneys may be expended from this appropriation  
21          without the approval of the secretary of administration.

22          **\*-0221/1.1\* SECTION 58.** 20.515 (1) (ut) of the statutes is amended to read:

23          20.515 (1) (ut) *Health insurance data collection and analysis and other*  
24          *consulting services contracts.* From the public employee trust fund, the amounts in  
25          the schedule for the costs of contracting for insurance data collection and analysis

1 services under ss. 40.03 (6) (j) and 153.05 (2r) and other consulting services contracts  
2 under s. 40.03 (6) (j).



\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **\*-1211/P10.44\* SECTION 59.** 20.545 (1) (k) of the statutes is amended to read:

4 20.545 (1) (k) *General program operations.* The amounts in the schedule to  
5 administer state employment relations functions and the civil service system under  
6 ~~subchs. subch. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and  
7 to defray the expenses of the state employees suggestion board. All moneys received  
8 from state agencies for materials and services provided by the office of state  
9 employment relations shall be credited to this appropriation.

10 **\*-1211/P10.45\* SECTION 60.** 20.545 (1) (km) of the statutes is amended to read:

11 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in  
12 the schedule for the payment of the state's share of costs related to collective  
13 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~  
14 ~~bargaining grievance arbitrations under s. 111.993.~~ All moneys received from state  
15 agencies for the purpose of reimbursing the state's share of the costs related to  
16 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for  
17 training related to grievance arbitrations, ~~and all moneys received from institutions,~~  
18 ~~as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs~~  
19 ~~related to grievance arbitrations under s. 111.993 and to reimburse the state's share~~  
20 ~~of costs for training related to grievance arbitrations~~ shall be credited to this  
21 appropriation account.

22 **\*-1211/P10.46\* SECTION 61.** 20.865 (1) (ci) of the statutes is amended to read:

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

8           **\*-1211/P10.47\* SECTION 62.** 20.865 (1) (cm) of the statutes is repealed.

9           **\*-1211/P10.48\* SECTION 63.** 20.865 (1) (ic) of the statutes is amended to read:

10           20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*  
11 *academic pay adjustments.* From the appropriate program revenue and program  
12 revenue-service accounts, a sum sufficient to supplement the appropriations to the  
13 University of Wisconsin System to pay the cost of pay and related adjustments  
14 approved by the joint committee on employment relations under s. 230.12 (3) (e) for  
15 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and  
16 230.08 (2) (d) who are not included within a collective bargaining unit for which a  
17 representative is certified under subch. V ~~or VI~~ of ch. 111, as determined under s.  
18 20.928, other than adjustments funded under par. (cj).

19           **\*-1211/P10.49\* SECTION 64.** 20.865 (1) (im) of the statutes is repealed.

20           **\*-1211/P10.50\* SECTION 65.** 20.865 (1) (si) of the statutes is amended to read:

21           20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*  
22 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient  
23 to supplement the appropriations to the University of Wisconsin System to pay the  
24 cost of pay and related adjustments approved by the joint committee on employment  
25 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under

1 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a  
2 collective bargaining unit for which a representative is certified under subch. V ~~or~~  
3 ~~VI~~ of ch. 111, as determined under s. 20.928.

4 **\*-1211/P10.51\* SECTION 66.** 20.865 (1) (sm) of the statutes is repealed.

5 **\*-1032/1.1\* SECTION 67.** 20.866 (2) (xf) of the statutes is amended to read:

6 20.866 (2) (xf) *Building commission; refunding tax-supported and*  
7 *self-amortizing general obligation debt incurred before July 1, 2011.* From the  
8 capital improvement fund, a sum sufficient to refund the whole or any part of any  
9 unpaid indebtedness used to finance tax-supported or self-amortizing facilities.  
10 The state may contract public debt in an amount not to exceed ~~\$309,000,000~~  
11 \$474,000,000 for this purpose. Such indebtedness shall be construed to include any  
12 premium and interest payable with respect thereto. Debt incurred by this paragraph  
13 shall be incurred before July 1, 2011, and shall be repaid under the appropriations  
14 providing for the retirement of public debt incurred for tax-supported and  
15 self-amortizing facilities in proportional amounts to the purposes for which the debt  
16 was refinanced.

