



State of Wisconsin
2011-2012 LEGISLATURE

CORRECTIONS IN:

January 2011 Special Session

**CONFERENCE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 11**

Prepared by the Legislative Reference Bureau
(March 10, 2011)

****NOTE: All items in this chief clerk's correction result from a computer process that was run in error.

- ✓ 1. Page 137, line 22: delete "115d" and substitute "106".
- ✓ 2. Page 137, line 22: delete "116d" and substitute "108".
- ✓ 3. Page 137, line 22: delete "117d" and substitute "110".
- ✓ 4. Page 137, line 23: delete "118d" and substitute "112".
- ✓ 5. Page 137, line 23: delete "119d" and substitute "114".
- ✓ 6. Page 137, line 23: delete "120d" and substitute "116".
- ✓ 7. Page 137, line 24: delete "121d" and substitute "118".
- ✓ 8. Page 137, line 24: delete "122d" and substitute "120".
- ✓ 9. Page 137, line 24: delete "123d" and substitute "122".
- ✓ 10. Page 137, line 25: delete "124d" and substitute "124".
- ✓ 11. Page 137, line 25: delete "125d" and substitute "126".
- ✓ 12. Page 137, line 25: delete "126d" and substitute "128".
- ✓ 13. Page 138, line 1: delete "127d" and substitute "130".
- ✓ 14. Page 138, line 1: delete "128d" and substitute "132".

LRBs0087/lccc-1
WLJ:md

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.

15. Page 138, line 1: delete "129d" and substitute "134".
16. Page 138, line 2: delete "130d" and substitute "136".
17. Page 138, line 2: delete "132d" and substitute "140".
18. Page 138, line 3: delete "133d" and substitute "142".
19. Page 138, line 3: delete "134d" and substitute "144".
20. Page 138, line 4: delete "135d" and substitute "146".
21. Page 138, line 4: delete "139d" and substitute "152".
22. Page 138, line 5: delete "141d" and substitute "156".
23. Page 138, line 5: delete "142d" and substitute "158".
24. Page 138, line 5: delete "143d" and substitute "160".
25. Page 138, line 6: delete "144d" and substitute "162".

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBs0087/1
CMH/RAVC/TJD:wlj:jf

**CONFERENCE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 11**

March 9, 2011 - Offered by COMMITTEE OF CONFERENCE ON JANUARY 2011 SPECIAL
SESSION ASSEMBLY BILL 11.

1 **AN ACT relating to:** state finances, collective bargaining for public employees,
2 compensation and fringe benefits of public employees, the state civil service
3 system, the Medical Assistance program.

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

4 **SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

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

8 **SECTION 2.** 7.33 (4) of the statutes is amended to read:

9 7.33 (4) Except as otherwise provided in this subsection, each local
10 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
11 proper application under sub. (3), permit each of its employees to serve as an election

1 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
2 scheduled working hours during the period specified in sub. (3), without loss of pay
3 for scheduled working hours during the period specified in sub. (3) except as provided
4 in sub. (5), and without any other penalty. For employees who are included in a
5 collective bargaining unit for which a representative is recognized or certified under
6 subch. V ~~or VI~~ of ch. 111, this subsection shall apply unless otherwise provided in a
7 collective bargaining agreement.

8 **SECTION 3.** 13.111 (2) of the statutes is amended to read:

9 13.111 (2) DUTIES. The joint committee on employment relations shall perform
10 the functions assigned to it under ~~subchs. subch. V and VI~~ of ch. 111, subch. II of ch.
11 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923 ~~and 40.05 (1) (b)~~.

12 **SECTION 4.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is
13 amended to read:

14 13.172 (1) In this section, "agency" means an office, department, agency,
15 institution of higher education, association, society, or other body in state
16 government created or authorized to be created by the constitution or any law, that
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
19 ch. ~~52~~, 231, 233, 234, 238, or 279.

20 **SECTION 5.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
21 is amended to read:

22 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
23 facility that is constructed for the benefit of or use of the state, any state agency,
24 board, commission or department, the University of Wisconsin Hospitals and Clinics
25 Authority, the Fox River Navigational System Authority, ~~the Wisconsin Quality~~

1 ~~Home Care Authority~~, the Wisconsin Economic Development Corporation, or any
2 local professional baseball park district created under subch. III of ch. 229 if the
3 construction is undertaken by the department of administration on behalf of the
4 district, shall be in compliance with all applicable state laws, rules, codes and
5 regulations but the construction is not subject to the ordinances or regulations of the
6 municipality in which the construction takes place except zoning, including without
7 limitation because of enumeration ordinances or regulations relating to materials
8 used, permits, supervision of construction or installation, payment of permit fees, or
9 other restrictions.

10 **SECTION 6.** 13.488 (1) (m) of the statutes is amended to read:

11 13.488 (1) (m) The duty to ~~compute~~ determine and make payments to the
12 United States required under ~~26 USC 148 (f) so that public debt, revenue obligations~~
13 ~~and operating notes issued pursuant to ch. 18 will not be treated as arbitrage bonds~~
14 ~~for the purpose of exclusion from gross income under 26 USC 103 (b) (2) so as to avoid~~
15 an adverse effect on any exclusion of interest from gross income for federal income
16 tax purposes on public debt, revenue obligations, and operating notes issued
17 pursuant to ch. 18, master lease obligations issued pursuant to s. 16.76, and
18 appropriation obligations issued pursuant to s. 16.527 and to make any payments to
19 advisors that assist in making the determination. If the proceeds of an obligation are
20 utilized for an activity that is financed from program revenue, the building
21 commission shall make the ~~payment~~ payments required under this paragraph from
22 that revenue, to the extent it is available.

23 **SECTION 7.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
24 amended to read:

1 13.62 (2) "Agency" means any board, commission, department, office, society,
2 institution of higher education, council, or committee in the state government, or any
3 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232,
4 233, 234, 237, 238, or 279, except that the term does not include a council or
5 committee of the legislature.

