





NWN

JLD

ASSEMBLY AMENDMENT 1,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2011 ASSEMBLY BILL 40

This is version of the amendments that we first put together against the engrossed amendments that protected the first sub/against

June 13, 2011 - Offered by Representatives J. FITZGERALD and SUDER.

This is a version that was engrossed manually. But produced the sub/en by run autoengross routines on a version of

A

engrossed amendment that had been engrossed with the autoengross routine

The two versions will check on each other

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 ✓ X 1m. Page 16, line 18: delete "xq" and substitute "gb".
- 3 ✓ X 2m. Page 21, line 3: delete lines 3 to 21.
- 4 ✓ X 3m. Page 30, line 6: delete lines 6 to 15.
- 5 ✓ X 4m. Page 31, line 14: delete lines 14 to 18.
- 6 ✓ X 5m. Page 34, line 18: delete lines 18 to 25.
- 7 X 6m. Page 56, line 17: after that line insert:

8           “(4) If a state agency is undergoing an upgrade of its computer operations, the

9 state agency may request an exemption from subs. (2) and (3) during the period

10 before the completion of the upgrade by submitting a written request to the joint

11 committee on finance. If the cochairpersons of the committee do not notify the state

12 agency within 14 working days after the date of the agency’s submittal that the

1 committee intends to schedule a meeting to review the request, approval of the  
2 request is granted. If, within 14 working days after the date of the state agency's  
3 request submittal, the cochairpersons of the committee notify the agency that the  
4 committee intends to schedule a meeting to review the request, the request may be  
5 granted only as approved by the committee." ✓

6 ✓ X 7m. Page 59, line 6: delete that line and substitute "estimates for the  
7 appropriations under s. 20.285 (1) (im) and (n) nor".

8 ✓ X 8m. Page 60, line 4: after that line insert:

9 "SECTION 218hm. 16.50 (5m) of the statutes is repealed."

10 ✓ X 9m. Page 63, line 9: delete lines 9 to 12 and substitute:

11 "SECTION 235m. 16.705 (1r) (d) of the statutes is amended to read:

12 16.705 (1r) (d) Contractual services purchased by the Board of Regents of the  
13 University of Wisconsin System with moneys appropriated under s. 20.285 (1) (j),  
14 (ja), (jm), (ge), (u), or (w) or (5) (j)."

15 ✓ X 10m. Page 63, line 15: delete "(u), (w), or (xr)" and substitute "(ge), (u), or (w)".

16 ✓ X 11m. Page 63, line 15: after that line insert:

17 "SECTION 237g. 16.705 (2) of the statutes is amended to read:

18 16.705 (2) The department shall promulgate rules for the procurement of  
19 contractual services by the department and its designated agents, including but not  
20 limited to rules prescribing approval and monitoring processes for contractual  
21 service contracts, a requirement for agencies, except for the University of Wisconsin  
22 System, to conduct a uniform cost-benefit analysis of each proposed contractual  
23 service procurement involving an estimated expenditure of more than \$25,000 in  
24 accordance with standards prescribed in the rules, and a requirement for agencies  
25 to review periodically, and before any renewal, the continued appropriateness of

1 contracting under each contractual services agreement involving an estimated  
2 expenditure of more than \$25,000. Each officer requesting approval to engage any  
3 person to perform contractual services shall submit to the department written  
4 justification for such contracting which shall include a description of the contractual  
5 services to be procured, justification of need, justification for not contracting with  
6 other agencies, a specific description of the scope of contractual services to be  
7 performed, and justification for the procurement process if a process other than  
8 competitive bidding is to be used. The department may not approve any contract for  
9 contractual services unless it is satisfied that the justification for contracting  
10 conforms to the requirements of this section and ss. 16.71 to 16.77.

11 **SECTION 238g.** 16.705 (3) (intro.) of the statutes is amended to read:

12 16.705 (3) (intro.) The director of the office of state employment relations, prior  
13 to award, under conditions established by rule of the department, shall review  
14 contracts for contractual services in order to ensure that all agencies except for the  
15 University of Wisconsin System:

16 **SECTION 239g.** 16.705 (8) (intro.) of the statutes is amended to read:

17 16.705 (8) (intro.) The department shall, annually on or before October 15,  
18 submit to the governor, the joint committee on finance, the joint legislative audit  
19 committee and the chief clerk of each house of the legislature for distribution to the  
20 appropriate standing committees under s. 13.172 (3), a report concerning the  
21 number, value and nature of contractual service procurements authorized for each  
22 agency, except the University of Wisconsin System, during the preceding fiscal year.  
23 The report shall also include, with respect to contractual service procurements by  
24 agencies, except the University of Wisconsin System, for the preceding fiscal year.”.

25 ✓ X 12m. Page 66, line 2: after that line insert:

1           “**SECTION 245g.** 16.75 (1) (b) of the statutes is renumbered 16.75 (1) (b) 1. and  
2 amended to read:

3           16.75 (1) (b) 1. ~~When~~ Except as provided in subd. 2., when the estimated cost  
4 exceeds \$25,000, the department shall invite bids to be submitted. ~~The~~

5           3. If subd. 1. or 2. requires bids to be solicited, the department shall either shall  
6 solicit sealed bids to be opened publicly at a specified date and time, or shall solicit  
7 bidding by auction to be conducted electronically at a specified date and time.  
8 Whenever bids are invited, due notice inviting bids shall be published as a class 2  
9 notice, under ch. 985 or posted on the Internet at a site determined or approved by  
10 the department. The bid opening or auction shall occur at least 7 days after the date  
11 of the last insertion of the notice or at least 7 days after the date of posting on the  
12 Internet. The notice shall specify whether sealed bids are invited or bids will be  
13 accepted by auction, and shall give a clear description of the materials, supplies,  
14 equipment, or contractual services to be purchased, the amount of any bond, share  
15 draft, check, or other draft to be submitted as surety with the bid or prior to the  
16 auction, and the date and time that the public opening or the auction will be held.