17 **\*-1211/P10.52\* SECTION 68.** 20.917 (3) (b) of the statutes is amended to read:

18 20.917 (3) (b) This subsection applies to employees in all positions in the civil  
19 service, including those employees in positions included in collective bargaining  
20 units under subch. V ~~or~~ VI of ch. 111, whether or not the employees are covered by  
21 a collective bargaining agreement.

22 **\*-1211/P10.53\* SECTION 69.** 20.921 (1) (a) 2. of the statutes is amended to read:

23 20.921 (1) (a) 2. Payment If the state employee is a public safety employee  
24 under s. 111.81 (15r), payment of dues to employee organizations.

25 **\*-1211/P10.54\* SECTION 70.** 20.921 (1) (b) of the statutes is amended to read:

1           20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (c) and s. 111.84 (1) (f)~~, the  
2 request under par. (a) shall be made to the state agency or to the University of  
3 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the  
4 directions and information prescribed by each state agency or by the authority. The  
5 request may be withdrawn or the amount paid to the payee may be changed by  
6 notifying the state agency or the authority to that effect, but no such withdrawal or  
7 change shall affect a payroll certification already prepared.

8           **\*-1211/P10.55\* SECTION 71.** 20.923 (6) (intro.) of the statutes is amended to  
9 read:

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

15           **\*-1222/5.1\* SECTION 72.** 20.923 (8) of the statutes is amended to read:

16           20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3)  
17 (b), 15.04 (2), 230.04 (16), and 551.601 (1) shall be set by the appointing authority.  
18 The salary shall not exceed the maximum of the salary range one range below the  
19 salary range of the executive salary group to which the department or agency head  
20 is assigned. The positions of assistant secretary of state, assistant state treasurer  
21 and associate director of the historical society shall be treated as unclassified  
22 deputies for pay purposes under this subsection.

23           **\*-1211/P10.56\* SECTION 73.** 20.928 (1) of the statutes is amended to read:

24           20.928 (1) Each state agency head shall certify to the department of  
25 administration, at such time and in such manner as the secretary of administration

1 prescribes, the sum of money needed by the state agency from the appropriations  
2 under s. 20.865 (1) (c), (ci), ~~(cm)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon  
3 receipt of the certifications together with such additional information as the  
4 secretary of administration prescribes, the secretary shall determine the amounts  
5 required from the respective appropriations to supplement state agency budgets.

6 **\*-1211/P10.57\* SECTION 74.** 36.09 (1) (j) of the statutes is amended to read:

7 36.09 (1) (j) Except where such matters are a subject of bargaining with a  
8 certified representative of a collective bargaining unit under s. 111.91 ~~or 111.998~~, the  
9 board shall establish salaries for persons not in the classified staff prior to July 1 of  
10 each year for the next fiscal year, and shall designate the effective dates for payment  
11 of the new salaries. In the first year of the biennium, payments of the salaries  
12 established for the preceding year shall be continued until the biennial budget bill  
13 is enacted. If the budget is enacted after July 1, payments shall be made following  
14 enactment of the budget to satisfy the obligations incurred on the effective dates, as  
15 designated by the board, for the new salaries, subject only to the appropriation of  
16 funds by the legislature and s. 20.928 (3). This paragraph does not limit the  
17 authority of the board to establish salaries for new appointments. The board may  
18 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and  
19 230.08 (2) (d) under this paragraph unless the salary increase conforms to the  
20 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary  
21 increase to correct salary inequities under par. (h), to fund job reclassifications or  
22 promotions, or to recognize competitive factors. The board may not increase the  
23 salary of any position identified in s. 20.923 (4g) under this paragraph unless the  
24 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the  
25 board authorizes the salary increase to correct a salary inequity or to recognize

1 competitive factors. The board may not increase the salary of any position identified  
2 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the  
3 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless  
4 the increase is approved by the office of state employment relations. The granting  
5 of salary increases to recognize competitive factors does not obligate inclusion of the  
6 annualized amount of the increases in the appropriations under s. 20.285 (1) for  
7 subsequent fiscal bienniums. No later than October 1 of each year, the board shall  
8 report to the joint committee on finance and the secretary of administration and  
9 director of the office of state employment relations concerning the amounts of any  
10 salary increases granted to recognize competitive factors, and the institutions at  
11 which they are granted, for the 12-month period ending on the preceding June 30.