6 **SECTION 8.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 7,
7 is amended to read:

8 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
9 credentialing board, commission, independent agency, council or office in the
10 executive branch of state government; all bodies created by the legislature in the
11 legislative or judicial branch of state government; any public body corporate and
12 politic created by the legislature including specifically ~~the Wisconsin Quality Home~~
13 ~~Care Authority~~, the Fox River Navigational System Authority, the Lower Fox River
14 Remediation Authority, ~~and~~ the Wisconsin Aerospace Authority, and the Wisconsin
15 Economic Development Corporation, a professional baseball park district, a local
16 professional football stadium district, a local cultural arts district and a long-term
17 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
18 49; every provider of medical assistance under subch. IV of ch. 49; technical college
19 district boards; every county department under s. 51.42 or 51.437; every nonprofit
20 corporation or cooperative or unincorporated cooperative association to which
21 moneys are specifically appropriated by state law; and every corporation, institution,
22 association or other organization which receives more than 50% of its annual budget
23 from appropriations made by state law, including subgrantee or subcontractor
24 recipients of such funds.

1 **SECTION 9.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act 7,
2 is amended to read:

3 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
4 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
5 shall be strictly nonpartisan and shall at all times observe the confidential nature
6 of the research requests received by it; however, with the prior approval of the
7 requester in each instance, the bureau may duplicate the results of its research for
8 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
9 designated employees shall at all times, with or without notice, have access to all
10 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
11 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
12 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
13 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
14 Navigational System Authority, and to any books, records, or other documents
15 maintained by such agencies or authorities and relating to their expenditures,
16 revenues, operations, and structure.

17 **SECTION 10.** 15.07 (1) (a) 6. of the statutes is repealed.

18 **SECTION 11.** 15.07 (4) of the statutes is amended to read:

19 **15.07 (4) QUORUM.** A majority of the membership of a board constitutes a
20 quorum to do business and, unless a more restrictive provision is adopted by the
21 board, a majority of a quorum may act in any matter within the jurisdiction of the
22 board. This subsection does not apply to actions of the government accountability
23 board, ~~the University of Wisconsin Hospitals and Clinics Board~~, or the school district
24 boundary appeal board as provided in ss. 5.05 (1e), ~~15.96 (2)~~, and 117.05 (2) (a).

25 **SECTION 12.** 15.96 of the statutes is repealed.

1 **SECTION 13.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 16.002 (2) "Departments" means constitutional offices, departments, and
4 independent agencies and includes all societies, associations, and other agencies of
5 state government for which appropriations are made by law, but not including
6 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232,
7 233, 234, 235, 237, 238, or 279.

8 **SECTION 14.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is
9 amended to read:

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

16 **SECTION 15.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is
17 amended to read:

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

23 **SECTION 16.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
24 7, is amended to read:

1 16.004 (12) (a) In this subsection, “state agency” means an association,
2 authority, board, department, commission, independent agency, institution, office,
3 society, or other body in state government created or authorized to be created by the
4 constitution or any law, including the legislature, the office of the governor, and the
5 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
6 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
7 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
8 ~~Care Authority~~, the Wisconsin Economic Development Corporation, and the Fox
9 River Navigational System Authority.

10 **SECTION 17.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
11 is amended to read:

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

18 **SECTION 18.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act 7,
19 is amended to read:

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

1 **SECTION 19.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 16.41 (4) In this section, “authority” means a body created under subch. II of
4 ch. 114 or subch. III of ch. 149 or under ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

5 **SECTION 20.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 7,
6 is amended to read:

7 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
8 ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

9 **SECTION 21.** 16.50 (3) (b) of the statutes is amended to read:

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

16 **SECTION 22.** 16.50 (3) (e) of the statutes is amended to read:

17 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
18 the pay ranges prescribed in the compensation plan or as provided in a collective
19 bargaining agreement under subch. V ~~or VI~~ of ch. 111.

20 **SECTION 23.** 16.505 (1) (intro.) of the statutes is amended to read:

21 16.505 (1) (intro.) Except as provided in subs. (2), (2m), ~~(2n)~~, and (2p), no
22 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
23 created or abolished unless authorized by one of the following:

24 **SECTION 24.** 16.505 (2n) of the statutes is repealed.

1 **SECTION 25.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 16.52 (7) **PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
4 that is authorized to maintain a contingent fund under s. 20.920 may establish a
5 petty cash account from its contingent fund. The procedure for operation and
6 maintenance of petty cash accounts and the character of expenditures therefrom
7 shall be prescribed by the secretary. In this subsection, “agency” means an office,
8 department, independent agency, institution of higher education, association,
9 society, or other body in state government created or authorized to be created by the
10 constitution or any law, that is entitled to expend moneys appropriated by law,
11 including the legislature and the courts, but not including an authority created in
12 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

13 **SECTION 26.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
14 is amended to read:

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

21 **SECTION 27.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
22 amended to read:

23 16.53 (2) **IMPROPER INVOICES.** If an agency receives an improperly completed
24 invoice, the agency shall notify the sender of the invoice within 10 working days after
25 it receives the invoice of the reason it is improperly completed. In this subsection,

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

7 **SECTION 28.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
8 7, is amended to read:

9 16.54 (9) (a) 1. “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, which
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, 233, 234, 237, 238, or 279.

15 **SECTION 29.** 16.70 (2) of the statutes is amended to read:

16 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.
17 III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

18 **SECTION 30.** 16.705 (3) of the statutes is repealed.

19 **SECTION 31.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is
20 amended to read:

21 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
24 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the
25 Wisconsin Economic Development Corporation, and the Bradley Center Sports and

1 Entertainment Corporation shall include in all contracts executed by them a
2 provision obligating the contractor not to discriminate against any employee or
3 applicant for employment because of age, race, religion, color, handicap, sex, physical
4 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
5 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
6 orientation, obligating the contractor to take affirmative action to ensure equal
7 employment opportunities.