17           **SECTION 246g.** 16.75 (1) (b) 2. of the statutes is created to read:

18           16.75 (1) (b) 2. If the Board of Regents of the University of Wisconsin System  
19 or the University of Wisconsin–Madison is making the purchase, bids are not  
20 required if the estimated cost does not exceed \$50,000.

21           **SECTION 247g.** 16.75 (2m) (b) of the statutes is renumbered 16.75 (2m) (b) 1.  
22 and amended to read:

23           16.75 (2m) (b) 1. ~~When~~ Except as provided in subd. 2., when the estimated cost  
24 exceeds \$25,000, the department may invite competitive sealed proposals by  
25 publishing.

1           3. If competitive sealed proposals are invited, the department shall publish a  
 2 class 2 notice under ch. 985 or by posting post notice on the Internet at a site  
 3 determined or approved by the department. The notice shall describe the materials,  
 4 supplies, equipment, or contractual services to be purchased, the intent to make the  
 5 procurement by solicitation of proposals rather than by solicitation of bids, any  
 6 requirement for surety and the date the proposals will be opened, which shall be at  
 7 least 7 days after the date of the last insertion of the notice or at least 7 days after  
 8 the date of posting on the Internet.

9           **SECTION 248g.** 16.75 (2m) (b) 2. of the statutes is created to read:

10           16.75 (2m) (b) 2. If the Board of Regents of the University of Wisconsin System  
 11 or the University of Wisconsin-Madison is making the purchase, competitive sealed  
 12 proposals are not required if the estimated cost does not exceed \$50,000.” ✓

13 ✓ X 13m. Page 74, line 19: delete “or the University of Wisconsin-Madison”.

14 ✓ X 14m. Page 80, line 16: after that line insert:

15 ✓ “**SECTION 335m.** 16.974 (4) of the statutes is created to read.” ✓

16           16.974 (4) Provide services authorized under sub. (3) to hospitals, as defined  
 17 in s. 50.33 (2). Subsection (1) applies to the services provided under this subsection.” ✓

18 ✓ X 15m. Page 81, line 9: delete lines 9 to 11.

19 X 16m. Page 83, line 25: after that line insert:

20           “**SECTION 356g.** 19.44 (1) (f) of the statutes is amended to read:

21           19.44 (1) (f) If the individual who is required to file or a member of his or her  
 22 immediate family received \$1,000 \$10,000 or more of his or her income for the  
 23 preceding taxable year from a partnership, limited liability company, corporation  
 24 electing to be taxed as a partnership under subchapter S of the internal revenue code  
 25 or service corporation under ss. 180.1901 to 180.1921 in which the individual or a

1 member of his or her immediate family, severally or in the aggregate, has a 10% or  
 2 greater interest, the identity of each payer from which the organization received  
 3 ~~\$1,000~~ \$10,000 or more of its income for its preceding taxable year, except that if the  
 4 individual who is required to file identifies the general nature of the business in  
 5 which he or she or his or her immediate family is engaged then no identification need  
 6 be made of a decedent's estate or an individual, not acting as a representative of an  
 7 organization, unless the individual is a lobbyist as defined in s. 13.62. In addition,  
 8 no identification need be made of payers from which dividends or interest are  
 9 received."

10 X 17m. Page 88, line 4 after that line insert:

11 "SECTION 370m. 20.003 (4m) of the statutes is amended to read:

12 20.003 (4m) REQUIRED GENERAL FUND STRUCTURAL BALANCE. No bill may be  
 13 adopted by the legislature if the bill would cause in any fiscal year the 2nd year of  
 14 any fiscal biennium the amount of moneys designated as "Total Expenditures" in the  
 15 summary under s. 20.005 (1) for that fiscal year, less any amounts transferred to the  
 16 budget stabilization fund in that fiscal year, to exceed the sum of the amount of  
 17 moneys designated as "Taxes" and "Departmental Revenues" in the summary under  
 18 s. 20.005 (1) for that fiscal year."

19 X 18m. Page 88, line 7: after that line, in the general fund summary, on the line  
 20 for taxes, for 2012-13, delete "3,829,193,000" and substitute "13,829, 193,000".

21 19m. Page 123, line 13: delete that line.

22 20m. Page 123, line 14: delete "and".

23 21m. Page 130, line 7: delete ", Racine, and Green Bay" and substitute  
 24 "Parental Choice Program".

25 22m. Page 130, line 8: delete "parental" and substitute "and".

get before ?

ccc







- 1           30s. Page 206, line 17: delete lines 17 and 18.
- 2           30t. Page 218, line 17: delete that line.
- 3           30u. Page 219, line 1: delete lines 1 and 2.
- 4           30v. Page 222, line 9: delete lines 9 and 10.
- 5           30w. Page 239, line 11: delete that line.
- 6           30x. Page 244, line 18: after that line insert:
- 7           “(id) Justice information fee receipts   PR       C           -0-       -0-”.
- 8           30y. Page 245, line 1: delete lines 1 to 3.
- 9           30z. Page 245, line 15: delete lines 15 and 16.
- 10          31b. Page 255, line 6: after that line insert:
- 11          “(c) Payments to designated agents   GPR    A           -0-       -0-”.
- 12          31c. Page 255, line 13: after that line insert:
- 13          “(k) Sale of materials or services       PR-S   C           -0-       -0-”.
- 14          31d. Page 294, line 9: delete lines 9 to 11.
- 15          31e. Page 295, line 3: delete that line.
- 16          31f. Page 295, line 19: before that line insert:
- 17          “(km) Aquaculture demonstration facil-
- 18               ity; principal repayment and
- 19               interest                           PR-S   A       263,400   264,700”.
- 20          ~~✓~~ 31g. Page 314, line 11: delete “, Racine, and Green Bay”.
- 21          ~~✓~~ 31h. Page 314, line 11: delete “Program” and substitute “Program and choice
- 22          programs in other eligible school districts”.
- 23          ~~✓~~ 31i. Page 314, line 12: delete “programs”.
- 24          ~~✓~~ 31j. Page 314, line 12: delete “, 118.62”.