12 **\*-1130/4.5\* SECTION 75.** 36.11 (1) (b) of the statutes is amended to read:

13 36.11 (1) (b) Except as provided in s. 16.896 (1) and this paragraph, the board  
14 may purchase, have custody of, hold, control, possess, lease, grant easements and  
15 enjoy any lands, buildings, books, records and all other property of any nature which  
16 may be necessary and required for the purposes, objects and uses of the system  
17 authorized by law. Any lease is subject to the powers of the University of Wisconsin  
18 Hospitals and Clinics Authority under s. 233.03 (13) and the rights of the authority  
19 under any lease agreement, as defined in s. 233.01 (6). The board shall not permit  
20 a facility that would be privately owned or operated to be constructed on state-owned  
21 land without obtaining prior approval of the building commission under s. 13.48 (12).  
22 The Except as provided in s. 16.896 (1), the board may sell or dispose of such property  
23 as provided by law, or any part thereof when in its judgment it is for the best interests  
24 of the system and the state. All purchases and sales of real property shall be subject  
25 to the approval of the building commission. The provision of all leases of real

1 property to be occupied by the board shall be the responsibility of the department of  
2 administration under s. 16.84 (5).

3 **\*-0732/3.8\* SECTION 76.** 36.25 (13g) (c) of the statutes is repealed.

4 **\*-1211/P10.58\* SECTION 77.** 36.25 (13g) (c) 1. of the statutes is renumbered  
5 36.25 (13g) (c) and amended to read:

6 36.25 (13g) (c) The board may negotiate and enter into a contractual services  
7 agreement with the University of Wisconsin Hospitals and Clinics Board for the  
8 provision of services by employees of the University of Wisconsin Hospitals and  
9 Clinics Board. Any agreement under this subdivision paragraph shall include a  
10 provision that requires the board to make adequate payments to the University of  
11 Wisconsin Hospitals and Clinics Board for any services provided under the  
12 agreement in advance of their need by the University of Wisconsin Hospitals and  
13 Clinics Board to pay its employees for such services.

14 **\*-1211/P10.59\* SECTION 78.** 36.25 (13g) (c) 2. of the statutes is repealed.

15 **\*-0639/15.1\* SECTION 79.** 40.02 (25) (b) 2. of the statutes is amended to read:

16 40.02 (25) (b) 2. Any person employed as a teaching assistant or graduate  
17 assistant and other employees-in-training as are designated by the board of regents  
18 of the university, who are employed on at least a one-third full-time basis.

19 **\*-1121/2.1\* SECTION 80.** 40.02 (25) (b) 8. of the statutes is amended to read:

20 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized  
21 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or  
22 under s. 230.12 or 233.10, other than an employee appointed to a limited term  
23 appointment under s. 230.26.

PLAIN  
↓ ↓ ↓  
I, V, or VI  
↖ strike comma

24 **\*-1211/P10.60\* SECTION 81.** 40.02 (25) (b) 8. of the statutes is amended to read:



9

1  
2  
3

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

*SUPPRESS*

\*\*\*\*NOTE: I removed the treatments of s. 40.05 (1) (b) and (4) (ag) (intro.). This is to reconcile with the retirement bills.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**\*-0757/10.2\* SECTION 82.** 40.02 (27) of the statutes is amended to read:

40.02 (27) "Employee required contribution" means the contribution made by an employee under s. 40.05 (1) (a) 1. to 4. ~~or for an employee under s. 40.05 (1) (b).~~

**\*-0220/1.1\* SECTION 83.** 40.03 (6) (c) of the statutes is amended to read:

40.03 (6) (c) Shall not enter into any agreements to modify or expand group insurance coverage in a manner which conflicts with this chapter or rules of the department or materially affects the level of premiums required to be paid by the state or its employees, or the level of benefits to be provided, under any group insurance coverage. This restriction shall not be construed to prevent modifications required by law, prohibit the group insurance board from modifying the standard plan to establish a more cost effective benefit plan design or providing optional insurance coverages as alternatives to the standard insurance coverage when any excess of required premium over the premium for the standard coverage is paid by the employee, prohibit the group insurance board from encouraging participation in wellness or disease management programs, or prohibit the group insurance board from providing other plans as authorized under par. (b).