8 **SECTION 32.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
9 amended to read:

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

1 applicants for employment, notices to be provided by the contracting officer setting
2 forth the provisions of the nondiscrimination clause”.

3 **SECTION 33.** 16.765 (4) of the statutes is amended to read:

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

10 **SECTION 34.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is
11 amended to read:

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

1 Development Corporation, and the Bradley Center Sports and Entertainment
2 Corporation for improving and making more effective the nondiscrimination and
3 affirmative action provisions of contracts. The department shall promulgate such
4 rules as may be necessary for the performance of its functions under this section.

5 **SECTION 35.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 7, is
6 amended to read:

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

17 **SECTION 36.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
18 Act 7, is amended to read:

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

1 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
2 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
3 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
4 ~~Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center
5 Sports and Entertainment Corporation shall:

6 **SECTION 37.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act 7,
7 is amended to read:

8 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
9 further violations of this section and to report its corrective action to the contracting
10 agency, 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, or the Bradley Center Sports and Entertainment
15 Corporation.

16 **SECTION 38.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is
17 amended to read:

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

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

13 **SECTION 39.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
14 amended to read:

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

1 **SECTION 40.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 **16.865 (8)** Annually in each fiscal year, allocate as a charge to each agency a
4 proportionate share of the estimated costs attributable to programs administered by
5 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
6 may charge premiums to agencies to finance costs under this subsection and pay the
7 costs from the appropriation on an actual basis. The department shall deposit all
8 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
9 Costs assessed under this subsection may include judgments, investigative and
10 adjustment fees, data processing and staff support costs, program administration
11 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
12 subsection, "agency" means an office, department, independent agency, institution
13 of higher education, association, society, or other body in state government created
14 or authorized to be created by the constitution or any law, that is entitled to expend
15 moneys appropriated by law, including the legislature and the courts, but not
16 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
17 52, 231, 232, 233, 234, 235, 237, 238, or 279.

18 **SECTION 41.** 19.42 (10) (s) of the statutes is repealed.

19 **SECTION 42.** 19.42 (13) (o) of the statutes is repealed.

20 **SECTION 43.** 19.82 (1) of the statutes is amended to read:

21 **19.82 (1)** "Governmental body" means a state or local agency, board,
22 commission, committee, council, department or public body corporate and politic
23 created by constitution, statute, ordinance, rule or order; a governmental or
24 quasi-governmental corporation except for the Bradley center sports and
25 entertainment corporation; a local exposition district under subch. II of ch. 229; a

1 long-term care district under s. 46.2895; or a formally constituted subunit of any of
2 the foregoing, but excludes any such body or committee or subunit of such body which
3 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
4 or V, ~~or VI~~ of ch. 111.

5 **SECTION 44.** 19.85 (3) of the statutes is amended to read:

6 19.85 (3) Nothing in this subchapter shall be construed to authorize a
7 governmental body to consider at a meeting in closed session the final ratification or
8 approval of a collective bargaining agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111
9 which has been negotiated by such body or on its behalf.

10 **SECTION 45.** 19.86 of the statutes is amended to read:

11 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
12 19.82 (1), where notice has been given by either party to a collective bargaining
13 agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111 to reopen such agreement at its
14 expiration date, the employer shall give notice of such contract reopening as provided
15 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
16 by the employer's chief officer or such person's designee.

17 **SECTION 46.** 20.425 (1) (a) of the statutes is amended to read:

18 20.425 (1) (a) *General program operations.* The amounts in the schedule for
19 the purposes provided in subchs. I, IV, and V, ~~and VI~~ of ch. 111 and s. 230.45 (1).

20 **SECTION 47.** 20.425 (1) (i) of the statutes is amended to read:

21 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
22 The amounts in the schedule for the performance of fact-finding, mediation, and
23 arbitration functions, for the provision of copies of transcripts, for the cost of
24 operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94 (3), for the
25 preparation of publications, transcripts, reports, and other copied material, and for

1 costs related to conducting appeals under s. 230.45. All moneys received under ss.
2 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all
3 moneys received from arbitrators and arbitration panel members, and individuals
4 who are interested in serving in such positions, and from individuals and
5 organizations who participate in other collective bargaining training programs
6 conducted by the commission, and all moneys received from the sale of publications,
7 transcripts, reports, and other copied material shall be credited to this appropriation
8 account.

9 **SECTION 48.** 20.495 of the statutes is repealed.

10 **SECTION 49.** 20.545 (1) (k) of the statutes is amended to read:

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

17 **SECTION 50.** 20.545 (1) (km) of the statutes is amended to read:

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

1 ~~related to grievance arbitrations under s. 111.993 and to reimburse the state's share~~
2 ~~of costs for training related to grievance arbitrations~~ shall be credited to this
3 appropriation account.

4 **SECTION 51.** 20.865 (1) (ci) of the statutes is amended to read:

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

12 **SECTION 52.** 20.865 (1) (cm) of the statutes is repealed.

13 **SECTION 53.** 20.865 (1) (ic) of the statutes is amended to read:

14 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
15 *academic pay adjustments.* From the appropriate program revenue and program
16 revenue-service accounts, a sum sufficient to supplement the appropriations to the
17 University of Wisconsin System to pay the cost of pay and related adjustments
18 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
19 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
20 230.08 (2) (d) who are not included within a collective bargaining unit for which a
21 representative is certified under subch. V ~~or VI~~ of ch. 111, as determined under s.
22 20.928, other than adjustments funded under par. (cj).

23 **SECTION 54.** 20.865 (1) (im) of the statutes is repealed.

24 **SECTION 55.** 20.865 (1) (si) of the statutes is amended to read:

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

9 **SECTION 56.** 20.865 (1) (sm) of the statutes is repealed.

10 **SECTION 57.** 20.917 (3) (b) of the statutes is amended to read:

11 20.917 (3) (b) This subsection applies to employees in all positions in the civil
12 service, including those employees in positions included in collective bargaining
13 units under subch. V or VI of ch. 111, whether or not the employees are covered by
14 a collective bargaining agreement.