1     ~~✓~~X 31k. Page 314, line 13: delete “(2)(a) 3.”.

2     ~~✓~~X 31L. Page 314, line 15: delete “, under” and substitute “and under”.

3     ~~✓~~X 31m. Page 314, line 16: delete “Racine Parental Choice Program” and  
4     substitute “choice program under s. 118.60”.

5     ~~✓~~X 31n. Page 314, line 16: delete the material beginning with “, and under” and  
6     ending with “Program” on line 18.

7     ~~✓~~X 31o. Page 315, line 18: delete lines 18 to 20.

8     ~~✓~~X 31p. Page 315, line 22: delete “*Racine parental choice program*” and substitute  
9     “*Parental choice program for eligible school districts*”.

10    ~~✓~~X 31q. Page 316, line 1: delete that line and substitute:

11         ~~✓~~ “20.255 (2) (fv) *Milwaukee Parental Choice Program and choice programs in*  
12         *other eligible school districts*”.

13    ~~✓~~X 31r. Page 316, line 2: delete “programs”.

14    ~~✓~~X 31s. Page 316, line 3: delete “, 118.62 (4r)”.

15    ~~✓~~X 31t. Page 317, line 21: delete “(xs)” and substitute “(gj)”.

16    ~~✓~~X 31u. Page 318, line 10: after that line insert:

17         “**SECTION 550gb.** 20.285 (1) (gb) of the statutes is created to read:

18         20.285 (1) (gb) *General program operations.* All moneys received from the  
19         operation of educational programs and related programs to carry out the purposes  
20         for which received, including the transfer of funds to par. (gj). In each fiscal year, the  
21         Board of Regents shall transfer no more than \$20,338,500 from this appropriation  
22         account to the medical assistance trust fund. ✓

23         **SECTION 550gd.** 20.285 (1) (ge) of the statutes is created to read:

1           20.285 (1) (ge) *Gifts and nonfederal grants and contracts*. All moneys received  
2 as gifts, bequests, or devises or nonfederal grants or contracts to carry out the  
3 purposes for which received.

4           **SECTION 550gk.** 20.285 (1) (gj) of the statutes is created to read:

5           20.285 (1) (gj) *Self-amortizing facilities principal and interest*. From revenues  
6 credited under par (gb), a sum sufficient to reimburse s. 20.866 (1) (u) for any  
7 amounts advanced to meet principal and interest costs on self-amortizing university  
8 facilities and to make payments under an agreement or ancillary arrangement  
9 entered into under s. 18.06 (8) (a). For projects authorized by the building  
10 commission on or after July 1, 2001, annually an amount equal to 40 percent of the  
11 principal and interest costs for maintenance of University of Wisconsin-Madison  
12 intercollegiate athletic facilities shall be paid from the appropriation under this  
13 paragraph.”

14       ~~X~~ 31v. Page 319, line 3: delete that line.

15       ~~X~~ 31w. Page 319, line 11: delete that line and substitute:

16           **SECTION 574rm.** 20.285 (1) (km) of the statutes is renumbered 20.867 (3)  
17 (km).”

18       ~~X~~ 31x. Page 319, line 16: after that line insert:

19       ~~\*~~ **SECTION 576gm.** 20.285 (1) (Li) of the statutes is created to read:

20           20.285 (1) (Li) *General fund interest*. All interest earned in the general fund  
21 that is attributable to the appropriations under pars. (gb), (ge), (gj), and (k) for the  
22 purpose of the appropriation to which it is attributable.”

23       ~~X~~ 31y. Page 319, line 18: after that line insert:

24       ~~\*~~ **SECTION 577d.** 20.285 (1) (m) of the statutes is repealed and recreated to read:

~~\*~~ = Section # out of order w/ section # in Jt. Fin. sub.  
see also next page

1           20.285 (1) (m) *Federal aid*. All federal moneys received to carry out the  
2 purposes for which received.

3       ~~✗~~ **SECTION 577e.** 20.285 (1) (ma) of the statutes is repealed.

4       ~~✗~~ **SECTION 577g.** 20.285 (1) (n) of the statutes is repealed.”.

5       ~~✗~~ 32b. Page 320, line 15: delete the material beginning with that line and ending  
6 with page 321, line 13.

7       ~~✗~~ 32c. Page 321, line 15: after that line insert:

8           “**SECTION 580m.** 20.285 (2) (i) of the statutes is repealed.”.

9       ~~✗~~ 32d. Page 321, line 18: delete “(xq), and (xr)” and substitute “(gb), and (ge)”.

10       ~~✗~~ 32e. Page 321, line 22: after that line insert:

11           “**SECTION 582k.** 20.285 (3) (n) of the statutes is repealed.”.

12       ~~✗~~ 32f. Page 324, line 8: after “fiscal year” insert “, to be credited to the  
13 appropriation account under s. 20.285 (1) (k).”.

14       ~~✗~~ 32g. Page 325, line 15: after “fiscal year” insert “, to be credited to the  
15 appropriation account under s. 20.285 (1) (k).”.

16       ~~✗~~ 32h. Page 337, line 1: delete lines 1 to 5.

17       ~~✗~~ 32i. Page 339, line 7: after that line insert:

18           “**SECTION 634r.** 20.425 (1) (i) of the statutes, as affected by 2011 Wisconsin Act  
19 10, is repealed and recreated to read:

20           20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*

21 The amounts in the schedule for the performance of fact-finding, mediation,  
22 certification, and arbitration functions, for the provision of copies of transcripts, for  
23 the cost of operating training programs under ss. 111.09 (3), 111.71 (5m), and 111.94  
24 (3), for the preparation of publications, transcripts, reports, and other copied  
25 material, and for costs related to conducting appeals under s. 230.45. All moneys

1 received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3)  
2 (b), 111.94 (1) and (2), and 230.45 (3), all moneys received from arbitrators and  
3 arbitration panel members, and individuals who are interested in serving in such  
4 positions, and from individuals and organizations who participate in other collective  
5 bargaining training programs conducted by the commission, and all moneys received  
6 from the sale of publications, transcripts, reports, and other copied material shall be  
7 credited to this appropriation account.”.