**\*-0221/1.2\* SECTION 84.** 40.03 (6) (j) of the statutes is amended to read:

40.03 (6) (j) May contract with the department of health services and may contract with other public or private entities for data collection and analysis services related to health maintenance organizations and insurance companies that provide

1 health insurance to state employees, as well as for any other consulting services  
2 related to plans offered by the group insurance board.

3 **\*-0221/1.3\* SECTION 85.** 40.04 (2) (a) of the statutes is amended to read:

4 40.04 (2) (a) An administrative account shall be maintained within the fund  
5 from which administrative costs of the department shall be paid, except charges for  
6 services performed by the investment board, costs of medical and vocational  
7 evaluations used in determinations of eligibility for benefits under ss. 40.61, 40.63  
8 and 40.65 and costs of contracting for insurance data collection and analysis services  
9 and other consulting services under s. 40.03 (6) (j).

10 **\*-0221/1.4\* SECTION 86.** 40.04 (2) (e) of the statutes is amended to read:

11 40.04 (2) (e) The costs of contracting for insurance data collection and analysis  
12 services and other consulting services under s. 40.03 (6) (j) shall be paid from the  
13 appropriation under s. 20.515 (1) (ut).

14 **\*-0757/10.3\* SECTION 87.** 40.05 (1) (a) (intro.) of the statutes is amended to  
15 read:

16 40.05 (1) (a) (intro.) ~~Except as provided in Subject to par. (b) and sub. (2n):~~

17 **\*-0757/10.4\* SECTION 88.** 40.05 (1) (a) 1. of the statutes is amended to read:

18 40.05 (1) (a) 1. For each participating employee not otherwise specified, ~~5% of~~  
19 ~~each payment of earnings~~ an amount equal to one-half of all actuarially required  
20 contributions, as approved by the board under s. 40.03 (1) (e).

21 **\*-0757/10.5\* SECTION 89.** 40.05 (1) (a) 2. of the statutes is amended to read:

22 40.05 (1) (a) 2. For each participating employee whose formula rate is  
23 determined under s. 40.23 (2m) (e) 2., ~~5.5% of each payment of earnings~~ an amount  
24 equal to one-half of all actuarially required contributions, as approved by the board  
25 under s. 40.03 (1) (e).

1           **\*-0757/10.6\* SECTION 90.** 40.05 (1) (a) 3. of the statutes is amended to read:  
2           40.05 (1) (a) 3. For each participating employee whose formula rate is  
3           determined under s. 40.23 (2m) (e) 3., ~~6% of each payment of earnings~~ the percentage  
4           of earnings paid by a participating employee under subd. 1.

5           **\*-0757/10.7\* SECTION 91.** 40.05 (1) (a) 4. of the statutes is amended to read:  
6           40.05 (1) (a) 4. For each participating employee whose formula rate is  
7           determined under s. 40.23 (2m) (e) 4., ~~8% of each payment of earnings~~ the percentage  
8           of earnings paid by a participating employee under subd. 1.

9           **\*-0757/10.8\* SECTION 92.** 40.05 (1) (b) of the statutes is repealed and recreated  
10          to read:

11          40.05 (1) (b) Except as otherwise provided in a collective bargaining agreement  
12          entered into under subch. IV or V of ch. 111, an employer may not pay, on behalf of  
13          a participating employee, any of the contributions required by par. (a).

14          **\*-0757/10.9\* SECTION 93.** 40.05 (2m) of the statutes is repealed.

15          **\*-0757/10.10\* SECTION 94.** 40.05 (2n) of the statutes is repealed.