15 **SECTION 58.** 20.921 (1) (a) 2. of the statutes is amended to read:

16 20.921 (1) (a) 2. ~~Payment~~ If the state employee is a public safety employee
17 under s. 111.81 (15r), payment of dues to employee organizations.

18 **SECTION 59.** 20.921 (1) (b) of the statutes is amended to read:

19 20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (e) and s. 111.84 (1) (f)~~, the
20 request under par. (a) shall be made to the state agency or to the University of
21 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
22 directions and information prescribed by each state agency or by the authority. The
23 request may be withdrawn or the amount paid to the payee may be changed by
24 notifying the state agency or the authority to that effect, but no such withdrawal or
25 change shall affect a payroll certification already prepared.

1 **SECTION 60.** 20.923 (6) (intro.) of the statutes is amended to read:

2 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
3 following positions may be set by the appointing authority, subject to restrictions
4 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
5 where the salaries are a subject of bargaining with a certified representative of a
6 collective bargaining unit under s. 111.91 ~~or 111.998~~:

7 **SECTION 61.** 20.923 (8) of the statutes is amended to read:

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

15 **SECTION 62.** 20.928 (1) of the statutes is amended to read:

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

23 **SECTION 63.** 36.09 (1) (j) of the statutes is amended to read:

24 36.09 (1) (j) Except where such matters are a subject of bargaining with a
25 certified representative of a collective bargaining unit under s. 111.91 ~~or 111.998~~, the

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

1 director of the office of state employment relations concerning the amounts of any
2 salary increases granted to recognize competitive factors, and the institutions at
3 which they are granted, for the 12-month period ending on the preceding June 30.

4 **SECTION 64.** 36.25 (13g) (c) of the statutes is repealed.

5 **SECTION 65.** 40.02 (25) (b) 2. of the statutes is amended to read:

6 40.02 (25) (b) 2. Any person employed as a teaching assistant or graduate
7 assistant and other employees-in-training as are designated by the board of regents
8 of the university, who are employed on at least a one-third full-time basis.

9 **SECTION 66.** 40.02 (25) (b) 8. of the statutes is amended to read:

10 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
11 under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or
12 under s. 230.12 or 233.10.

13 **SECTION 67.** 40.02 (27) of the statutes is amended to read:

14 40.02 (27) "Employee required contribution" means the contribution made by
15 an employee under s. 40.05 (1) (a) 1. to 4. ~~or for an employee under s. 40.05 (1) (b).~~

16 **SECTION 68.** 40.03 (6) (c) of the statutes is amended to read:

17 40.03 (6) (c) Shall not enter into any agreements to modify or expand group
18 insurance coverage in a manner which conflicts with this chapter or rules of the
19 department or materially affects the level of premiums required to be paid by the
20 state or its employees, or the level of benefits to be provided, under any group
21 insurance coverage. This restriction shall not be construed to prevent modifications
22 required by law, prohibit the group insurance board from modifying the standard
23 plan to establish a more cost effective benefit plan design or providing optional
24 insurance coverages as alternatives to the standard insurance coverage when any
25 excess of required premium over the premium for the standard coverage is paid by

1 the employee, prohibit the group insurance board from encouraging participation in
2 wellness or disease management programs, or prohibit the group insurance board
3 from providing other plans as authorized under par. (b).

4 **SECTION 69.** 40.05 (1) (a) (intro.) of the statutes is amended to read:

5 40.05 (1) (a) (intro.) ~~Except as provided in Subject to par. (b) and sub. (2n):~~

6 **SECTION 70.** 40.05 (1) (a) 1. of the statutes is amended to read:

7 40.05 (1) (a) 1. For each participating employee not otherwise specified, ~~5% of~~
8 ~~each payment of earnings~~ an amount equal to one-half of all actuarially required
9 contributions, as approved by the board under s. 40.03 (1) (e).

10 **SECTION 71.** 40.05 (1) (a) 2. of the statutes is amended to read:

11 40.05 (1) (a) 2. For each participating employee whose formula rate is
12 determined under s. 40.23 (2m) (e) 2., ~~5.5% of each payment of earnings~~ an amount
13 equal to one-half of all actuarially required contributions, as approved by the board
14 under s. 40.03 (1) (e).

15 **SECTION 72.** 40.05 (1) (a) 3. of the statutes is amended to read:

16 40.05 (1) (a) 3. For each participating employee whose formula rate is
17 determined under s. 40.23 (2m) (e) 3., ~~6% of each payment of earnings~~ the percentage
18 of earnings paid by a participating employee under subd. 1.

19 **SECTION 73.** 40.05 (1) (a) 4. of the statutes is amended to read:

20 40.05 (1) (a) 4. For each participating employee whose formula rate is
21 determined under s. 40.23 (2m) (e) 4., ~~8% of each payment of earnings~~ the percentage
22 of earnings paid by a participating employee under subd. 1.

23 **SECTION 74.** 40.05 (1) (b) of the statutes is repealed and recreated to read:

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

4 **SECTION 75.** 40.05 (2m) of the statutes is repealed.

5 **SECTION 76.** 40.05 (2n) of the statutes is repealed.

6 **SECTION 77.** 40.05 (4) (ag) of the statutes is repealed and recreated to read:

7 40.05 (4) (ag) Except as otherwise provided in a collective bargaining
8 agreement under subch. V of ch. 111, the employer shall pay for its currently
9 employed insured employees:

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

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

19 **SECTION 78.** 40.05 (4) (ar) of the statutes is repealed.

