

1 ***-1143/5.7* SECTION 126.** 49.45 (8v) of the statutes is amended to read:

2 **49.45 (8v) INCENTIVE-BASED PHARMACY PAYMENT SYSTEM.** The department shall
3 establish a system of payment to pharmacies for legend and over-the-counter drugs
4 provided to recipients of medical assistance that has financial incentives for
5 pharmacists who perform services that result in savings to the medical assistance
6 program. Under this system, the department shall establish a schedule of fees that
7 is designed to ensure that any incentive payments made are equal to or less than the
8 documented savings unless otherwise provided by the department by rule
9 promulgated under sub. (2m) (c). The department may discontinue the system
10 established under this subsection if the department determines, after performance
11 of a study, that payments to pharmacists under the system exceed the documented
12 savings under the system.

13 ***-1143/5.8* SECTION 127.** 49.45 (18) (ac) of the statutes is amended to read:

14 **49.45 (18) (ac)** Except as provided in pars. (am) to (d), and subject to par. (ag),
15 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
16 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
17 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
18 under s. 49.46 (2). The service provider shall collect the specified or allowable
19 copayment, coinsurance, or deductible, unless the service provider determines that
20 the cost of collecting the copayment, coinsurance, or deductible exceeds the amount
21 to be collected. The department shall reduce payments to each provider by the
22 amount of the specified or allowable copayment, coinsurance, or deductible. **No**
23 Unless otherwise provided by the department by rule promulgated under sub. (2m)
24 (c), no provider may deny care or services because the recipient is unable to share

1 costs, but an inability to share costs specified in this subsection does not relieve the
2 recipient of liability for these costs.

3 ***-1143/5.9* SECTION 128.** 49.45 (18) (ag) (intro.) of the statutes is amended to
4 read:

5 49.45 (18) (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject
6 to par. (d), a recipient specified in par. (ac) shall pay all of the following, unless
7 otherwise provided by the department by rule promulgated under sub. (2m) (c):

8 ***-1143/5.10* SECTION 129.** 49.45 (18) (b) (intro.) of the statutes is amended to
9 read:

10 49.45 (18) (b) (intro.) The Unless otherwise provided by the department by rule
11 promulgated under sub. (2m) (c), the following services are not subject to recipient
12 cost sharing under this subsection:

13 ***-1143/5.11* SECTION 130.** 49.45 (18) (d) of the statutes is amended to read:

14 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
15 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
16 is liable under this subsection for more than \$12 per month for prescription drugs
17 received, unless otherwise provided by the department by rule promulgated under
18 sub. (2m) (c).

19 ***-1143/5.12* SECTION 131.** 49.45 (23) (a) of the statutes is amended to read:

20 49.45 (23) (a) The department shall request a waiver from the secretary of the
21 federal department of health and human services to permit the department to
22 conduct a demonstration project to provide health care coverage for basic primary
23 and preventive care to adults who are under the age of 65, who have family incomes
24 not to exceed 200 percent of the poverty line, and who are not otherwise eligible for
25 medical assistance under this subchapter, the Badger Care health care program

1 under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department
2 promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the
3 extent that it conflicts with the rule.

4 ***-1143/5.13* SECTION 132.** 49.45 (23) (b) of the statutes is amended to read:

5 49.45 (23) (b) If the waiver is granted and in effect, the department may
6 promulgate rules defining the health care benefit plan, including more specific
7 eligibility requirements and cost-sharing requirements. ~~Cost~~ Unless otherwise
8 provided by the department by rule promulgated under sub. (2m) (c), cost sharing
9 may include an annual enrollment fee, which may not exceed \$75 per year.
10 Notwithstanding s. 227.24 (3), the plan details under this subsection may be
11 promulgated as an emergency rule under s. 227.24 without a finding of emergency.
12 If the waiver is granted and in effect, the demonstration project under this subsection
13 shall begin on January 1, 2009, or on the effective date of the waiver, whichever is
14 later.

15 ***-1143/5.14* SECTION 133.** 49.45 (24g) (c) of the statutes is amended to read:

16 49.45 (24g) (c) The department's proposal under par. (a) shall specify increases
17 in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or
18 2., and shall provide for payment of a monthly per-patient care coordination fee to
19 those providers. The department shall set the increases in reimbursement rates and
20 the monthly per-patient care coordination fee so that together they provide
21 sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The
22 proposal shall specify effective dates for the increases in reimbursement rates and
23 the monthly per-patient care coordination fee that are no sooner than July 1, 2011.
24 If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not
25 apply to the extent that it conflicts with the rule.

1 ***-1143/5.15* SECTION 134.** 49.45 (24r) (a) of the statutes is amended to read:

2 49.45 (24r) (a) The department shall implement any waiver granted by the
3 secretary of the federal department of health and human services to permit the
4 department to conduct a demonstration project to provide family planning, as
5 defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages
6 of 15 and 44 whose family income does not exceed 200% of the poverty line for a family
7 the size of the woman's family. If the department promulgates a rule under sub. (2m)
8 (c) 10., this paragraph does not apply to the extent it conflicts with the rule.

9 ***-1143/5.16* SECTION 135.** 49.45 (24r) (b) of the statutes is amended to read:

10 49.45 (24r) (b) The department may request an amended waiver from the
11 secretary to permit the department to conduct a demonstration project to provide
12 family planning to any man between the ages of 15 and 44 whose family income does
13 not exceed 200 percent of the poverty line for a family the size of the man's family.
14 If the amended waiver is granted, the department may implement the waiver. If the
15 department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply
16 to the extent it conflicts with the rule.

17 ***-1143/5.17* SECTION 136.** 49.45 (25g) (c) of the statutes is amended to read:

18 49.45 (25g) (c) The department's proposal under par. (b) shall specify increases
19 in reimbursement rates for providers that satisfy the conditions under par. (b), and
20 shall provide for payment of a monthly per-patient care coordination fee to those
21 providers. The department shall set the increases in reimbursement rates and the
22 monthly per-patient care coordination fee so that together they provide sufficient
23 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
24 specify effective dates for the increases in reimbursement rates and the monthly
25 per-patient care coordination fee that are no sooner than January 1, 2011. The

1 increases in reimbursement rates and monthly per-patient care coordination fees
2 that are not provided by the federal government shall be paid from the appropriation
3 under s. 20.435 (1) (am). If the department promulgates a rule under sub. (2m) (c)
4 4., this paragraph does not apply to the extent it conflicts with the rule.

5 ***-1143/5.18* SECTION 137.** 49.45 (27) of the statutes is amended to read:

6 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
7 lawfully admitted for permanent residence or otherwise permanently residing in the
8 United States under color of law may not receive medical assistance benefits except
9 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise
10 provided by the department by rule promulgated under sub. (2m) (c).

11 ***-1143/5.19* SECTION 138.** 49.45 (39) (b) 1. of the statutes is amended to read:

12 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
13 cooperative educational service agency elects to provide school medical services and
14 meets all requirements under par. (c), the department shall reimburse the school
15 district or the cooperative educational service agency for 60% of the federal share of
16 allowable charges for the school medical services that it provides, unless otherwise
17 provided by the department by rule promulgated under sub. (2m) (c), and, as
18 specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for
19 the Blind and Visually Impaired or the Wisconsin Educational Services Program for
20 the Deaf and Hard of Hearing elects to provide school medical services and meets all
21 requirements under par. (c), the department shall reimburse the department of
22 public instruction for 60% of the federal share of allowable charges for the school
23 medical services that the Wisconsin Center for the Blind and Visually Impaired or
24 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
25 provides, unless otherwise provided by the department by rule promulgated under

1 sub. (2m)(c), and, as specified in subd. 2., for allowable administrative costs. A school
2 district, cooperative educational service agency, the Wisconsin Center for the Blind
3 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
4 and Hard of Hearing may submit, and the department shall allow, claims for common
5 carrier transportation costs as a school medical service unless the department
6 receives notice from the federal health care financing administration that, under a
7 change in federal policy, the claims are not allowed. If the department receives the
8 notice, a school district, cooperative educational service agency, the Wisconsin
9 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
10 Program for the Deaf and Hard of Hearing may submit, and the department shall
11 allow, unreimbursed claims for common carrier transportation costs incurred before
12 the date of the change in federal policy. The department shall promulgate rules
13 establishing a methodology for making reimbursements under this paragraph. All
14 other expenses for the school medical services provided by a school district or a
15 cooperative educational service agency shall be paid for by the school district or the
16 cooperative educational service agency with funds received from state or local taxes.
17 The school district, the Wisconsin Center for the Blind and Visually Impaired, the
18 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the
19 cooperative educational service agency shall comply with all requirements of the
20 federal department of health and human services for receiving federal financial
21 participation.