16          **\*-1121/2.2\* SECTION 95.** 40.05 (4) (a) 2. of the statutes is amended to read:

17          40.05 (4) (a) 2. For an insured employee who is an eligible employee under s.  
18          40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer  
19          contributions toward the health insurance premium of the insured employee  
20          beginning on the date on which the employee becomes insured. For an insured state  
21          employee who is currently employed, but who is not ~~a limited term appointment~~  
22          ~~under s. 230.26~~ or an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m. or 2c., the  
23          employer shall pay required employer contributions toward the health insurance  
24          premium of the insured employee beginning on the first day of the 3rd month  
25          beginning after the date on which the employee begins employment with the state,

1 not including any leave of absence. ~~For an insured employee who has a limited term~~  
2 ~~appointment under s. 230.26, the employer shall pay required employer~~  
3 ~~contributions toward the health insurance premium of the insured employee~~  
4 ~~beginning on the first day of the 7th month beginning after the date on which the~~  
5 ~~employee first becomes a participating employee.~~

6 **\*-0639/15.2\* SECTION 96.** 40.05 (4) (ag) of the statutes is repealed and  
7 recreated to read:


8 40.05 (4) (ag) Except as otherwise provided in a collective bargaining  
9 agreement under subch. V of ch. 111, the employer shall pay for its currently  
10 employed insured employees:

11 1. For insured part-time employees other than employees specified in s. 40.02  
12 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are  
13 appointed to work less than 1,566 hours per year, an amount determined annually  
14 by the director of the office of state employment relations.

15 2. For eligible employees not specified in subd. 1. and s. 40.02 (25) (b) 2., an  
16 amount not more than 88 percent of the average premium cost of plans offered in the  
17 tier with the lowest employee premium cost under s. 40.51 (6). Annually, the director  
18 of the office of state employment relations shall establish the amount that the  
19 employer is required to pay under this subdivision.

20 **\*-1211/P10.61\* SECTION 97.** 40.05 (4) (ar) of the statutes is amended to read:

21 ~~40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not~~  
22 ~~covered by a collective bargaining agreement under subch. I, V, or VI of ch. 111 and~~  
23 ~~for employees whose health insurance premium contribution rates are not~~  
24 ~~determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.~~  
25 (ag) unless a different amount is recommended by the director of the office of state



1 employment relations and approved by the joint committee on employment relations  
2 in the manner provided for approval of changes in the compensation plan under s.  
3 230.12 (3).

4 **\*-0639/15.3\* SECTION 98.** 40.05 (4) (ar) of the statutes is repealed.

5 **\*-1211/P10.62\* SECTION 99.** 40.05 (4) (b) of the statutes is amended to read:

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

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

14 **\*-1211/P10.63\* SECTION 100.** 40.05 (4) (bw) of the statutes is amended to read:

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

1           **\*-0639/15.4\* SECTION 101.** 40.05 (4) (c) of the statutes is amended to read:

2           40.05 (4) (c) The employer shall contribute toward the payment of premiums  
3 for the plan established under s. 40.52 (3) ~~not more than the percentage of premium~~  
4 ~~paid by the employer for health insurance coverage under par. (ag) 2~~ the amount  
5 established under s. 40.52 (3).

6           **\*-1211/P10.64\* SECTION 102.** 40.05 (4g) (a) 4. of the statutes is amended to  
7 read:

8           40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
9 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111  
10 or under rules promulgated by the director of the office of state employment relations  
11 or is eligible for reemployment with the state under s. 321.64 after completion of his  
12 or her service in the U.S. armed forces.

13           **\*-1211/P10.65\* SECTION 103.** 40.05 (5) (intro.) of the statutes is amended to  
14 read:

15           40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income  
16 continuation insurance provided under subch. V the employee shall pay the amount  
17 remaining after the employer has contributed the following or, if different, the  
18 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~  
19 of ch. 111 or s. 230.12 or 233.10:

20           **\*-1211/P10.66\* SECTION 104.** 40.05 (5) (b) 4. of the statutes is amended to read:

21           40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in  
22 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I,  
23 V, ~~or VI~~ of ch. 111.

24           **\*-1211/P10.67\* SECTION 105.** 40.05 (6) (a) of the statutes is amended to read:

1           40.05 (6) (a) Except as otherwise provided in accordance with a collective  
2 bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 or s. 230.12 or 233.10, each  
3 insured employee under the age of 70 and annuitant under the age of 65 shall pay  
4 for group life insurance coverage a sum, approved by the group insurance board,  
5 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,  
6 based upon the last amount of insurance in force during the month for which  
7 earnings are paid. The equivalent premium may be fixed by the group insurance  
8 board if the annual compensation is paid in other than 12 monthly installments.