20 **SECTION 79.** 40.05 (4) (b) of the statutes is amended to read:

21 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
22 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.
23 I, V, ~~or VI~~ of ch. 111 of any eligible employee shall, at the time of death, upon
24 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
25 or upon termination of creditable service and qualifying as an eligible employee

1 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
2 he or she received while employed by the state, to credits for payment of health
3 insurance premiums on behalf of the employee or the employee's surviving insured
4 dependents. Any supplemental compensation that is paid to a state employee who
5 is classified under the state classified civil service as a teacher, teacher supervisor,
6 or education director for the employee's completion of educational courses that have
7 been approved by the employee's employer is considered as part of the employee's
8 basic pay for purposes of this paragraph. The full premium for any eligible employee
9 who is insured at the time of retirement, or for the surviving insured dependents of
10 an eligible employee who is deceased, shall be deducted from the credits until the
11 credits are exhausted and paid from the account under s. 40.04 (10), and then
12 deducted from annuity payments, if the annuity is sufficient. The department shall
13 provide for the direct payment of premiums by the insured to the insurer if the
14 premium to be withheld exceeds the annuity payment. Upon conversion of an
15 employee's unused sick leave to credits under this paragraph or par. (bf), the
16 employee or, if the employee is deceased, the employee's surviving insured
17 dependents may initiate deductions from those credits or may elect to delay
18 initiation of deductions from those credits, but only if the employee or surviving
19 insured dependents are covered by a comparable health insurance plan or policy
20 during the period beginning on the date of the conversion and ending on the date on
21 which the employee or surviving insured dependents later elect to initiate
22 deductions from those credits. If an employee or an employee's surviving insured
23 dependents elect to delay initiation of deductions from those credits, an employee or
24 the employee's surviving insured dependents may only later elect to initiate
25 deductions from those credits during the annual enrollment period under par. (be).

1 A health insurance plan or policy is considered comparable if it provides hospital and
2 medical benefits that are substantially equivalent to the standard health insurance
3 plan established under s. 40.52 (1).

4 **SECTION 80.** 40.05 (4) (bw) of the statutes is amended to read:

5 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
6 payment of health insurance premiums under par. (b), the department shall add
7 additional credits, calculated in the same manner as are credits under par. (b), that
8 are based on a state employee's accumulated sabbatical leave or earned vacation
9 leave from the state employee's last year of service prior to retirement, or both. The
10 department shall apply the credits awarded under this paragraph for the payment
11 of health insurance premiums only after the credits awarded under par. (b) are
12 exhausted. This paragraph applies only to state employees who are eligible for
13 accumulated unused sick leave conversion under par. (b) and who are entitled to the
14 benefits under this paragraph pursuant to a collective bargaining agreement under
15 subch. V ~~or~~ VI of ch. 111.

16 **SECTION 81.** 40.05 (4) (c) of the statutes is amended to read:

17 40.05 (4) (c) The employer shall contribute toward the payment of premiums
18 for the plan established under s. 40.52 (3) ~~not more than the percentage of premium~~
19 ~~paid by the employer for health insurance coverage under par. (ag) 2~~ the amount
20 established under s. 40.52 (3).

21 **SECTION 82.** 40.05 (4g) (a) 4. of the statutes is amended to read:

22 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
23 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111
24 or under rules promulgated by the director of the office of state employment relations

1 or is eligible for reemployment with the state under s. 321.64 after completion of his
2 or her service in the U.S. armed forces.

3 **SECTION 83.** 40.05 (5) (intro.) of the statutes is amended to read:

4 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
5 continuation insurance provided under subch. V the employee shall pay the amount
6 remaining after the employer has contributed the following or, if different, the
7 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~
8 of ch. 111 or s. 230.12 or 233.10:

9 **SECTION 84.** 40.05 (5) (b) 4. of the statutes is amended to read:

10 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
11 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I,
12 V, ~~or VI~~ of ch. 111.

13 **SECTION 85.** 40.05 (6) (a) of the statutes is amended to read:

14 40.05 (6) (a) Except as otherwise provided in accordance with a collective
15 bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 or s. 230.12 or 233.10, each
16 insured employee under the age of 70 and annuitant under the age of 65 shall pay
17 for group life insurance coverage a sum, approved by the group insurance board,
18 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
19 based upon the last amount of insurance in force during the month for which
20 earnings are paid. The equivalent premium may be fixed by the group insurance
21 board if the annual compensation is paid in other than 12 monthly installments.

22 **SECTION 86.** 40.23 (2m) (e) 2. of the statutes is amended to read:

23 40.23 (2m) (e) 2. For each participant for creditable service as an elected official
24 or as an executive participating employee that is performed before January 1, 2000,
25 2.165%; for such creditable service that is performed on or after January 1, 2000, but

1 before the effective date of this subdivision [LRB inserts date], 2%; and for such
2 creditable service that is performed on or after the effective date of this subdivision
3 [LRB inserts date], 1.6%.

4 **SECTION 87.** 40.32 (1) of the statutes is amended to read:

5 40.32 (1) The sum of all contributions allocated to a participant's account under
6 each defined contribution plan sponsored by the employer, including all employer
7 contributions and picked-up contributions credited with interest at the effective rate
8 under ss. 40.04 (4) (a) and (5) (b) and 40.05 (2) (g) and all employee contributions
9 made under ss. 40.02 (17) and 40.05 (1) ~~and (2m)~~, may not in any calendar year
10 exceed the maximum contribution limitation established under section 415 (c) of the
11 Internal Revenue Code.

12 **SECTION 88.** 40.51 (7) of the statutes is amended to read:

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

24 **SECTION 89.** 40.52 (3) of the statutes is amended to read:

1 40.52 (3) The group insurance board, after consulting with the board of regents
2 of the University of Wisconsin System, shall establish the terms of a health insurance
3 plan for graduate assistants, for teaching assistants, and for employees-in-training
4 designated by the board of regents, who are employed on at least a one-third
5 full-time basis and for teachers who are employed on at least a one-third full-time
6 basis by the University of Wisconsin System with an expected duration of
7 employment of at least 6 months but less than one year. Annually, the director of the
8 office of state employment relations shall establish the amount that the employer is
9 required to pay in premium costs under this subsection.

10 **SECTION 90.** 40.62 (2) of the statutes is amended to read:

11 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
12 of the department, any collective bargaining agreement under subch. I, V, ~~or VI~~ of
13 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,
14 757.02 (5) and 978.12 (3).