22 ***-1143/5.20* SECTION 139.** 49.46 (1) (n) of the statutes is created to read:

23 49.46 (1) (n) If the department promulgates a rule under s. 49.45 (2m) (c) 8.,
24 9., or 10., this subsection does not apply to the extent that it conflicts with the rule.

SECTION 140

1 ***-1143/5.21* SECTION 140.** 49.46 (2) (a) (intro.) of the statutes is amended to
2 read:

3 49.46 (2) (a) (intro.) Except as provided in par. (be) and unless otherwise
4 provided by the department by rule promulgated under s. 49.45 (2m) (c), the
5 department shall audit and pay allowable charges to certified providers for medical
6 assistance on behalf of recipients for the following federally mandated benefits:

7 ***-1143/5.22* SECTION 141.** 49.46 (2) (b) (intro.) of the statutes is amended to
8 read:

9 49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) and unless
10 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),
11 the department shall audit and pay allowable charges to certified providers for
12 medical assistance on behalf of recipients for the following services:

13 ***-1143/5.23* SECTION 142.** 49.465 (2) (intro.) of the statutes is amended to
14 read:

15 49.465 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule
16 promulgated under s. 49.45 (2m) (c), a pregnant woman is eligible for medical
17 assistance benefits, as provided under sub. (3), during the period beginning on the
18 day on which a qualified provider determines, on the basis of preliminary
19 information, that the woman's family income does not exceed the highest level for
20 eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as
21 follows:

22 ***-1143/5.24* SECTION 143.** 49.47 (4) (a) (intro.) of the statutes is amended to
23 read:

24 49.47 (4) (a) (intro.) ~~Any~~ Unless otherwise provided by the department by rule
25 under s. 49.45 (2m) (c), any individual who meets the limitations on income and

1 resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be
2 eligible for medical assistance under this section if such individual is:

3 ***-1143/5.25* SECTION 144.** 49.47 (5) (intro.) of the statutes is amended to read:

4 49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make
5 additional investigation of eligibility at any of the following times:

6 ***-1143/5.26* SECTION 145.** 49.47 (5) (a) of the statutes is amended to read:

7 49.47 (5) (a) When there is reasonable ground for belief that an applicant may
8 not be eligible or that the beneficiary may have received benefits to which the
9 beneficiary is not entitled; ~~or,~~

10 ***-1143/5.27* SECTION 146.** 49.47 (5) (c) of the statutes is created to read:

11 49.47 (5) (c) Any time determined by the department by rule promulgated
12 under s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility,
13 except that if federal law allows a reevaluation of eligibility more frequently than
14 every 12 months and if there is no conflicting provision of state law, the department
15 is not required to promulgate a rule to reevaluate eligibility under this section.

16 ***-1143/5.28* SECTION 147.** 49.47 (6) (a) (intro.) of the statutes is amended to
17 read:

18 49.47 (6) (a) (intro.) The Unless otherwise provided by the department by rule
19 promulgated under s. 49.45 (2m) (c), the department shall audit and pay charges to
20 certified providers for medical assistance on behalf of the following:

21 ***-1143/5.29* SECTION 148.** 49.471 (13) of the statutes is created to read:

22 49.471 (13) APPLICABILITY. If the department promulgates a rule under s. 49.45
23 (2m) (c), subs. (4), (5), (6), (7), (8), (10), and (11) do not apply to the extent that those
24 subsections conflict with the rule.

SECTION 149

1 ***-1143/5.30* SECTION 149.** 49.472 (3) (intro.) of the statutes is amended to
2 read:

3 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless
4 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),
5 an individual is eligible for and shall receive medical assistance under this section
6 if all of the following conditions are met:

7 ***-1143/5.31* SECTION 150.** 49.472 (4) (b) (intro.) of the statutes is amended to
8 read:

9 49.472 (4) (b) (intro.) The department may waive monthly premiums that are
10 calculated to be below \$10 per month. The Unless otherwise provided by the
11 department by rule promulgated under s. 49.45 (2m) (c), the department may not
12 assess a monthly premium for any individual whose income level, after adding the
13 individual's earned income and unearned income, is below 150% of the poverty line.

14 ***-1143/5.32* SECTION 151.** 49.473 (2) (intro.) of the statutes is amended to
15 read:

16 49.473 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule
17 promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as
18 provided under sub. (5) if, after applying to the department or a county department,
19 the department or a county department determines that she meets all of the
20 following requirements:

21 ***-1143/5.33* SECTION 152.** 49.473 (5) of the statutes is amended to read:

22 49.473 (5) The department shall audit and pay, from the appropriation
23 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is
24 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
25 meets the requirements under sub. (2) for all benefits and services specified under

1 s. 49.46 (2), unless otherwise provided by the department by rule promulgated under
2 s. 49.45 (2m) (c).

3 ***-1211/P10.76* SECTION 153.** 49.825 (3) (b) 4. of the statutes is repealed.

4 ***-1211/P10.77* SECTION 154.** 49.826 (3) (b) 4. of the statutes is repealed.

5 ***-1211/P10.78* SECTION 155.** Chapter 52 of the statutes is repealed.

6 ***-0757/10.13* SECTION 156.** 59.875 of the statutes is created to read:

7 **59.875 Payment of contributions in an employee retirement system of**
8 **populous counties.** (1) In this section, "county" means any county having a
9 population of 500,000 or more.

10 (2) Beginning on the effective date of this subsection [LRB inserts date], in
11 any employee retirement system of a county, except as otherwise provided in a
12 collective bargaining agreement entered into under subch. IV of ch. 111, employees
13 shall pay half of all actuarially required contributions for funding benefits under the
14 retirement system. The employer may not pay on behalf of an employee any of the
15 employee's share of the actuarially required contributions.

16 ***-0757/10.14* SECTION 157.** 62.623 of the statutes is created to read:

17 **62.623 Payment of contributions in an employee retirement system of**
18 **a 1st class city.** Beginning on the effective date of this section [LRB inserts date],
19 in any employee retirement system of a 1st class city, except as otherwise provided
20 in a collective bargaining agreement entered into under subch. IV of ch. 111,
21 employees shall pay half of all actuarially required contributions for funding benefits
22 under the retirement system. The employer may not pay on behalf of an employee
23 any of the employee's share of the actuarially required contributions.

24 ***-1211/P10.79* SECTION 158.** 66.0506 of the statutes is created to read:

SECTION 158

1 **66.0506 Referendum; increase in employee wages.** (1) In this section,
2 “local governmental unit” means any city, village, town, county, metropolitan
3 sewerage district, long-term care district, transit authority under s. 59.58 (7) or
4 66.1039, local cultural arts district under subch. V of ch. 229, or any other political
5 subdivision of the state, or instrumentality of one or more political subdivisions of
6 the state.