9           \***-1121/2.3\*** SECTION 106. 40.22 (2) (n) of the statutes is created to read:

10           40.22 (2) (n) The employee is appointed to a limited term appointment under  
11 s. 230.26.

12           \***-0757/10.11\*** SECTION 107. 40.23 (2m) (e) 2. of the statutes is amended to  
13 read:

14           40.23 (2m) (e) 2. For each participant for creditable service as an elected official  
15 or as an executive participating employee that is performed before January 1, 2000,  
16 2.165%; for such creditable service that is performed on or after January 1, 2000, but  
17 before the effective date of this subdivision ... [LRB inserts date], 2%; and for such  
18 creditable service that is performed on or after the effective date of this subdivision  
19 ... [LRB inserts date], 1.6%.

20           \***-0757/10.12\*** SECTION 108. 40.32 (1) of the statutes is amended to read:

21           40.32 (1) The sum of all contributions allocated to a participant's account under  
22 each defined contribution plan sponsored by the employer, including all employer  
23 contributions and picked-up contributions credited with interest at the effective rate  
24 under ss. 40.04 (4) (a) and (5) (b) and 40.05 (2) (g) and all employee contributions  
25 made under ss. 40.02 (17) and 40.05 (1) ~~and (2m)~~, may not in any calendar year



1 exceed the maximum contribution limitation established under section 415 (c) of the  
2 Internal Revenue Code.

3 **\*-0639/15.5\* SECTION 109.** 40.51 (7) of the statutes is amended to read:

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

15 **\*-0639/15.6\* SECTION 110.** 40.52 (3) of the statutes is amended to read:

16 40.52 (3) The group insurance board, after consulting with the board of regents  
17 of the University of Wisconsin System, shall establish the terms of a health insurance  
18 plan for graduate assistants, for teaching assistants, and for employees-in-training  
19 designated by the board of regents, who are employed on at least a one-third  
20 full-time basis and for teachers who are employed on at least a one-third full-time  
21 basis by the University of Wisconsin System with an expected duration of  
22 employment of at least 6 months but less than one year. Annually, the director of the  
23 office of state employment relations shall establish the amount that the employer is  
24 required to pay in premium costs under this subsection.

25 **\*-1211/P10.68\* SECTION 111.** 40.62 (2) of the statutes is amended to read:

**SECTION 111**

1           40.62 (2) Sick leave accumulation shall be determined in accordance with rules  
2 of the department, any collective bargaining agreement under subch. I, V, ~~or VI~~ of  
3 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,  
4 757.02 (5) and 978.12 (3).

5           **\*-1211/P10.69\* SECTION 112.** 40.80 (3) of the statutes is amended to read:

6           40.80 (3) Any action taken under this section shall apply to employees covered  
7 by a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

8           **\*-1211/P10.70\* SECTION 113.** 40.81 (3) of the statutes is amended to read:

9           40.81 (3) Any action taken under this section shall apply to employees covered  
10 by a collective bargaining agreement under subch. IV, or V, ~~or VI~~ of ch. 111.

11           **\*-1211/P10.71\* SECTION 114.** 40.95 (1) (a) 2. of the statutes is amended to read:

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

14           **\*-1211/P10.72\* SECTION 115.** 46.284 (4) (m) of the statutes is repealed.

15           **\*-1211/P10.73\* SECTION 116.** 46.2895 (8) (a) 1. of the statutes is amended to  
16 read:

17           46.2895 (8) (a) 1. If the long-term care district offers employment to any  
18 individual who was previously employed by a county, which participated in creating  
19 the district and at the time of the offer had not withdrawn or been removed from the  
20 district under sub. (14), and who while employed by the county performed duties  
21 relating to the same or a substantially similar function for which the individual is  
22 offered employment by the district and whose wages, ~~hours and conditions of~~  
23 ~~employment~~ were established in a collective bargaining agreement with the county  
24 under subch. IV of ch. 111 that is in effect on the date that the individual commences  
25 employment with the district, with respect to that individual, abide by the terms of

1 the collective bargaining agreement concerning the individual's wages and, if  
2 applicable, ~~vacation allowance, sick leave accumulation, sick leave bank, holiday~~  
3 ~~allowance, funeral leave allowance, personal day allowance, or paid time off~~  
4 ~~allowance~~ until the time of the expiration of that collective bargaining agreement or  
5 adoption of a collective bargaining agreement with the district under subch. IV of ch.  
6 111 covering the individual as an employee of the district, whichever occurs first.