15 **SECTION 91.** 40.80 (3) of the statutes is amended to read:

16 40.80 (3) Any action taken under this section shall apply to employees covered
17 by a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

18 **SECTION 92.** 40.81 (3) of the statutes is amended to read:

19 40.81 (3) Any action taken under this section shall apply to employees covered
20 by a collective bargaining agreement under subch. IV, or V, ~~or VI~~ of ch. 111.

21 **SECTION 93.** 40.95 (1) (a) 2. of the statutes is amended to read:

22 40.95 (1) (a) 2. The employee has his or her compensation established in a
23 collective bargaining agreement under subch. V ~~or VI~~ of ch. 111.

24 **SECTION 94.** 46.284 (4) (m) of the statutes is repealed.

25 **SECTION 95.** 46.2895 (8) (a) 1. of the statutes is amended to read:

1 46.2895 (8) (a) 1. If the long-term care district offers employment to any
2 individual who was previously employed by a county, which participated in creating
3 the district and at the time of the offer had not withdrawn or been removed from the
4 district under sub. (14), and who while employed by the county performed duties
5 relating to the same or a substantially similar function for which the individual is
6 offered employment by the district and whose wages, hours and conditions of
7 employment were established in a collective bargaining agreement with the county
8 under subch. IV of ch. 111 that is in effect on the date that the individual commences
9 employment with the district, with respect to that individual, abide by the terms of
10 the collective bargaining agreement concerning the individual's wages and, if
11 applicable, vacation allowance, sick leave accumulation, sick leave bank, holiday
12 allowance, funeral leave allowance, personal day allowance, or paid time off
13 allowance until the time of the expiration of that collective bargaining agreement or
14 adoption of a collective bargaining agreement with the district under subch. IV of ch.
15 111 covering the individual as an employee of the district, whichever occurs first.

16 **SECTION 96.** 46.2898 of the statutes is repealed.

17 **SECTION 97.** 46.48 (9m) of the statutes is repealed.

18 **SECTION 98.** 49.175 (1) (zh) of the statutes is amended to read:

19 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
20 moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation
21 account under s. 20.835 (2) (kf) for the earned income tax credit, \$6,664,200 in fiscal
22 year 2009-10 and ~~\$6,664,200~~ \$43,664,200 in fiscal year 2010-2011.

23 **SECTION 99.** 49.45 (2m) of the statutes is created to read:

24 49.45 (2m) **AUTHORIZATION FOR MODIFICATIONS TO PROGRAMS; STUDY.** (a) In this
25 subsection, "Medical Assistance program" includes any program operated under this

1 subchapter, demonstration program operated under 42 USC 1315, and program
2 operated under a waiver of federal law relating to medical assistance that is granted
3 by the federal department of health and human services.

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

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

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

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

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

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

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

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

21 (c) If the department determines, as a result of the study under par. (b), that
22 revision of existing statutes or rules would be necessary to advance a purpose
23 described in par. (b) 1. to 7., the department may promulgate rules that do any of the
24 following related to Medical Assistance programs:

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

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

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

7 4. Revise provider reimbursement models for particular services.

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

9 6. Restrict or eliminate presumptive eligibility.

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

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

13 9. Develop standards and methodologies to assure accurate eligibility
14 determinations and redetermine continuing eligibility.

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

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

23 2. The department shall request a waiver from the secretary of the federal
24 department of health and human services to permit the department to have in effect
25 eligibility standards, methodologies, and procedures under the state Medical

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

8 **SECTION 100.** 49.45 (2m) of the statutes, as created by 2011 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 101.** 49.45 (3) (n) of the statutes is created to read:

11 49.45 (3) (n) This subsection does not apply if the department promulgates a
12 rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

13 **SECTION 102.** 49.45 (3) (n) of the statutes, as created by 2011 Wisconsin Act
14 (this act), is repealed.

15 **SECTION 103.** 49.45 (6m) (n) of the statutes is created to read:

16 49.45 (6m) (n) This subsection does not apply if the department promulgates
17 a rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

18 **SECTION 104.** 49.45 (6m) (n) of the statutes, as created by 2011 Wisconsin Act
19 (this act), is repealed.

20 **SECTION 105.** 49.45 (8) (b) of the statutes is amended to read:

21 49.45 (8) (b) Reimbursement Unless otherwise provided by the department by
22 rule promulgated under sub. (2m) (c), reimbursement under s. 20.435 (4) (b), (o), and
23 (w) for home health services provided by a certified home health agency or
24 independent nurse shall be made at the home health agency's or nurse's usual and

1 customary fee per patient care visit, subject to a maximum allowable fee per patient
2 care visit that is established under par. (c).

3 **SECTION 106.** 49.45 (8) (b) of the statutes, as affected by 2011 Wisconsin Act ...
4 (this act), is amended to read:

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

11 **SECTION 107.** 49.45 (8) (c) of the statutes is amended to read:

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

18 **SECTION 108.** 49.45 (8) (c) of the statutes, as affected by 2011 Wisconsin Act ...
19 (this act), is amended to read:

20 49.45 (8) (c) The department shall establish a maximum statewide allowable
21 fee per patient care visit, for each type of visit with respect to provider, that may be
22 no greater than the cost per patient care visit, as determined by the department from
23 cost reports of home health agencies, adjusted for costs related to case management,
24 care coordination, travel, record keeping and supervision, ~~unless otherwise provided~~
25 ~~by the department by rule promulgated under sub. (2m) (c).~~

1 **SECTION 109.** 49.45 (8r) of the statutes is amended to read:

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

10 **SECTION 110.** 49.45 (8r) of the statutes, as affected by 2011 Wisconsin Act ...
11 (this act), is amended to read:

12 49.45 (8r) PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. ~~Unless~~
13 ~~otherwise provided by the department by rule promulgated under sub. (2m) (c), the~~
14 The rate of payment for obstetric and gynecological care provided in primary care
15 shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical
16 assistance who reside in primary care shortage areas, that is equal to 125% of the
17 rates paid under this section to primary care physicians in primary care shortage
18 areas, shall be paid to all certified primary care providers who provide obstetric or
19 gynecological care to those recipients.