7 (2) If any local governmental unit wishes to increase the total base wages of
8 its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that
9 exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local
10 governmental unit shall adopt a resolution to that effect. The resolution shall specify
11 the amount by which the proposed total base wages increase will exceed the limit
12 under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved
13 in a referendum called for that purpose. The referendum shall occur in November
14 for collective bargaining agreements that begin the following January 1. The results
15 of a referendum apply to the total base wages only in the next collective bargaining
16 agreement.

17 (3) The referendum question shall be substantially as follows: “Shall the ...
18 [general municipal employees] in the ... [local governmental unit] receive a total
19 increase in wages from \$...[current total base wages] to \$...[proposed total base
20 wages], which is a percentage wage increase that is ... [x] percent higher than the
21 percent of the consumer price index increase, for a total percentage increase in wages
22 of ... [x]?”

23 *-1211/P10.80* **SECTION 159.** 66.0508 of the statutes is created to read:

24 **66.0508 Collective bargaining.** (1) In this section, “local governmental
25 unit” has the meaning given in s. 66.0506 (1).

1 **(1m)** Except as provided under subch. IV of ch. 111, no local governmental unit
2 may collectively bargain with its employees.

3 **(2)** If a local governmental unit has in effect on the effective date of this
4 subsection [LRB inserts date], an ordinance or resolution that is inconsistent with
5 sub. (1m), the ordinance or resolution does not apply and may not be enforced.

6 **(3)** Each local governmental unit that is collectively bargaining with its
7 employees shall determine the maximum total base wages expenditure that is
8 subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer
9 price index change using the same method the department of revenue uses under s.
10 73.03 (68).

11 ***-0757/10.15* SECTION 160.** 66.0518 of the statutes is created to read:

12 **66.0518 Defined benefit pension plans.** A local governmental unit, as
13 defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its
14 employees unless the plan requires the employees to pay half of all actuarially
15 required contributions for funding benefits under the plan and prohibits the local
16 governmental unit from paying on behalf of an employee any of the employee's share
17 of the actuarially required contributions.

18 ***-1211/P10.81* SECTION 161.** 66.1104 (1) (a) of the statutes is amended to
19 read:

20 66.1104 (1) (a) "Authority" means a body created under s. 66.1201, 66.1333, or
21 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232,
22 233, 234, 235, 237, or 279.

23 ***-1400/1.1* SECTION 162.** 66.1105 (2) (k) of the statutes is renumbered 66.1105
24 (2) (k) 1. and amended to read:

1 66.1105 (2) (k) 1. "Tax incremental district" means a contiguous geographic
2 area within a city defined and created by resolution of the local legislative body,
3 consisting solely of whole units of property as are assessed for general property tax
4 purposes, other than railroad rights-of-way, rivers or highways. Railroad
5 rights-of-way, rivers or highways may be included in a tax incremental district only
6 if they are continuously bounded on either side, or on both sides, by whole units of
7 property as are assessed for general property tax purposes which are in the tax
8 incremental district. "Tax incremental district" does not include any area identified
9 as a wetland on a map under s. 23.32, except as provided in subd. 2.

10 *~~-1400/1.2~~* SECTION 163. 66.1105 (2) (k) 2. of the statutes is created to read:

11 66.1105 (2) (k) 2. For a wetland, as defined in s. 23.32 (1), that is within the
12 boundaries of a tax incremental district, the wetland shall be considered part of the
13 district for determining certification for compliance with water quality standards
14 that are applicable to wetlands if the activity for which certification is sought is to
15 fill the wetland.

16 *~~-1211/P10.82~~* SECTION 164. 70.11 (41s) of the statutes is repealed.

17 *~~-1211/P10.83~~* SECTION 165. 71.26 (1) (be) of the statutes, as affected by 2011
18 Wisconsin Act (January 2011 Special Session Senate Bill 6), is amended to read:

19 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
20 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
21 Authority, ~~of the Wisconsin Quality Home Care Authority,~~ of the Fox River
22 Navigational System Authority, of the Wisconsin Economic Development
23 Corporation, and of the Wisconsin Aerospace Authority.

24 *~~-1211/P10.84~~* SECTION 166. 73.03 (68) of the statutes is created to read:

1 73.03 (68) At the request of the Wisconsin Employment Relations Commission,
2 as provided under s. 111.91 (3q), to determine the average annual percentage change
3 in the U.S. consumer price index for all urban consumers, U.S. city average, as
4 determined by the federal department of labor, for the 12 months immediately
5 preceding the request from the Wisconsin Employment Relations Commission.

6 *-1211/P10.85* **SECTION 167.** 77.54 (9a) (a) of the statutes, as affected by 2011
7 Wisconsin Act ... (January 2011 Special Session Senate Bill 6), is amended to read:

8 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
9 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
10 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~
11 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
12 Navigational System Authority.

13 *-1211/P10.86* **SECTION 168.** 100.45 (1) (dm) of the statutes, as affected by
14 2011 Wisconsin Act ... (January 2011 Special Session Senate Bill 6), is amended to
15 read:

16 100.45 (1) (dm) "State agency" means any office, department, agency,
17 institution of higher education, association, society or other body in state
18 government created or authorized to be created by the constitution or any law which
19 is entitled to expend moneys appropriated by law, including the legislature and the
20 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
21 Center Sports and Entertainment Corporation, the University of Wisconsin
22 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
23 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~
24 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
25 Navigational System Authority.

1 ***-1211/P10.87* SECTION 169.** 101.177 (1) (d) of the statutes, as affected by
2 2011 Wisconsin Act (January 2011 Special Session Senate Bill 6), is amended to
3 read:

4 101.177 (1) (d) "State agency" means any office, department, agency,
5 institution of higher education, association, society, or other body in state
6 government created or authorized to be created by the constitution or any law, that
7 is entitled to expend moneys appropriated by law, including the legislature and the
8 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
9 Center Sports and Entertainment Corporation, the University of Wisconsin
10 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
11 ~~Quality Home Care Authority~~, the Wisconsin Economic Development Corporation,
12 and the Wisconsin Health and Educational Facilities Authority, but excluding the
13 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
14 Remediation Authority.

15 ***-1211/P10.88* SECTION 170.** 109.03 (1) (b) of the statutes is amended to read:

16 109.03 (1) (b) School district and private school employees who voluntarily
17 request payment over a 12-month period for personal services performed during the
18 school year, ~~unless such, with respect to private school employees, the employees are~~
19 covered under a valid collective bargaining agreement which precludes this method
20 of payment.

21 ***-1211/P10.89* SECTION 171.** 111.02 (1) of the statutes is amended to read:

22 111.02 (1) ~~The term "all-union~~ "All-union agreement" ~~shall mean~~ means an
23 agreement between an employer ~~other than the University of Wisconsin Hospitals~~
24 ~~and Clinics Authority~~ and the representative of the employer's employees in a

1 collective bargaining unit whereby all or any of the employees in such unit are
2 required to be members of a single labor organization.

3 ***-1211/P10.90* SECTION 172.** 111.02 (2) of the statutes is amended to read:

4 111.02 (2) "Collective bargaining" ~~is the negotiating~~ means the negotiation by
5 an employer and a majority of the employer's employees in a collective bargaining
6 unit, or their representatives, concerning representation or terms and conditions of
7 employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~
8 ~~(2)~~, in a mutually genuine effort to reach an agreement with reference to the subject
9 under negotiation.