7 **\*-1211/P10.74\* SECTION 117.** 46.2898 of the statutes is repealed.

8 **\*-1211/P10.75\* SECTION 118.** 46.48 (9m) of the statutes is repealed.

9 **\*-0198/1.1\* SECTION 119.** 49.175 (1) (zh) of the statutes is amended to read:

10 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of  
11 moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation  
12 account under s. 20.835 (2) (kf) for the earned income tax credit, \$6,664,200 in fiscal  
13 year 2009-10 and ~~\$6,664,200~~ \$43,664,200 in fiscal year 2010-2011.

14 **\*-1143/5.1\* SECTION 120.** 49.45 (2m) of the statutes is created to read:

15 49.45 (2m) AUTHORIZATION FOR MODIFICATIONS TO PROGRAMS; STUDY. (a) In this  
16 subsection, "Medical Assistance program" includes any program operated under this  
17 subchapter, demonstration program operated under 42 USC 1315, and program  
18 operated under a waiver of federal law relating to medical assistance that is granted  
19 by the federal department of health and human services.

20 (b) The department shall study potential changes to the Medical Assistance  
21 state plan and to waivers of federal law relating to medical assistance obtained from  
22 the federal department of health and human services for all of the following  
23 purposes:

24 1. Increasing the cost effectiveness and efficiency of care and the care delivery  
25 system for Medical Assistance programs.

1           2. Limiting switching from private health insurance to Medical Assistance  
2 programs.

3           3. Ensuring the long-term viability and sustainability of Medical Assistance  
4 programs.

5           4. Advancing the accuracy and reliability of eligibility for Medical Assistance  
6 programs and claims determinations and payments.

7           5. Improving the health status of individuals who receive benefits under a  
8 Medical Assistance program.

9           6. Aligning Medical Assistance program benefit recipient and service provider  
10 incentives with health care outcomes.

11           7. Supporting responsibility and choice of medical assistance recipients.

12           (c) Subject to par. (d), if the department determines, as a result of the study  
13 under par. (b), that revision of existing statutes or rules would be necessary to  
14 advance a purpose described in par. (b) 1. to 7., the department may promulgate rules  
15 that do any of the following related to Medical Assistance programs:

16           1. Require cost sharing from program benefit recipients up to the maximum  
17 allowed by federal law or a waiver of federal law.

18           2. Authorize providers to deny care or services if a program benefit recipient  
19 is unable to share costs, to the extent allowed by federal law or waiver.

20           3. Modify existing benefits or establish various benefit packages and offer  
21 different packages to different groups of recipients.

22           4. Revise provider reimbursement models for particular services.

23           5. Mandate that program benefit recipients enroll in managed care.

24           6. Restrict or eliminate presumptive eligibility.

1           7. To the extent permitted by federal law, impose restrictions on providing  
2 benefits to individuals who are not citizens of the United States.

3           8. Set standards for establishing and verifying eligibility requirements.

4           9. Develop standards and methodologies to assure accurate eligibility  
5 determinations and redetermine continuing eligibility.

6           10. Reduce income levels for purposes of determining eligibility to the extent  
7 allowed by federal law or waiver and subject to the limitations under par. (e) 2.

8           (d) Before promulgating a rule under par. (c), the department shall submit to  
9 the joint committee on finance the proposed rule and any plan that the department  
10 develops as a result of the study under par. (b). If the cochairpersons of the committee  
11 do not notify the department within 14 working days after the date of the  
12 department's submittal that the committee has scheduled a meeting for the purpose  
13 of reviewing the proposed rule or plan, the proposed rule may be promulgated and  
14 any plan may be implemented as proposed by the department. If, within 14 working  
15 days after the date of the department's submittal, the cochairpersons of the  
16 committee notify the department that the committee has scheduled a meeting for the  
17 purpose of reviewing the proposed rule or plan, the proposed rule may be  
18 promulgated, and the plan may be implemented only upon approval of the  
19 committee.