20 **SECTION 111.** 49.45 (8v) of the statutes is amended to read:

21 49.45 (8v) INCENTIVE-BASED PHARMACY PAYMENT SYSTEM. The department shall
22 establish a system of payment to pharmacies for legend and over-the-counter drugs
23 provided to recipients of medical assistance that has financial incentives for
24 pharmacists who perform services that result in savings to the medical assistance
25 program. Under this system, the department shall establish a schedule of fees that

1 is designed to ensure that any incentive payments made are equal to or less than the
2 documented savings unless otherwise provided by the department by rule
3 promulgated under sub. (2m) (c). The department may discontinue the system
4 established under this subsection if the department determines, after performance
5 of a study, that payments to pharmacists under the system exceed the documented
6 savings under the system.

7 **SECTION 112.** 49.45 (8v) of the statutes, as affected by 2011 Wisconsin Act
8 (this act), is amended to read:

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

20 **SECTION 113.** 49.45 (18) (ac) of the statutes is amended to read:

21 49.45 (18) (ac) Except as provided in pars. (am) to (d), and subject to par. (ag),
22 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
23 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
24 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
25 under s. 49.46 (2). The service provider shall collect the specified or allowable

1 copayment, coinsurance, or deductible, unless the service provider determines that
2 the cost of collecting the copayment, coinsurance, or deductible exceeds the amount
3 to be collected. The department shall reduce payments to each provider by the
4 amount of the specified or allowable copayment, coinsurance, or deductible. ~~No~~
5 Unless otherwise provided by the department by rule promulgated under sub. (2m)
6 (c), no provider may deny care or services because the recipient is unable to share
7 costs, but an inability to share costs specified in this subsection does not relieve the
8 recipient of liability for these costs.

9 **SECTION 114.** 49.45 (18) (ac) of the statutes, as affected by 2011 Wisconsin Act
10 (this act), is amended to read:

11 49.45 (18) (ac) Except as provided in pars. (am) to (d), and subject to par. (ag),
12 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
13 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
14 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
15 under s. 49.46 (2). The service provider shall collect the specified or allowable
16 copayment, coinsurance, or deductible, unless the service provider determines that
17 the cost of collecting the copayment, coinsurance, or deductible exceeds the amount
18 to be collected. The department shall reduce payments to each provider by the
19 amount of the specified or allowable copayment, coinsurance, or deductible. ~~Unless~~
20 ~~otherwise provided by the department by rule promulgated under sub. (2m) (c), no~~
21 No provider may deny care or services because the recipient is unable to share costs,
22 but an inability to share costs specified in this subsection does not relieve the
23 recipient of liability for these costs.

24 **SECTION 115.** 49.45 (18) (ag) (intro.) of the statutes is amended to read:

1 49.45 (18) (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject
2 to par. (d), a recipient specified in par. (ac) shall pay all of the following, unless
3 otherwise provided by the department by rule promulgated under sub. (2m) (c):

4 **SECTION 116.** 49.45 (18) (ag) (intro.) of the statutes, as affected by 2011
5 Wisconsin Act (this act), is amended to read:

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

9 **SECTION 117.** 49.45 (18) (b) (intro.) of the statutes is amended to 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 **SECTION 118.** 49.45 (18) (b) (intro.) of the statutes, as affected by 2011
14 Wisconsin Act (this act), is amended to read:

15 49.45 (18) (b) (intro.) ~~Unless otherwise provided by the department by rule~~
16 ~~promulgated under sub. (2m) (c), the~~ The following services are not subject to
17 recipient cost sharing under this subsection:

18 **SECTION 119.** 49.45 (18) (d) of the statutes is amended to read:

19 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
20 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
21 is liable under this subsection for more than \$12 per month for prescription drugs
22 received, unless otherwise provided by the department by rule promulgated under
23 sub. (2m) (c).

24 **SECTION 120.** 49.45 (18) (d) of the statutes, as affected by 2011 Wisconsin Act
25 (this act), is amended to read:

1 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
2 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
3 is liable under this subsection for more than \$12 per month for prescription drugs
4 received, ~~unless otherwise provided by the department by rule promulgated under~~
5 ~~sub. (2m) (c).~~

6 **SECTION 121.** 49.45 (23) (a) of the statutes is amended to read:

7 49.45 (23) (a) The department shall request a waiver from the secretary of the
8 federal department of health and human services to permit the department to
9 conduct a demonstration project to provide health care coverage for basic primary
10 and preventive care to adults who are under the age of 65, who have family incomes
11 not to exceed 200 percent of the poverty line, and who are not otherwise eligible for
12 medical assistance under this subchapter, the Badger Care health care program
13 under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department
14 promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the
15 extent that it conflicts with the rule.

16 **SECTION 122.** 49.45 (23) (a) of the statutes, as affected by 2011 Wisconsin Act
17 (this act), is amended to read:

18 49.45 (23) (a) The department shall request a waiver from the secretary of the
19 federal department of health and human services to permit the department to
20 conduct a demonstration project to provide health care coverage for basic primary
21 and preventive care to adults who are under the age of 65, who have family incomes
22 not to exceed 200 percent of the poverty line, and who are not otherwise eligible for
23 medical assistance under this subchapter, the Badger Care health care program
24 under s. 49.665, or Medicare under 42 USC 1395 et seq. ~~If the department~~

1 ~~promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the~~
2 ~~extent that it conflicts with the rule.~~

3 **SECTION 123.** 49.45 (23) (b) of the statutes is amended to read:

4 49.45 (23) (b) If the waiver is granted and in effect, the department may
5 promulgate rules defining the health care benefit plan, including more specific
6 eligibility requirements and cost-sharing requirements. ~~Cost~~ Unless otherwise
7 provided by the department by rule promulgated under sub. (2m) (c), cost sharing
8 may include an annual enrollment fee, which may not exceed \$75 per year.
9 Notwithstanding s. 227.24 (3), the plan details under this subsection may be
10 promulgated as an emergency rule under s. 227.24 without a finding of emergency.
11 If the waiver is granted and in effect, the demonstration project under this subsection
12 shall begin on January 1, 2009, or on the effective date of the waiver, whichever is
13 later.