10 ***-1211/P10.91* SECTION 173.** 111.02 (3) of the statutes is amended to read:

11 111.02 (3) "Collective bargaining unit" means all of the employees of one
12 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~
13 ~~except that where a majority of the employees engaged in a single craft, division,~~
14 ~~department or plant have voted by secret ballot as provided in s. 111.05 (2) to~~
15 ~~constitute such group a separate bargaining unit they shall be so considered, but, in~~
16 ~~appropriate cases, and to aid in the more efficient administration of ss. 111.01 to~~
17 ~~111.19, the commission may find, where agreeable to all parties affected in any way~~
18 ~~thereby, an industry, trade or business comprising more than one employer in an~~
19 ~~association in any geographical area to be a "collective bargaining unit". A collective~~
20 ~~bargaining unit thus established by the commission shall be subject to all rights by~~
21 ~~termination or modification given by ss. 111.01 to 111.19 in reference to collective~~
22 ~~bargaining units otherwise established under ss. 111.01 to 111.19. Two or more~~
23 ~~collective bargaining units may bargain collectively through the same~~
24 ~~representative where a majority of the employees in each separate unit have voted~~
25 ~~by secret ballot as provided in s. 111.05 (2) so to do.~~

1 ***-1211/P10.92* SECTION 174.** 111.02 (6) (am) of the statutes is repealed.

2 ***-1211/P10.93* SECTION 175.** 111.02 (7) (a) (intro.) and 1. of the statutes are
3 consolidated, renumbered 111.02 (7) (a) and amended to read:

4 111.02 (7) (a) "Employer" means a person who engages the services of an
5 employee, and includes ~~all of the following: 1. A~~ a person acting on behalf of an
6 employer within the scope of his or her authority, express or implied.

7 ***-1211/P10.94* SECTION 176.** 111.02 (7) (a) 2., 3. and 4. of the statutes are
8 repealed.

9 ***-1211/P10.95* SECTION 177.** 111.02 (7) (b) 1. of the statutes is amended to
10 read:

11 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
12 subdivision thereof.

13 ***-1211/P10.96* SECTION 178.** 111.02 (7m) of the statutes is repealed.

14 ***-1211/P10.97* SECTION 179.** 111.02 (9m) of the statutes is repealed.

15 ***-1211/P10.98* SECTION 180.** 111.02 (10m) of the statutes is repealed.

16 ***-1211/P10.99* SECTION 181.** 111.05 (2) of the statutes is amended to read:

17 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a
18 question arises concerning the determination of a collective bargaining unit as
19 defined in s. 111.02 (3), it shall be determined by secret ballot, and the commission,
20 upon request, shall cause the ballot to be taken in such manner as to show separately
21 the wishes of the employees in any craft, division, department or plant as to the
22 determination of the collective bargaining unit.

23 ***-1211/P10.100* SECTION 182.** 111.05 (3g) of the statutes is repealed.

24 ***-1211/P10.101* SECTION 183.** 111.05 (5) of the statutes is repealed.

25 ***-1211/P10.102* SECTION 184.** 111.05 (6) of the statutes is repealed.

1 *~~1211/P10.103~~* SECTION 185. 111.05 (7) of the statutes is repealed.

2 *~~1211/P10.104~~* SECTION 186. 111.06 (1) (c) 1. of the statutes is amended to
3 read:

4 111.06 (1) (c) 1. To encourage or discourage membership in any labor
5 organization, employee agency, committee, association or representation plan by
6 discrimination in regard to hiring, tenure or other terms or conditions of employment
7 except in a collective bargaining unit where an all-union, ~~fair-share or maintenance~~
8 ~~of membership agreement~~ is in effect. ~~An employer is not prohibited from entering~~
9 ~~into an all-union agreement with the voluntarily recognized representative of the~~
10 ~~employees in a collective bargaining unit, where at least a majority of such employees~~
11 ~~voting have voted affirmatively, by secret ballot, in favor of such all-union agreement~~
12 ~~in a referendum conducted by the commission, except that where the bargaining~~
13 ~~representative has been certified by either the commission or the national labor~~
14 ~~relations board as the result of a representation election, no referendum is required~~
15 ~~to authorize the entry into such an all-union agreement. Such authorization of an~~
16 ~~all-union agreement shall be deemed to continue thereafter, subject to the right of~~
17 ~~either party to the all-union agreement to petition the commission to conduct a new~~
18 ~~referendum on the subject. Upon receipt of such petition, the commission shall~~
19 ~~determine whether there is reasonable ground to believe that the employees~~
20 ~~concerned have changed their attitude toward the all-union agreement and upon so~~
21 ~~finding the commission shall conduct a referendum. If the continuance of the~~
22 ~~all-union agreement is supported on any such referendum by a vote at least equal~~
23 ~~to that provided in this subdivision for its initial authorization, it may be continued~~
24 ~~in force thereafter, subject to the right to petition for a further vote by the procedure~~
25 ~~set forth in this subdivision. If the continuance of the all-union agreement is not~~

1 ~~thus supported on any such referendum, it is deemed terminated at the termination~~
2 ~~of the contract of which it is then a part or at the end of one year from the date of the~~
3 ~~announcement by the commission of the result of the referendum, whichever is~~
4 ~~earlier. The commission shall declare any all-union agreement terminated~~
5 ~~whenever it finds that the labor organization involved has unreasonably refused to~~
6 ~~receive as a member any employee of such employer, and each such all-union~~
7 ~~agreement shall be made subject to this duty of the commission. Any person~~
8 ~~interested may come before the commission as provided in s. 111.07 and ask the~~
9 ~~performance of this duty. Any all-union agreement in effect on October 4, 1975,~~
10 ~~made in accordance with the law in effect at the time it is made is valid.~~

11 ***-1211/P10.105* SECTION 187.** 111.06 (1) (d) of the statutes is amended to read:

12 111.06 (1) (d) To refuse to bargain collectively with the representative of a
13 majority of the employer's employees in any collective bargaining unit with respect
14 to representation or terms and conditions of employment, ~~except as provided under~~
15 ~~ss. 111.05 (5) and 111.17 (2);~~ provided, however, that where an employer files with
16 the commission a petition requesting a determination as to majority representation,
17 the employer shall not be deemed to have refused to bargain until an election has
18 been held and the result thereof has been certified to the employer by the
19 commission.

20 ***-1211/P10.106* SECTION 188.** 111.06 (1) (i) of the statutes is amended to read:

21 111.06 (1) (i) To deduct labor organization dues or assessments from an
22 employee's earnings, unless the employer has been presented with an individual
23 order therefor, signed by the employee personally, and terminable at the end of any
24 year of its life by the employee giving at least thirty days' written notice of such
25 termination unless there is an all-union, ~~fair-share or maintenance of membership~~

1 agreement in effect. The employer shall give notice to the labor organization of
2 receipt of such notice of termination.

3 ***-1211/P10.107* SECTION 189.** 111.06 (1) (m) of the statutes is repealed.

4 ***-1211/P10.108* SECTION 190.** 111.06 (2) (i) of the statutes is amended to read:
5 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
6 in s. 111.115 (2) ~~or~~ (3).

7 ***-1211/P10.109* SECTION 191.** 111.075 of the statutes is repealed.

8 ***-1211/P10.110* SECTION 192.** 111.115 (title) of the statutes is amended to
9 read:

10 **111.115 (title) Notice of certain proposed lockouts or strikes.**

11 ***-1211/P10.111* SECTION 193.** 111.115 (1) (intro.) and (b) of the statutes are
12 consolidated, renumbered 111.115 (1) and amended to read:

13 111.115 (1) In this subsection: ~~(b) “Strike” section, “strike”~~ includes any
14 concerted stoppage of work by employees, and any concerted slowdown or other
15 concerted interruption of operations or services by employees, or any concerted
16 refusal of employees to work or perform their usual duties as employees, for the
17 purpose of enforcing demands upon an employer.

18 ***-1211/P10.112* SECTION 194.** 111.115 (1) (a) of the statutes is repealed.

19 ***-1211/P10.113* SECTION 195.** 111.115 (2) of the statutes is repealed.