8 ✓ X 32j. Page 362, line 18: delete the material beginning with that line and ending  
9 with page 363, line 2, and substitute:

10 “SECTION 738pm. 20.505 (8) (hm) 1c. of the statutes is amended to read:

11 20.505 (8) (hm) 1c. The amount transferred to s. ~~20.285 (1)~~ 20.867 (3) (km) shall  
12 be the amount in the schedule under s. ~~20.285 (1)~~ 20.867 (3) (km).”.

*Not given effect  
in revision*

13 ✓ X 32k. Page 376, line 14: delete “(xs)” and substitute “(gj)”.

14 33m. Page 385, line 10: decrease the underscored dollar amount by \$2,000,000  
15 to reduce bonding for the purpose for which the appropriation is made.

16 ✓ X 34m. Page 388, line 3: delete lines 3 to 11.

17 ✓ X 35m. Page 388, line 17: delete “(im), (je), (jq), (kd), (km), and (ko), and (xs).” and  
18 substitute “(im), (gj) and (je), (jq), (kd), (km), and (ko).”.

19 ✓ X 36m. Page 388, line 21: delete “(im), (je), (jq), (kd), (km), or (ko), and (xs).” and  
20 substitute “(im), (gj) and (je), (jq), (kd), (km), or (ko).”.

21 ✓ X 37m. Page 389, line 10: delete “(xs)” and substitute “(gj)”.

22 ✓ 1. Page 390, line 5: after that line insert:

23 “SECTION 804t. 20.921 (2) (c) of the statutes is created to read:

*add  
Manvell,*

1           20.921 (2) (c) The head of each state agency, as defined in s. 40.02 (54), shall  
2 deduct from the salary of each employee the contributions required by s. 40.05 (1) (a)  
3 as provided in s. 40.05 (1) (b).”

4       ✓X 41. Page 391, line 5: delete lines 5 and 6.

5       ✓X 41b. Page 419, line 16: delete “(xq)” and substitute “(gb)”.

6       ✓X 41c. Page 420, line 25: delete the material beginning with that line and ending  
7 with page 421, line 13.

8       ✓X 41d. Page 427, line 23: delete the material beginning with that line and ending  
9 with page 431, line 21.

10       ✓X 41e. Page 440, line 4: delete lines 4 to 24.

11       ✓X 41f. Page 441, line 1: delete lines 1 to 24

12       ✓X 41g. Page 442, line 1: delete lines 1 and 2.

13       ✓X 41h. Page 445, line 25: delete “directly or indirectly”.

14       ✓X 41i. Page 455, line 24: delete “renumbered 3.27” and substitute “renumbered  
15 36.27”.

16       ✓X 41j. Page 456, line 3: delete “course.” and substitute “course, including the  
17 University of Wisconsin–Madison Executive MBA Program.” ✓

18       ✓X 41k. Page 457, line 24: delete “course.” and substitute “course, including the  
19 University of Wisconsin–Madison Executive MBA Program.”

20       ✓X 41L. Page 459, line 24: delete lines 24 and 25 and substitute “board shall credit  
21 the net proceeds of the sale to the appropriation account under s. 20.285 (1) (~~iz~~) (gb)  
22 except that if” ✓

23       ✓X 41m. Page 462, line 6: delete lines 6 and 7 and substitute:

24           “36.54 (2) (b) From the appropriations under s. 20.285 (1) (j), (ge), (r), and (rc)  
25 the environmental education board shall award grants to corporations and”

no CCC  
needed

1 ✓X 41n. Page 462, line 19: delete that line and substitute “under s. 20.285 (1) ~~(j)~~,  
2 ~~(ge)~~, (r), and (rc) in any fiscal year is insufficient to fund”.

3 ✓X 41r. Page 462, line 24: delete ““telecommunications” and substitute:  
4 “(a) “Telecommunications”.” ✓

5 ✓X 41p. Page 462, line 24: delete “section,” and substitute “section:”.

6 ✓X 41q. Page 463, line 2: after that line insert:

7 “(b) “Third-party entity” means a company, corporation, nonprofit association,  
8 joint venture, cooperative, partnership, or consortium.”.

9 ✓X 41r. Page 463, line 3: delete “The” and substitute “(a) Except as provided in par.  
10 (b), beginning July 1, 2013, the”.

11 ✓X 41s. Page 463, line 5: delete “business organization” and substitute  
12 “third-party entity”. ✓

13 ✓X 41t. Page 463, line 7: delete that line and substitute “unless at least one of the  
14 following applies:”.

15 ✓ X 42b. Page 463, line 7: after that line insert:

16 “1. The third-party entity or other person does not offer, resell, or provide  
17 telecommunications services that it did not offer, resell, or provide on June 15, 2011,  
18 and the third-party entity or other person does not offer, resell, or provide  
19 telecommunications services to a private entity, to the general public, or to a public  
20 entity other than a university or a university-affiliated research facility or a facility  
21 approved by the joint committee on finance under sub. (4), that the third-party entity  
22 was not serving on June 15, 2011.

23 2. The third-party entity or other person is comprised entirely of universities  
24 and university-affiliated research facilities.



1 (b) The joint committee on finance may by majority vote postpone the  
2 prohibition under par. (a).”.

3 ✓ X42d. Page 463, line 8: delete lines 8 to 19 and substitute:

4 “(4) Beginning June 15, 2011, the board may not commit, and shall ensure that  
5 no institution or college campus or the extension, commit, any funds received from  
6 the National Telecommunications and Information Administration in the federal  
7 department of commerce related to the Building Community Capacity Through  
8 Broadband Project grant awarded to the extension to any facilities to which such  
9 funds were not committed prior to June 15, 2011, without the approval of the joint  
10 committee on finance.”.