20           (e) 1. The department shall submit an amendment to the state Medical  
21 Assistance plan or request a waiver of federal laws related to medical assistance, if  
22 necessary, to the extent necessary to implement any rule promulgated under par. (c).  
23 If the federal department of health and human services does not allow the  
24 amendment or does not grant the waiver, the department may not put the rule into  
25 effect or implement the action described in the rule.

1           2. The department shall request a waiver from the secretary of the federal  
2 department of health and human services to permit the department to have in effect  
3 eligibility standards, methodologies, and procedures under the state Medical  
4 Assistance plan or waivers of federal laws related to medical assistance that are more  
5 restrictive than those in place on March 23, 2010. If the waiver request does not  
6 receive federal approval before December 31, 2011, the department shall reduce  
7 income levels on July 1, 2012, for the purposes of determining eligibility to 133  
8 percent of the federal poverty line for adults who are not pregnant and not disabled,  
9 to the extent permitted under 42 USC 1396a (gg), if the department follows the  
10 procedures under 42 USC 1396a (gg) (3).

11           (f) Using the procedure under s. 227.24, the department may promulgate a rule  
12 under par. (c) as an emergency rule. Notwithstanding s. 227.24 (1) (a) and (3), the  
13 department is not required to provide evidence that promulgating a rule under par.  
14 (c) as an emergency rule is necessary for the preservation of the public peace, health,  
15 safety, or welfare and is not required to provide a finding of emergency for a rule  
16 promulgated under par. (c). Notwithstanding s. 227.24 (1) (c) and (2), an emergency  
17 rule promulgated under this paragraph remains in effect until whichever of the  
18 following occurs first:

19           1. The effective date of the repeal of the emergency rule.

20           2. The date on which the permanent rule promulgated under par. (c) takes  
21 effect.

22           \*-1143/5.2\* **SECTION 121.** 49.45 (3) (n) of the statutes is created to read:

23           49.45 (3) (n) This subsection does not apply if the department promulgates a  
24 rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

25           \*-1143/5.3\* **SECTION 122.** 49.45 (6m) (n) of the statutes is created to read:

1           49.45 (6m) (n) This subsection does not apply if the department promulgates  
2 a rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

3           **\*-1143/5.4\* SECTION 123.** 49.45 (8) (b) of the statutes is amended to read:

4           49.45 (8) (b) ~~Reimbursement~~ Unless otherwise provided by the department by  
5 rule promulgated under sub. (2m) (c), reimbursement under s. 20.435 (4) (b), (o), and  
6 (w) for home health services provided by a certified home health agency or  
7 independent nurse shall be made at the home health agency's or nurse's usual and  
8 customary fee per patient care visit, subject to a maximum allowable fee per patient  
9 care visit that is established under par. (c).

10          **\*-1143/5.5\* SECTION 124.** 49.45 (8) (c) of the statutes is amended to read:

11          49.45 (8) (c) The department shall establish a maximum statewide allowable  
12 fee per patient care visit, for each type of visit with respect to provider, that may be  
13 no greater than the cost per patient care visit, as determined by the department from  
14 cost reports of home health agencies, adjusted for costs related to case management,  
15 care coordination, travel, record keeping and supervision, unless otherwise provided  
16 by the department by rule promulgated under sub. (2m) (c).

17          **\*-1143/5.6\* SECTION 125.** 49.45 (8r) of the statutes is amended to read:

18          49.45 (8r) PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The Unless  
19 otherwise provided by the department by rule promulgated under sub. (2m) (c), the  
20 rate of payment for obstetric and gynecological care provided in primary care  
21 shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical  
22 assistance who reside in primary care shortage areas, that is equal to 125% of the  
23 rates paid under this section to primary care physicians in primary care shortage  
24 areas, shall be paid to all certified primary care providers who provide obstetric or  
25 gynecological care to those recipients.