20 ***-1211/P10.114* SECTION 196.** 111.17 (intro.) and (1) of the statutes are
21 consolidated, renumbered 111.17 and amended to read:

22 **111.17 Conflict of provisions; effect.** Wherever the application of the
23 provisions of other statutes or laws conflict with the application of the provisions of
24 this subchapter, this subchapter shall prevail, except that: ~~(1) In~~ in any situation

1 where the provisions of this subchapter cannot be validly enforced the provisions of
2 such other statutes or laws shall apply.

3 ***-1211/P10.115* SECTION 197.** 111.17 (2) of the statutes is repealed.

4 ***-1211/P10.116* SECTION 198.** 111.70 (1) (a) of the statutes is amended to read:

5 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
6 obligation of a municipal employer, through its officers and agents, and the
7 representative of its municipal employees in a collective bargaining unit, to meet and
8 confer at reasonable times, in good faith, with the intention of reaching an
9 agreement, or to resolve questions arising under such an agreement, with respect to
10 wages, hours, and conditions of employment for public safety employees and with
11 respect to wages for general municipal employees, and with respect to a requirement
12 of the municipal employer for a municipal employee to perform law enforcement and
13 fire fighting services under s. 61.66 and ~~for a school district with respect to any~~
14 ~~matter under sub. (4) (o), and for a school district with respect to any matter under~~
15 ~~sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and~~
16 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
17 respect to any proposal to diminish or abridge the rights guaranteed to ~~municipal~~
18 any public safety employees under ch. 164. Collective bargaining includes the
19 reduction of any agreement reached to a written and signed document.

20 ~~(3) (d) The duty to bargain, however, does not compel either party to agree to~~
21 ~~a proposal or require the making of a concession. Collective bargaining includes the~~
22 ~~reduction of any agreement reached to a written and signed document. The~~

23 (4) (p) Permissive subjects of collective bargaining: public safety employees. A
24 municipal employer shall is not be required to bargain with public safety employees
25 on subjects reserved to management and direction of the governmental unit except

1 insofar as the manner of exercise of such functions affects the wages, hours, and
2 conditions of employment of the ~~municipal~~ public safety employees in a collective
3 bargaining unit.

4 **(1b) (b)** In creating this subchapter the legislature recognizes that the
5 municipal employer must exercise its powers and responsibilities to act for the
6 government and good order of the jurisdiction which it serves, its commercial benefit
7 and the health, safety, and welfare of the public to assure orderly operations and
8 functions within its jurisdiction, subject to those rights secured to municipal
9 employees by the constitutions of this state and of the United States and by this
10 subchapter.

11 ***-1211/P10.117* SECTION 199.** 111.70 (1) (b) of the statutes is amended to read:

12 111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal
13 employees ~~who are school district employees or of municipal employees who are not~~
14 ~~school district employees~~ that is determined by the commission under sub. (4) (d) 2.
15 a. to be appropriate for the purpose of collective bargaining.

16 ***-1211/P10.118* SECTION 200.** 111.70 (1) (cm) of the statutes is created to read:

17 111.70 (1) (cm) "Consumer price index change" means the average annual
18 percentage change in the consumer price index for all urban consumers, U.S. city
19 average, as determined by the federal department of labor, for the 12 months
20 immediately preceding the current date.

21 ***-1211/P10.119* SECTION 201.** 111.70 (1) (f) of the statutes is amended to read:

22 111.70 (1) (f) "Fair-share agreement" means an agreement between a
23 municipal employer and a labor organization that represents public safety
24 employees under which all or any of the public safety employees in the collective
25 bargaining unit are required to pay their proportionate share of the cost of the

SECTION 201

1 collective bargaining process and contract administration measured by the amount
2 of dues uniformly required of all members. ~~Such an agreement shall contain a~~
3 ~~provision requiring the employer to deduct the amount of dues as certified by the~~
4 ~~labor organization from the earnings of the employees affected by said agreement~~
5 ~~and to pay the amount so deducted to the labor organization.~~

6 ***-1211/P10.120* SECTION 202.** 111.70 (1) (fm) of the statutes is created to read:

7 111.70 (1) (fm) "General municipal employee" means a municipal employee
8 who is not a public safety employee.

9 ***-1211/P10.121* SECTION 203.** 111.70 (1) (j) of the statutes is amended to read:

10 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
11 metropolitan sewerage district, school district, long-term care district, transit
12 authority under s. 59.58 (7) or 66.1039, local cultural arts district created under
13 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality
14 of one or more political subdivisions of the state, that engages the services of an
15 employee and includes any person acting on behalf of a municipal employer within
16 the scope of the person's authority, express or implied, ~~but specifically does not~~
17 ~~include a local cultural arts district created under subch. V of ch. 229.~~

18 ***-1211/P10.122* SECTION 204.** 111.70 (1) (mm) of the statutes is created to
19 read:

20 111.70 (1) (mm) "Public safety employee" means any municipal employee who
21 is employed in a position that, on the effective date of this paragraph [LRB inserts
22 date], is classified as a protective occupation participant under any of the following:

23 1. Section 40.02 (48) (am) 9., 10., 13., 15., or 22.

24 2. A provision that is comparable to a provision under subd. 1. that is in a county
25 or city retirement system.

1 ***-1211/P10.123* SECTION 205.** 111.70 (1) (n) of the statutes is amended to
2 read:

3 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission
4 in which public safety employees in a collective bargaining unit may cast a secret
5 ballot on the question of authorizing a labor organization and the employer to
6 continue a fair-share agreement. ~~Unless a majority of the eligible employees vote~~
7 ~~in favor of the fair-share agreement, it shall be deemed terminated and that portion~~
8 ~~of the collective bargaining agreement deemed null and void~~ that covers public safety
9 employees.

10 ***-1211/P10.124* SECTION 206.** 111.70 (1) (nm) of the statutes is amended to
11 read:

12 111.70 (1) (nm) "Strike" includes any strike or other concerted stoppage of work
13 by municipal employees, and any concerted slowdown or other concerted
14 interruption of operations or services by municipal employees, or any concerted
15 refusal to work or perform their usual duties as municipal employees, for the purpose
16 of enforcing demands upon a municipal employer. Such conduct by municipal
17 employees which is not authorized or condoned by a labor organization constitutes
18 a "strike", but does not subject such labor organization to the penalties under this
19 subchapter. ~~This paragraph does not apply to collective bargaining units composed~~
20 ~~of municipal employees who are engaged in law enforcement or fire fighting~~
21 ~~functions.~~

22 ***-1211/P10.125* SECTION 207.** 111.70 (1b) (c) of the statutes is created to read:

23 111.70 (1b) (c) This subchapter shall be construed as an enactment of statewide
24 concern for the purpose of providing a uniform operation of the collective bargaining
25 laws.

SECTION 208

1 ***-1211/P10.126*** SECTION 208. 111.70 (2) of the statutes is amended to read:

2 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
3 right of self-organization, and the right to form, join, or assist labor organizations,
4 to bargain collectively through representatives of their own choosing, and to engage
5 in lawful, concerted activities for the purpose of collective bargaining or other mutual
6 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to
7 refrain from any and all such activities except that employees. A general municipal
8 employee has the right to refrain from paying dues while remaining a member of a
9 collective bargaining unit. A public safety employee, however, maybe required to pay
10 dues in the manner provided in a fair-share agreement.—Such; a fair-share
11 agreement covering a public safety employee must contain a provision requiring the
12 municipal employer to deduct the amount of dues as certified by the labor
13 organization from the earnings of the public safety employee affected by the
14 fair-share agreement and to pay the amount deducted to the labor organization. A
15 fair-share agreement shall be covering a public safety employee is subject to the
16 right of the municipal employer or a labor organization to petition the commission
17 to conduct a referendum. Such petition must be supported by proof that at least 30%
18 of the public safety employees in the collective bargaining unit desire that the
19 fair-share agreement be terminated. Upon so finding, the commission shall conduct
20 a referendum. If the continuation of the agreement is not supported by at least the
21 majority of the eligible public safety employees, it shall ~~be deemed terminated~~
22 terminate. The commission shall declare any fair-share agreement suspended upon
23 such conditions and for such time as the commission decides whenever it finds that
24 the labor organization involved has refused on the basis of race, color, sexual
25 orientation, creed, or sex to receive as a member any public safety employee of the

1 municipal employer in the bargaining unit involved, and such agreement shall be
2 ~~made~~ is subject to this duty of the commission. Any of the parties to such agreement
3 or any ~~municipal~~ public safety employee covered ~~thereby by the agreement~~ may come
4 before the commission, as provided in s. 111.07, and ask the performance of this duty.