11 ✓ <sup>stat.</sup> X42e. Page 479, line 17: delete the material beginning with that line and ending  
12 with page 480, line 4.

13 ~~page 480 line 4 after that line insert:~~  
14 “SECTION 970s. 36.25 (13g) (c) of the statutes is repealed.”

14 ✓ X 2. Page 480, line 4: after that line insert:

15 “SECTION 1136m. 40.02 (22) (ec) of the statutes is created to read:  
16 40.02 (22) (ec) Includes contributions made by a reduction in salary as provided  
17 in s. 40.05 (1) (b).”.

18 ✓ X 3. Page 482, line 5: after that line insert:

19 “SECTION 1145d. 40.05 (1) (a) (intro.) of the statutes, as affected by 2011  
20 Wisconsin Act 10, is repealed and recreated to read:

21 40.05 (1) (a) (intro.) Subject to par. (b):

22 SECTION 1145f. 40.05 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin  
23 Act 10, is repealed and recreated to read:

1 40.05 (1) (a) 1. For each participating employee not otherwise specified, a  
2 percentage of each payment of earnings equal to one-half of the total actuarially  
3 required contribution rate, as approved by the board under s. 40.03 (1) (e).

4 **SECTION 1145h.** 40.05 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin  
5 Act 10, is repealed and recreated to read:

6 40.05 (1) (a) 2. For each participating employee whose formula rate is  
7 determined under s. 40.23 (2m) (e) 2., a percentage of each payment of earnings equal  
8 to one-half of the total actuarially required contribution rate, as approved by the  
9 board under s. 40.03 (1) (e).

10 **SECTION 1145j.** 40.05 (1) (a) 3. of the statutes, as affected by 2011 Wisconsin  
11 Act 10, is repealed and recreated to read:

12 40.05 (1) (a) 3. For each participating employee whose formula rate is  
13 determined under s. 40.23 (2m) (e) 3., the percentage of earnings paid by a  
14 participating employee under subd. 1.

15 **SECTION 1145L.** 40.05 (1) (a) 4. of the statutes is, as affected by 2011 Wisconsin  
16 Act 10, is repealed and recreated to read:

17 40.05 (1) (a) 4. For each participating employee whose formula rate is  
18 determined under s. 40.23 (2m) (e) 4., the percentage of earnings paid by a  
19 participating employee under subd. 1.”

20 × **4.** Page 482, line 6; delete the material beginning with that line and ending  
21 with page 483, line 13, and substitute:

22 “**SECTION 1145n.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act  
23 10, is repealed and recreated to read:

this is Ins 480-2

HUMAN INTERVIEW

ccc ✓

Ins 480-2 cont'd

1           40.05 (1) (b) 1. Except as otherwise provided in a collective bargaining  
 2 agreement entered into under subch. IV or V of ch. 111 and except as provided in  
 3 subd. 2., an employer may not pay, on behalf of a participating employee, any of the  
 4 contributions required by par. (a). The contributions required by par. (a) shall be  
 5 made by a reduction in salary and, for tax purposes, shall be considered employer  
 6 contributions under section 414 (h) (2) of the Internal Revenue Code. A participating  
 7 employee may not elect to have contributions required by par. (a) paid directly to the  
 8 employee or make a cash or deferred election with respect to the contributions.

9           2. a. A municipal employer shall pay, on behalf of a nonrepresented law  
 10 enforcement or fire fighting managerial employee, who was initially employed by the  
 11 municipal employer before the effective date of this subd. 2. a. .... [LRB inserts date],  
 12 the same contributions required by par. (a) that are paid by the municipal employer  
 13 for represented law enforcement or fire fighting personnel who were initially  
 14 employed by the municipal employer before the effective date of this subd. 2. a. ....  
 15 [LRB inserts date].

16           b. An employer shall pay, on behalf of a nonrepresented managerial employee  
 17 in a position described under s. 40.02 (48) (am) 7. or 8., who was initially employed  
 18 by the state before the effective date of this subd. 2. b. .... [LRB inserts date], in a  
 19 position described under s. 40.02 (48) (am) 7. or 8. the same contributions required  
 20 by par. (a) that are paid by the employer for represented employees in positions  
 21 described under s. 40.02 (48) (am) 7. or 8. who were initially employed by the state  
 22 before the effective date of this subd. 2. b. .... [LRB inserts date].

23           c. A municipal employer shall pay, on behalf of a represented law enforcement  
 24 or fire fighting employee, who was initially employed by the municipal employer  
 25 before the effective date of this subd. 2. c. .... [LRB inserts date], and who on or after

HUMAN INTERVENTION



*Ins 480-2 cont'd 19 -*

1 the effective date of this subd. 2. c. .... [LRB inserts date], became employed in a  
 2 nonrepresented law enforcement or fire fighting managerial position with the same  
 3 municipal employer, or a successor municipal employer in the event of a combined  
 4 department that is created on or after the effective date of this subd. 2. c. .... [LRB  
 5 inserts date, the same contributions required by par. (a) that are paid by the  
 6 employer for represented law enforcement or fire fighting personnel who were  
 7 initially employed by a municipal employer before the effective date of this subd. 2.  
 8 c. .... [LRB inserts date].

9 52b. Page 482, line 14: after "employee" insert "or a nonrepresented managerial  
 10 employee described in s. 111.70 (1) (mm) 2."

11 52m. Page 482, line 17: after "personnel" insert "or personnel described in s.  
 12 111.70 (1) (mm) 2."

13 52x. Page 483, line 4: after "employee" insert "or employee described in s. 111.70  
 14 (1) (mm) 2."

15 53b. Page 483, line 7: after "position" insert "or nonrepresented managerial  
 16 position described in s. 111.70 (1) (mm) 2."

17 53d. Page 483, line 11: after "personnel" insert "or personnel described in s.  
 18 111.70 (1) (mm) 2."