14 **SECTION 124.** 49.45 (23) (b) of the statutes, as affected by 2011 Wisconsin Act
15 (this act), is amended to read:

16 49.45 (23) (b) If the waiver is granted and in effect, the department may
17 promulgate rules defining the health care benefit plan, including more specific
18 eligibility requirements and cost-sharing requirements. ~~Unless otherwise provided~~
19 ~~by the department by rule promulgated under sub. (2m) (c), cost~~ Cost sharing may
20 include an annual enrollment fee, which may not exceed \$75 per year.
21 Notwithstanding s. 227.24 (3), the plan details under this subsection may be
22 promulgated as an emergency rule under s. 227.24 without a finding of emergency.
23 If the waiver is granted and in effect, the demonstration project under this subsection
24 shall begin on January 1, 2009, or on the effective date of the waiver, whichever is
25 later.

1 **SECTION 125.** 49.45 (24g) (c) of the statutes is amended to read:

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

12 **SECTION 126.** 49.45 (24g) (c) of the statutes, as affected by 2011 Wisconsin Act
13 (this act), is amended to read:

14 49.45 (24g) (c) The department's proposal under par. (a) shall specify increases
15 in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or
16 2., and shall provide for payment of a monthly per-patient care coordination fee to
17 those providers. The department shall set the increases in reimbursement rates and
18 the monthly per-patient care coordination fee so that together they provide
19 sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The
20 proposal shall specify effective dates for the increases in reimbursement rates and
21 the monthly per-patient care coordination fee that are no sooner than July 1, 2011.
22 ~~If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not~~
23 ~~apply to the extent that it conflicts with the rule.~~

24 **SECTION 127.** 49.45 (24r) (a) of the statutes is amended to read:

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

8 **SECTION 128.** 49.45 (24r) (a) of the statutes, as affected by 2011 Wisconsin Act
9 ... (this act), is amended to read:

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

17 **SECTION 129.** 49.45 (24r) (b) of the statutes is amended to read:

18 49.45 (24r) (b) The department may request an amended waiver from the
19 secretary to permit the department to conduct a demonstration project to provide
20 family planning to any man between the ages of 15 and 44 whose family income does
21 not exceed 200 percent of the poverty line for a family the size of the man's family.
22 If the amended waiver is granted, the department may implement the waiver. If the
23 department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply
24 to the extent it conflicts with the rule.

1 **SECTION 130.** 49.45 (24r) (b) of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 49.45 **(24r)** (b) The department may request an amended waiver from the
4 secretary to permit the department to conduct a demonstration project to provide
5 family planning to any man between the ages of 15 and 44 whose family income does
6 not exceed 200 percent of the poverty line for a family the size of the man's family.
7 If the amended waiver is granted, the department may implement the waiver. ~~If the~~
8 ~~department promulgates a rule under sub. (2m) (e) 10., this paragraph does not apply~~
9 ~~to the extent it conflicts with the rule.~~

10 **SECTION 131.** 49.45 (25g) (c) of the statutes is amended to read:

11 49.45 **(25g)** (c) The department's proposal under par. (b) shall specify increases
12 in reimbursement rates for providers that satisfy the conditions under par. (b), and
13 shall provide for payment of a monthly per-patient care coordination fee to those
14 providers. The department shall set the increases in reimbursement rates and the
15 monthly per-patient care coordination fee so that together they provide sufficient
16 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
17 specify effective dates for the increases in reimbursement rates and the monthly
18 per-patient care coordination fee that are no sooner than January 1, 2011. The
19 increases in reimbursement rates and monthly per-patient care coordination fees
20 that are not provided by the federal government shall be paid from the appropriation
21 under s. 20.435 (1) (am). If the department promulgates a rule under sub. (2m) (c)
22 4., this paragraph does not apply to the extent it conflicts with the rule.

23 **SECTION 132.** 49.45 (25g) (c) of the statutes, as affected by 2011 Wisconsin Act
24 (this act), is amended to read:

1 49.45 (25g) (c) The department's proposal under par. (b) shall specify increases
2 in reimbursement rates for providers that satisfy the conditions under par. (b), and
3 shall provide for payment of a monthly per-patient care coordination fee to those
4 providers. The department shall set the increases in reimbursement rates and the
5 monthly per-patient care coordination fee so that together they provide sufficient
6 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
7 specify effective dates for the increases in reimbursement rates and the monthly
8 per-patient care coordination fee that are no sooner than January 1, 2011. The
9 increases in reimbursement rates and monthly per-patient care coordination fees
10 that are not provided by the federal government shall be paid from the appropriation
11 under s. 20.435 (1) (am). ~~If the department promulgates a rule under sub. (2m) (e)~~
12 ~~4., this paragraph does not apply to the extent it conflicts with the rule.~~

13 **SECTION 133.** 49.45 (27) of the statutes is amended to read:

14 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
15 lawfully admitted for permanent residence or otherwise permanently residing in the
16 United States under color of law may not receive medical assistance benefits except
17 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise
18 provided by the department by rule promulgated under sub. (2m) (c).

19 **SECTION 134.** 49.45 (27) of the statutes, as affected by 2011 Wisconsin Act ...
20 (this act), is amended to read:

21 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
22 lawfully admitted for permanent residence or otherwise permanently residing in the
23 United States under color of law may not receive medical assistance benefits except
24 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), ~~unless otherwise~~
25 ~~provided by the department by rule promulgated under sub. (2m) (c).~~