5 ***-1211/P10.127* SECTION 209.** 111.70 (3) (a) 3. of the statutes is amended to
6 read:

7 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
8 organization by discrimination in regard to hiring, tenure, or other terms or
9 conditions of employment; but the prohibition shall not apply to a fair-share
10 agreement that covers public safety employees.

11 ***-1211/P10.128* SECTION 210.** 111.70 (3) (a) 4. of the statutes is amended to
12 read:

13 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a
14 majority of its employees in an appropriate collective bargaining unit. Such refusal
15 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
16 including those provided for by statute, with individuals in the collective bargaining
17 unit while collective bargaining, mediation, or fact-finding concerning the terms and
18 conditions of a new collective bargaining agreement is in progress, unless such
19 individual contracts contain express language providing that the contract is subject
20 to amendment by a subsequent collective bargaining agreement. Where the
21 employer has a good faith doubt as to whether a labor organization claiming the
22 support of a majority of its employees in an appropriate bargaining unit does in fact
23 have that support, it may file with the commission a petition requesting an election
24 to that claim. An employer shall not be deemed to have refused to bargain until an
25 election has been held and the results thereof certified to the employer by the

SECTION 210

1 commission. The violation shall include, though not be limited thereby, to the refusal
 2 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~
 3 ~~any collective bargaining agreement covering municipal employees who are not~~
 4 ~~school district employees shall not exceed 3 years, and the term of any collective~~
 5 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

6 ***-1211/P10.129* SECTION 211.** 111.70 (3) (a) 5. of the statutes is amended to
 7 read:

8 111.70 (3) (a) 5. To violate any collective bargaining agreement previously
 9 agreed upon by the parties with respect to wages, hours and conditions of
 10 employment affecting municipal public safety employees, including an agreement to
 11 arbitrate questions arising as to the meaning or application of the terms of a
 12 collective bargaining agreement or to accept the terms of such arbitration award,
 13 where previously the parties have agreed to accept such award as final and binding
 14 upon them or to violate any collective bargaining agreement affecting general
 15 municipal employees, that was previously agreed upon by the parties with respect
 16 to wages.

17 ***-1211/P10.130* SECTION 212.** 111.70 (3) (a) 6. of the statutes is amended to
 18 read:

19 111.70 (3) (a) 6. To deduct labor organization dues from ~~an employee's or~~
 20 ~~supervisor's~~ the earnings of a public safety employee, unless the municipal employer
 21 has been presented with an individual order therefor, signed by the municipal public
 22 safety employee personally, and terminable by at least the end of any year of its life
 23 or earlier by the ~~municipal public safety~~ employee giving at least 30 days' written
 24 notice of such termination to the municipal employer and to the representative
 25 organization, except ~~where there is~~ when a fair-share agreement is in effect.

1 ***-1211/P10.131* SECTION 213.** 111.70 (3) (a) 7. of the statutes is repealed.

2 ***-1211/P10.132* SECTION 214.** 111.70 (3) (a) 9. of the statutes is amended to
3 read:

4 111.70 (3) (a) 9. After If the collective bargaining unit contains a public safety
5 employee, after a collective bargaining agreement expires and before another
6 collective bargaining agreement takes effect, to fail to follow any fair-share
7 agreement in the expired collective bargaining agreement.

8 ***-1211/P10.133* SECTION 215.** 111.70 (3) (b) 6. of the statutes is repealed.

9 ***-1211/P10.134* SECTION 216.** 111.70 (3g) of the statutes is created to read:

10 111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not
11 deduct labor organization dues from the earnings of a general municipal employee
12 or supervisor.

13 ***-1211/P10.135* SECTION 217.** 111.70 (3m) of the statutes is repealed.

14 ***-1211/P10.136* SECTION 218.** 111.70 (3p) of the statutes is repealed.

15 ***-1211/P10.137* SECTION 219.** 111.70 (4) (intro.) of the statutes is amended
16 to read:

17 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct
18 any election under this subsection by secret ballot and shall be governed by adhere
19 to the following provisions relating to bargaining in municipal employment in
20 addition to other powers and duties provided in this subchapter:

21 ***-1211/P10.138* SECTION 220.** 111.70 (4) (c) (title) of the statutes is amended
22 to read:

23 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*
24 *and fire fighting personnel public safety employees.*

SECTION 221

1 ***-1211/P10.139* SECTION 221.** 111.70 (4) (c) 1. of the statutes is amended to
2 read:

3 111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in
4 labor disputes involving a collective bargaining unit containing a public safety
5 employee. Such mediation may be carried on by a person designated to act by the
6 commission upon request of one or both of the parties or upon initiation of the
7 commission. The function of the mediator ~~shall be~~ is to encourage voluntary
8 settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

9 ***-1211/P10.140* SECTION 222.** 111.70 (4) (c) 2. of the statutes is amended to
10 read:

11 111.70 (4) (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning
12 or application of the terms of a written collective bargaining agreement involving a
13 collective bargaining unit containing a public safety employee may agree in writing
14 to have the commission or any other appropriate agency serve as arbitrator or may
15 designate any other competent, impartial and disinterested person to so serve.

16 b. A collective bargaining agreement involving a collective bargaining unit
17 containing a public safety employee may, notwithstanding s. 62.13 (5), contain
18 dispute resolution procedures, including arbitration, that address the suspension,
19 reduction in rank, suspension and reduction in rank, or removal of such personnel.
20 If the procedures include arbitration, the arbitration hearing shall be public and the
21 decision of the arbitrator shall be issued within 180 days of the conclusion of the
22 hearing.

23 ***-1211/P10.141* SECTION 223.** 111.70 (4) (c) 3. of the statutes is amended to
24 read:

1 111.70 (4) (c) 3. 'Fact-finding.' ~~If~~ Unless s. 111.77 applies, if a dispute involving
2 a collective bargaining unit containing a public safety employee has not been settled
3 after a reasonable period of negotiation and after the settlement procedures, if any,
4 established by the parties have been exhausted, and the parties are deadlocked with
5 respect to any dispute between them arising in the collective bargaining process,
6 either party, or the parties jointly, may petition the commission, in writing, to initiate
7 fact-finding, ~~as provided hereafter,~~ and to make recommendations to resolve the
8 deadlock., as follows:

9 a. Upon receipt of ~~a~~ the petition to initiate fact-finding, the commission shall
10 make an investigation with or without a formal hearing, to determine whether a
11 deadlock in fact exists. After its investigation the commission shall certify the
12 results thereof. If the commission decides that fact-finding should be initiated, it
13 shall appoint a qualified, disinterested person or 3-member panel, when jointly
14 requested by the parties, to function as a fact finder.

15 b. The fact finder appointed under subd. 3. a. may establish dates and place of
16 hearings which shall be where feasible, and shall conduct the hearings pursuant to
17 rules established by the commission. Upon request, the commission shall issue
18 subpoenas for hearings conducted by the fact finder. The fact finder may administer
19 oaths. Upon completion of the hearing, the fact finder shall make written findings
20 of fact and recommendations for solution of the dispute and shall cause the same to
21 be served on the parties and the commission. Cost of fact-finding proceedings shall
22 be divided equally between the parties. At the time the fact finder submits a
23 statement of his or her costs to the parties, the fact finder shall submit a copy ~~thereof~~
24 of the statement to the commission at its Madison office.