19 ✓ X 53g. Page 483, line 13: after that line insert:

20 "SECTION 1145rh. 40.05 (4) (ag) of the statutes, as affected by 2011 Wisconsin  
 21 Act 10, is repealed and recreated to read:

22 40.05 (4) (ag) Except as otherwise provided in a collective bargaining  
 23 agreement under subch. V of ch. 111, the employer shall pay for its currently  
 24 employed insured employees:

*HUMAN  
 INTERVENTION*

*human  
 intervention*

1           1. For insured part-time employees other than employees specified in s. 40.02  
2 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are  
3 appointed to work less than 1,044 hours per year, an amount determined annually  
4 by the director of the office of state employment relations under par. (ah).

5           2. For eligible employees not specified in subd. 1. and s. 40.02 (25) (b) 2., an  
6 amount not more than 88 percent of the average premium cost of plans offered in the  
7 tier with the lowest employee premium cost under s. 40.51 (6), as determined  
8 annually by the director of the office of state employment relations under par. (ah).

9           **SECTION 1145rm.** 40.05 (4) (ah) of the statutes is created to read:

10           40.05 (4) (ah) Annually, the director of the office of state employment relations  
11 shall establish the amount that employees are required to pay for health insurance  
12 premiums in accordance with the maximum employer payments under par. (ag).”.

13           X 53i. Page 489, line 19: delete the material beginning with that line and ending  
14 with page 491, line 2, and substitute:

15           **“SECTION 1156ym.** 40.51 (7) of the statutes, as affected by 2011 Wisconsin Act  
16 10, is repealed and recreated to read:

17           40.51 (7) (a) Any employer, other than the state, may offer to all of its employees  
18 a health care coverage plan through a program offered by the group insurance board.  
19 Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule  
20 establish different eligibility standards or contribution requirements for such  
21 employees and employers and may by rule limit the categories of employers, other  
22 than the state, which may be included as participating employers under this  
23 subchapter. Beginning on January 1, 2012, except as otherwise provided in a  
24 collective bargaining agreement under subch. IV of ch. 111 and except as provided  
25 in par. (b), an employer may not offer a health care coverage plan to its employees

1 under this subsection if the employer pays more than 88 percent of the average  
2 premium cost of plans offered in any tier with the lowest employee premium cost  
3 under this subsection.

4 (b) 1. A municipal employer shall pay, on behalf of a nonrepresented law  
5 enforcement or fire fighting managerial employee or a nonrepresented managerial  
6 employee described in s. 111.70 (1) (mm) 2., who was initially employed by the  
7 municipal employer before the effective date of this subdivision .... [LRB inserts  
8 date], the same percentage under par. (a) that is paid by the municipal employer for  
9 represented law enforcement or fire fighting personnel or personnel described in s.  
10 111.70 (1) (mm) 2. who were initially employed by the municipal employer before the  
11 effective date of this subdivision .... [LRB inserts date].

12 2. A municipal employer shall pay, on behalf of a represented law enforcement  
13 or fire fighting employee, who was initially employed by the municipal employer  
14 before the effective date of this subdivision .... [LRB inserts date], and who on or after  
15 the effective date of this subdivision .... [LRB inserts date], became employed in a  
16 nonrepresented law enforcement or fire fighting managerial position with the same  
17 municipal employer, or a successor municipal employer in the event of a combined  
18 department that is created on or after the effective date of this subdivision .... [LRB  
19 inserts date], the same percentage under par. (a) that is paid by the municipal  
20 employer for represented law enforcement or fire fighting personnel who were  
21 initially employed by the municipal employer before the effective date of this  
22 subdivision .... [LRB inserts date].” ✓

23 ✓ X 53p. Page 567, line 4: after “statutes” insert “, as affected by 2011 Wisconsin  
24 Act 13.”

1 ✓X 53q. Page 567, line 8: delete that line and substitute “~~year 2009-10 and~~  
2 \$43,664,200 in each fiscal year ~~2010-11.~~” ✓

3 ✓X 53x. Page 624, line 11: delete “... [LRB INSERTS DATE]” and substitute “... [LRB  
4 INSERTS DATE]”.

5 ✓X 54b. Page 634, line 25: delete the material beginning with that line and ending  
6 with page 635, line 13.

7 ✓X 54d. Page 638, line 4: after that line insert:

8 “SECTION 1675n. 59.52 (30) of the statutes is created to read:

9 59.52 (30) LIMITATION ON PERFORMANCE OF HIGHWAY WORK. Notwithstanding ss.  
10 66.0131, 66.0301, and 83.035, a county may not use its own workforce to perform a  
11 highway improvement project on a highway under the jurisdiction of another county  
12 or a municipality that is located in a different county unless one of the following  
13 applies:

14 (a) A portion of the project lies within the county performing the work and no  
15 portion of the project extends beyond an adjoining county.

16 (b) The project lies, wholly or in part, within a municipality that lies partially  
17 within the county performing the work.” ✓

(A)

18 54f. Page 644, line 6: after that line insert:

19 “SECTION 1696m. 61.54 of the statutes is amended to read:

20 **61.54 Public works.** All contracts for public construction shall be let by a  
21 village board in accordance with s. 62.15. The village board, or a person or body  
22 designated by the village board, shall exercise the powers and duties of the board of  
23 public works under s. 62.15. Section 62.15 applies to a village in the same manner  
24 as to a city.”

(B)

25 54h. Page 651, line 14: after that line insert:

✓ JLD

1 53q. Page 567, line 8: delete that line and substitute "year ~~2009-10~~ and  
2 \$43,664,200 in each fiscal year ~~2010-11~~."

3 53x. Page 624, line 11: delete "... [LRB INSERTS DATE]" and substitute "... [LRB  
4 INSERTS DATE]"

5 54b. Page 634, line 25: delete the material beginning with that line and ending  
6 with page 635, line 13.

7 54d. Page 638, line 4: after that line insert:

8 "SECTION 1675n. 59.52 (30) of the statutes is created to read:

9 59.52 (30) LIMITATION ON PERFORMANCE OF HIGHWAY WORK. Notwithstanding ss.  
10 66.0131, 66.0301, and 83.035, a county may not use its own workforce to perform a  
11 highway improvement project on a highway under the jurisdiction of another county  
12 or a municipality that is located in a different county unless one of the following  
13 applies:

14 (a) A portion of the project lies within the county performing the work and no  
15 portion of the project extends beyond an adjoining county.

16 (b) The project lies, wholly or in part, within a municipality that lies partially  
17 within the county performing the work."

(A)

18 X ✓ 54f. Page 644, line 6: after that line insert:

19 ✓ "SECTION 1696m. 61.54 of the statutes is amended to read:

20 61.54 Public works. All contracts for public construction shall be let by a  
21 village board in accordance with s. 62.15. The village board, or a person or body  
22 designated by the village board, shall exercise the powers and duties of the board of  
23 public works under s. 62.15. Section 62.15 applies to a village in the same manner  
24 as to a city."

(B)

25 X ✓ 54h. Page 651, line 14: after that line insert:



1           **“SECTION 1713m.** 62.15 (1d) of the statutes is created to read:

2           **62.15 (1d)**    LIMITATION ON HIGHWAY WORK PERFORMED BY A COUNTY.

3    Notwithstanding ss. 66.0131, 66.0301, and 83.035, a city having a population of  
4    5,000 or more may not have a highway improvement project performed by a county  
5    workforce except as provided under s. 86.31 (2) (b).<sup>✓</sup>

6    X<sup>✓</sup> 54j. Page 658, line 5: delete lines 5 to 13 and substitute:

7           <sup>✓</sup> “66.0304 (11) (a) A commission may not ~~authorize~~ issue bonds to finance a  
8    capital improvement project in any state or territory of the United States unless a  
9    political subdivision within whose boundaries the project is to be located has  
10   approved the financing of the project. A commission may not ~~authorize~~ issue bonds  
11   to finance a capital improvement project in this state unless all of the political  
12   subdivisions within whose boundaries the project is to be located has approved the  
13   financing of the project. An approval under this paragraph may be made by the  
14   governing body of the political subdivision or, except for a 1st class city or a county  
15   in which a 1st class city is located, by the highest ranking executive or administrator  
16   of the political subdivision.

17           **SECTION 1720pm.** 66.0304 (11) (c) of the statutes is amended to read:

18           66.0304 (11) (c) Any action brought to challenge the validity of the proposed  
19   issuance of a bond under this section, or the enforceability of a contract entered into  
20   under this section, must be commenced in circuit court within 30 days of the  
21   commission adopting a resolution authorizing the issuance of the bond or the  
22   execution of the contract.”<sup>✓</sup>

23    X<sup>✓</sup> 54k. Page 658, line 17: after that line insert:

24           **“SECTION 1721g.** 66.0506 of the statutes, as created by 2011 Wisconsin Act 10,  
25   is repealed and recreated to read:

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), who are part of a  
9 collective bargaining unit under subch. IV of ch. 111, in an amount that exceeds the  
10 limit under s. 111.70 (4) (mb) 2., the governing body of the local governmental unit  
11 shall adopt a resolution to that effect. The resolution shall specify the amount by  
12 which the proposed total base wages increase will exceed the limit under s. 111.70  
13 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum  
14 called for that purpose. The referendum shall occur in November for collective  
15 bargaining agreements that begin the following January 1. The results of a  
16 referendum apply to the total base wages only in the next collective bargaining  
17 agreement. ✓

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

24           X 54m. Page 661, line 24: after that line insert:

25           “SECTION 1725e. ✓ 66.0604 of the statutes is created to read:

1           **66.0604 Payment of employer contributions in retirement systems. (1)**

2           In this section, "local governmental unit" has the meaning given in s. 66.0131 (1) (a).

3           **(2)** Annually, no later than December 31, each local governmental unit shall  
4           pay employer contributions into the retirement system in which its employees are  
5           participating employees an amount that is at least equal to all employee required  
6           contributions under that retirement system." ✓

7           X ✓ 54p. Page 662, line 18: delete the material beginning with that line and ending  
8           with page 664, line 17.

9           X ✓ 54r. Page 668, line 18: delete "regularly" and substitute "regularly".

10          X ✓ 54t. Page 731, line 13: delete "and payment".

11          X ✓ 54v. Page 731, line 19: substitute "credited to the" for "~~credited to the~~".

12          X ✓ 54x. Page 731, line 20: delete that line and substitute "appropriation account  
13          under s. 20.285 (1) (~~gm~~) (k)".

14          X ✓ 55b. Page 731, line 21: delete "System".

15          X ✓ 55d. Page 731, line 24: delete "and payment".

16          ✓ 55f. Page 732, line 6: delete that line and substitute "~~(1) (gm)~~ an amount equal  
17          to 50 percent shall be".

18          X ✓ 55h. Page 732, line 7: delete "System," and substitute ", credited to the  
19          appropriation account under s. 20.285 (1) (k)".

20          X ✓ 55L. Page 894, line 17: delete the material beginning with that line and ending  
21          with page 895, line 4.

22          X ✓ 55p. Page 902, line 3: delete the material beginning with that line and ending  
23          with page 908, line 3.

24          X ✓ 55s. Page 909, line 19: delete "568.9810" and substitute "560.9810".

25          X ✓ 55v. Page 918, line 15: delete "568.9810" and substitute "560.9810".

1 X✓ 55x. Page 919, line 1: delete “~~department of commerce~~ Wisconsin” and  
2 substitute “department of ~~commerce~~ administration.”