1 c. Nothing herein shall be construed as prohibiting in this subdivision prohibits
2 any fact finder appointed under subd. 3. a. from endeavoring to mediate the dispute,
3 in which the fact finder is involved, at any time prior to the issuance of the fact
4 finder's recommendations.

5 d. Within 30 days of the receipt of the fact finder's recommendations under
6 subd. 3. b., or within the time period mutually agreed upon by the parties, each party
7 shall ~~advise~~ give notice to the other party, in writing as to its acceptance or rejection,
8 in whole or in part, of the fact finder's recommendations and, ~~at the same time,~~
9 transmit a copy of such the notice to the commission at its Madison office.

10 *~~-1211/P10.142~~* SECTION 224. 111.70 (4) (c) 4. of the statutes is repealed.

11 *~~-1211/P10.143~~* SECTION 225. 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the
12 statutes are amended to read:

13 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; ~~other~~*
14 *personnel general municipal employees*. 1. 'Notice of commencement of contract
15 negotiations.' For the purpose of advising the commission of the commencement of
16 contract negotiations involving a collective bargaining unit containing general
17 municipal employees, whenever either party requests the other to reopen
18 negotiations under a binding collective bargaining agreement, or the parties
19 otherwise commence negotiations if no such agreement exists, the party requesting
20 negotiations shall immediately notify the commission in writing. Upon failure of the
21 requesting party to provide such notice, the other party may so notify the
22 commission. The notice shall specify the expiration date of the existing collective
23 bargaining agreement, if any, and shall set forth any additional information the
24 commission may require on a form provided by the commission.

1 2. 'Presentation of initial proposals; open meetings.' The meetings between
2 parties to a collective bargaining agreement or proposed collective bargaining
3 agreement under this subchapter ~~which~~ that involve a collective bargaining unit
4 containing a general municipal employee and that are held for the purpose of
5 presenting initial bargaining proposals, along with supporting rationale, shall be
6 open to the public. Each party shall submit its initial bargaining proposals to the
7 other party in writing. Failure to comply with this subdivision is not cause to
8 invalidate a collective bargaining agreement under this subchapter.

9 3. 'Mediation.' The commission or its designee shall function as mediator in
10 labor disputes involving general municipal employees upon request of one or both of
11 the parties, or upon initiation of the commission. The function of the mediator shall
12 be to encourage voluntary settlement by the parties. No mediator has the power of
13 compulsion.

14 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or
15 application of the terms of a written collective bargaining agreement involving a
16 collective bargaining unit containing a general municipal employee may agree in
17 writing to have the commission or any other appropriate agency serve as arbitrator
18 or may designate any other competent, impartial and disinterested person to so
19 serve.

20 *-1211/P10.144* SECTION 226. 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the
21 statutes are repealed.

22 *-1211/P10.145* SECTION 227. 111.70 (4) (cm) 8m. of the statutes is amended
23 to read:

24 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
25 the initial collective bargaining agreement between the parties and except as the

1 parties otherwise agree, every collective bargaining agreement covering general
2 municipal employees ~~subject to this paragraph~~ shall be for a term of 2 years, but in
3 ~~no case may a collective bargaining agreement for any collective bargaining unit~~
4 ~~consisting of municipal employees subject to this paragraph other than school~~
5 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~
6 ~~agreement for any collective bargaining unit consisting of school district employees~~
7 ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be
8 extended. No ~~arbitration award may contain a provision for reopening of~~
9 ~~negotiations during the term of a collective bargaining agreement, covering general~~
10 ~~municipal employees may be reopened for negotiations unless both parties agree to~~
11 ~~such a provision~~ reopen the collective bargaining agreement. The requirement for
12 agreement by both parties does not apply to a provision for reopening of negotiations
13 with respect to any portion of an agreement that is declared invalid by a court or
14 administrative agency or rendered invalid by the enactment of a law or promulgation
15 of a federal regulation.

16 *~~1211/P10.146~~* SECTION 228. 111.70 (4) (cm) 9. of the statutes is repealed.

17 *~~1211/P10.147~~* SECTION 229. 111.70 (4) (d) 2. a. of the statutes is amended
18 to read:

19 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
20 bargaining unit for the purpose of collective bargaining and shall whenever possible,
21 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by
22 maintaining as few collective bargaining units as practicable in keeping with the size
23 of the total municipal workforce. ~~In making such a determination, the~~ The
24 commission may decide whether, in a particular case, the municipal employees in the
25 same or several departments, divisions, institutions, crafts, professions, or other

1 occupational groupings constitute a collective bargaining unit. Before making its
2 determination, the commission may provide an opportunity for the municipal
3 employees concerned to determine, by secret ballot, whether they desire to be
4 established as a separate collective bargaining unit. The commission ~~shall~~ may not
5 decide, however, that any group of municipal employees constitutes an appropriate
6 collective bargaining unit if the group includes both professional employees and
7 nonprofessional employees, unless a majority of the professional employees vote for
8 inclusion in the unit. The commission may not decide that any group of municipal
9 employees constitutes an appropriate collective bargaining unit if the group includes
10 both school district employees and general municipal employees who are not school
11 district employees. The commission may not decide that any group of municipal
12 employees constitutes an appropriate collective bargaining unit if the group includes
13 both public safety employees and general municipal employees. The commission
14 ~~shall~~ may not decide that any group of municipal employees constitutes an
15 appropriate collective bargaining unit if the group includes both craft employees and
16 noncraft employees unless a majority of the craft employees vote for inclusion in the
17 unit. The commission shall place the professional employees who are assigned to
18 perform any services at a charter school, as defined in s. 115.001 (1), in a separate
19 collective bargaining unit from a unit that includes any other professional employees
20 whenever at least 30% of those professional employees request an election to be held
21 to determine that issue and a majority of the professional employees at the charter
22 school who cast votes in the election decide to be represented in a separate collective
23 bargaining unit. Upon the expiration of any collective bargaining agreement in
24 force, the commission shall combine into a single collective bargaining unit 2 or more
25 collective bargaining units consisting of school district employees if a majority of the

1 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~
2 ~~under this subsection shall be by secret ballot.~~

3 ***-1211/P10.148* SECTION 230.** 111.70 (4) (d) 3. of the statutes is amended to
4 read:

5 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning
6 representation or appropriate unit, calling for a vote, the commission shall certify the
7 results in writing to the municipal employer and the labor organization involved and
8 to any other interested parties.

9 c. Any ballot used in a representation proceeding under this subdivision shall
10 include the names of all persons having an interest in representing or the results.
11 The ballot should be so designed as to permit a vote against representation by any
12 candidate named on the ballot. The findings of the commission, on which a
13 certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

14 ***-1211/P10.149* SECTION 231.** 111.70 (4) (d) 3. b. of the statutes is created to
15 read:

16 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify
17 the representative of the collective bargaining unit that contains a general municipal
18 employee. The election shall occur no later than December 1 for a collective
19 bargaining unit containing school district employees and no later than May 1 for a
20 collective bargaining unit containing general municipal employees who are not
21 school district employees. The commission shall certify any representative that
22 receives at least 51 percent of the votes of all of the general municipal employees in
23 the collective bargaining unit. If no representative receives at least 51 percent of the
24 votes of all of the general municipal employees in the collective bargaining unit, at
25 the expiration of the collective bargaining agreement, the commission shall decertify

1 the current representative and the general municipal employees shall be
2 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under
3 this subd. 3. b., the affected general municipal employees may not be included in a
4 substantially similar collective bargaining unit for 12 months from the date of
5 decertification. The commission shall assess and collect a certification fee for each
6 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall
7 be credited to the appropriation account under s. 20.425 (1) (i).

8 ***-1211/P10.150* SECTION 232.** 111.70 (4) (L) of the statutes is amended to
9 read:

10 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~
11 ~~6. e., nothing~~ Nothing contained in this subchapter constitutes a grant of the right
12 to strike by any municipal employee or labor organization, and such strikes are
13 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~
14 ~~injunction has been issued against such strike under sub. (7m).~~

15 ***-1211/P10.151* SECTION 233.** 111.70 (4) (m) of the statutes is repealed.

16 ***-1211/P10.152* SECTION 234.** 111.70 (4) (mb) of the statutes is created to
17 read:

18 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*
19 The municipal employer is prohibited from bargaining collectively with a collective
20 bargaining unit containing a general municipal employee with respect to any of the
21 following:

22 1. Any factor or condition of employment except wages, which includes only
23 total base wages and excludes any other compensation, which includes, but is not
24 limited to, overtime, premium pay, merit pay, performance pay, supplemental
25 compensation, pay schedules, and automatic pay progressions.

1 2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any
2 proposal that does any of the following:

3 a. If there is an increase in the consumer price index change, provides for total
4 base wages for authorized positions in the proposed collective bargaining agreement
5 that exceeds the total base wages for authorized positions 180 days before the
6 expiration of the previous collective bargaining agreement by a greater percentage
7 than the consumer price index change.

8 b. If there is a decrease in the consumer price index change, provides for total
9 base wages for authorized positions in the proposed collective bargaining agreement
10 that exceeds the total base wages for authorized positions 180 days before the
11 expiration of the previous collective bargaining agreement decreased by a
12 percentage of that expenditure that is equal to the decrease in the consumer price
13 index change.

14 ***-1211/P10.153* SECTION 235.** 111.70 (4) (mc) (intro.) of the statutes is
15 amended to read:

16 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*
17 (intro.) The municipal employer is prohibited from bargaining collectively with a
18 collective bargaining unit containing a public safety employee with respect to any of
19 the following:

20 ***-1211/P10.154* SECTION 236.** 111.70 (4) (mc) 4. of the statutes is repealed.

21 ***-1211/P10.155* SECTION 237.** 111.70 (4) (n) and (o) of the statutes are
22 repealed.

23 ***-1211/P10.156* SECTION 238.** 111.70 (6) (title) of the statutes is renumbered
24 111.70 (1b) (title).

1 ***-1211/P10.157* SECTION 239.** 111.70 (6) of the statutes is renumbered 111.70

2 (1b) (a).

3 ***-1211/P10.158* SECTION 240.** 111.70 (7) of the statutes is repealed.

4 ***-1211/P10.159* SECTION 241.** 111.70 (7m) (b) of the statutes is repealed.

5 ***-1211/P10.160* SECTION 242.** 111.70 (7m) (c) 1. a. of the statutes is amended

6 to read:

7 111.70 (7m) (c) 1. a. Any labor organization that represents public safety
8 employees which violates sub. (4) (L) ~~shall be penalized by the suspension of~~ may not
9 collect any dues check-off under a collective bargaining agreement and or under a
10 fair-share agreement between the municipal employer and such labor organization
11 from any public safety employee covered by either agreement for a period of one year.

12 At the end of the period of suspension, any such agreement shall be reinstated unless
13 the labor organization is no longer authorized to represent the ~~municipal~~ public
14 safety employees covered by ~~such dues check-off~~ the collective bargaining
15 agreement or fair-share agreement or the agreement is no longer in effect.

16 ***-1211/P10.161* SECTION 243.** 111.70 (7m) (c) 3. of the statutes is repealed.

17 ***-1211/P10.162* SECTION 244.** 111.70 (7m) (e) and (f) of the statutes are
18 repealed.

19 ***-1211/P10.163* SECTION 245.** 111.70 (8) (a) of the statutes is amended to read:

20 111.70 (8) (a) This section, except ~~subs. (1)(nm),~~ sub. (4) (cm) and (7m), applies
21 to law enforcement supervisors employed by a 1st class city. This section, except
22 ~~subs. (1)(nm), sub. (4) (cm) and (jm) and (7m),~~ sub. (4) (cm) and (jm) and (7m), applies to law enforcement supervisors
23 employed by a county having a population of 500,000 or more. For purposes of such
24 application, the ~~term~~ terms "municipal employee" ~~includes~~ and "public safety
25 employee" include such a supervisor.

1 ***-1211/P10.164*** SECTION 246. 111.71 (2) of the statutes is amended to read:

2 111.71 (2) The commission shall assess and collect a filing fee for filing a
3 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
4 The commission shall assess and collect a filing fee for filing a request that the
5 commission act as an arbitrator to resolve a dispute involving the interpretation or
6 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.
7 The commission shall assess and collect a filing fee for filing a request that the
8 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
9 assess and collect a filing fee for filing a request that the commission act as a
10 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect
11 a filing fee for filing a request that the commission initiate compulsory, final and
12 binding arbitration under s. 111.70 (4) ~~(cm) 6. or~~ (jm) or 111.77 (3). For the
13 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., and
14 4. ~~and 6.~~, and (jm) and 111.77 (3), the commission shall require that the parties to the
15 dispute equally share in the payment of the fee and, for the performance of
16 commission actions involving a complaint alleging that a prohibited practice has
17 been committed under s. 111.70 (3), the commission shall require that the party filing
18 the complaint pay the entire fee. If any party has paid a filing fee requesting the
19 commission to act as a mediator for a labor dispute and the parties do not enter into
20 a voluntary settlement of the dispute, the commission may not subsequently assess
21 or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor
22 dispute. If any request for the performance of commission actions concerns issues
23 arising as a result of more than one unrelated event or occurrence, each such
24 separate event or occurrence shall be treated as a separate request. The commission
25 shall promulgate rules establishing a schedule of filing fees to be paid under this

1 subsection. Fees required to be paid under this subsection shall be paid at the time
2 of filing the complaint or the request for fact-finding, mediation or arbitration. A
3 complaint or request for fact-finding, mediation or arbitration is not filed until the
4 date such fee or fees are paid, except that the failure of the respondent party to pay
5 the filing fee for having the commission initiate compulsory, final and binding
6 arbitration under s. 111.70 (4) ~~(em) 6- or (jm)~~ or 111.77 (3) ~~shall~~ may not prohibit the
7 commission from initiating such arbitration. The commission may initiate collection
8 proceedings against the respondent party for the payment of the filing fee. Fees
9 collected under this subsection shall be credited to the appropriation account under
10 s. 20.425 (1) (i).

11 ***-1211/P10.165* SECTION 247.** 111.71 (4) of the statutes is repealed.

12 ***-1211/P10.166* SECTION 248.** 111.71 (5) of the statutes is repealed.

13 ***-1211/P10.167* SECTION 249.** 111.77 (intro.) of the statutes is amended to
14 read:

15 **111.77 Settlement of disputes in collective bargaining units composed**
16 **of law enforcement personnel and fire fighters.** (intro.) In fire departments
17 and city and county law enforcement agencies municipal Municipal employers and
18 employees public safety employees, as provided in sub. (8), have the duty to bargain
19 collectively in good faith including the duty to refrain from strikes or lockouts and
20 to comply with the ~~procedures set forth below~~ following:

21 ***-1211/P10.168* SECTION 250.** 111.77 (8) (a) of the statutes is amended to read:

22 111.77 (8) (a). This section applies to ~~law enforcement~~ public safety employees
23 who are supervisors employed by a county having a population of 500,000 or more.
24 For purposes of such application, the term "municipal employee" includes such a
25 supervisor.