3 X✓ 56b. Page 919, line 2: delete that line.

4 X✓ 56d. Page 926, line 5: delete “\$102,615,600” and substitute “\$94,615,600”.

5 X✓ 56g. Page 926, line 25: delete the material beginning with that line and ending  
6 with page 928, line 3, and substitute:

7 ✓ “**SECTION 2278em.** 86.31 (2) (b) of the statutes is amended to read:

8 86.31 (2) (b) Except as provided in par. (d), improvements for highway  
9 construction projects funded under the program shall be under contracts. Such  
10 contracts shall be awarded on the basis of competitive bids and shall be awarded to  
11 the lowest responsible bidder. If a city or village does not receive a responsible bid  
12 for an improvement, the city or village may contract with a county for the  
13 improvement. ~~A Subject to s. 59.52 (30), a town may contract with a county for the~~  
14 improvement subject to the criteria and procedures promulgated as rules under sub.  
15 (6) (h).” ✓

16 X✓ 56i. Page 928, line 10: delete lines 10 to 18.

17 X✓ 56k. Page 929, line 3: delete that line and substitute:

18 ✓ “**SECTION 2278o.** 86.31 (6) (h) (intro.) of the statutes is amended to read:

19 86.31 (6) (h) ~~Criteria~~ Subject to s. 59.52 (30), criteria and procedures for  
20 contracting with a county for a town road improvement that includes at least all of  
21 the following.” ✓

22 X✓ 56L. Page 933, line 16: delete “~~credit pay~~” and substitute “credit”.

23 X✓ 56n. Page 933, line 17: delete lines 17 and 18 and substitute “(a) 3. to the  
24 appropriation account under s. 20.285 (1) ~~(hm)~~ (k) for the University of  
25 Wisconsin-Extension”.

1 X ✓ 56p. Page 934, line 6: delete lines 6 to 10.

2 X ✓ 56r. Page 951, line 6: delete "par." and substitute "sub."

3 X ✓ 56t. Page 958, line 16: delete "regularly" and substitute "regularly".

4 X ✓ 56u. Page 962, line 1: delete "regularly" and substitute "regularly".

5 X ✓ 56v. Page 970, line 14: delete lines 14 to 22.

6 X ✓ 56w. Page 971, line 4: delete lines 4 to 14 and substitute:

7 "SECTION 2403t. 108.04 (8) (b) of the statutes is created to read:

8 108.04 (8) (b) 1. An employee's failure to accept an offer of work under par. (a)  
9 includes:

10 a. The employee's refusal without good cause to take a test for illegal drugs  
11 given on behalf of the employer as a condition of employment; or

12 b. The employer's withdrawal of or failure to extend an offer of work due to a  
13 positive test result.

14 2. For purposes of this paragraph, a drug test shall not be found to be positive  
15 for illegal drugs unless the test was conducted and certified in a manner approved  
16 by the department.

17 3. This paragraph applies only to the extent permitted by federal law.

18 SECTION 2403u. 108.04 (13) (cm) of the statutes is created to read:

19 108.04 (13) (cm) An employer shall report to the department an employee's  
20 positive drug test or refusal to take such a test under sub. (8) (b), as the department  
21 requires or approves." ✓

22 X ✓ 56y. Page 971, line 14: after that line insert:

23 "SECTION 2403x. 108.09 (4r) of the statutes is created to read:

1           108.09 (4r) DEPARTMENTAL RECORDS RELATING TO DRUG TEST INFORMATION. The  
2 department shall retain drug test information obtained under s. 108.04 (13) (cm) for  
3 the purpose of determining eligibility for benefits.” ✓

4           57b. Page 973, line 21: delete the material beginning with that line and ending  
5 on page 975, line 8, and substitute:

6           “**SECTION 2405p.** 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin  
7 Act 10, is repealed and recreated to read:

8           111.70 (1) (a) “Collective bargaining” means the performance of the mutual  
9 obligation of a municipal employer, through its officers and agents, and the  
10 representative of its municipal employees in a collective bargaining unit, to meet and  
11 confer at reasonable times, in good faith, with the intention of reaching an  
12 agreement, or to resolve questions arising under such an agreement, with respect to  
13 wages, hours, and conditions of employment for public safety employees or transit  
14 employees and with respect to wages for general municipal employees, and with  
15 respect to a requirement of the municipal employer for a municipal employee to  
16 perform law enforcement and fire fighting services under s. 60.553, 61.66, or 62.13  
17 (2e), except as provided in sub. (4) (mb) and (mc) and s. 40.81 (3) and except that a  
18 municipal employer shall not meet and confer with respect to any proposal to  
19 diminish or abridge the rights guaranteed to any public safety employees under ch.  
20 164. Collective bargaining includes the reduction of any agreement reached to a  
21 written and signed document.

22           **SECTION 2406cg.** 111.70 (1) (f) of the statutes, as affected by 2011 Wisconsin  
23 Act 10, is repealed and recreated to read:

24           111.70 (1) (f) “Fair-share agreement” means an agreement between a  
25 municipal employer and a labor organization that represents public safety

1 employees or transit employees under which all or any of the public safety employees  
2 or transit employees in the collective bargaining unit are required to pay their  
3 proportionate share of the cost of the collective bargaining process and contract  
4 administration measured by the amount of dues uniformly required of all members.

5 **SECTION 2406cr.** 111.70 (1) (fm) of the statutes, as affected by 2011 Wisconsin  
6 Act 10, is repealed and recreated to read:

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

9 **SECTION 2406d.** 111.70 (1) (mm) of the statutes, as created by 2011 Wisconsin  
10 Act 10, is repealed and recreated to read:

11 111.70 (1) (mm) "Public safety employee" means any municipal employee who  
12 is employed in a position that, on the effective date of this paragraph .... [LRB inserts  
13 date], is one of the following:

- 14 1. Classified as a protective occupation participant under any of the following:
  - 15 a. Section 40.02 (48) (am) 9., 10., 13., 15., or 22.
  - 16 b. A provision that is comparable to a provision under subd. 1. a. that is in a  
17 county or city retirement system.
- 18 2. An emergency medical service provider for the emergency medical services  
19 departments in Door and Waushara counties.

20 **SECTION 2406fg.** 111.70 (1) (n) of the statutes, as affected by 2011 Wisconsin  
21 Act 10, is repealed and recreated to read:

22 111.70 (1) (n) "Referendum" means a proceeding conducted by the commission  
23 in which public safety employees or transit employees in a collective bargaining unit  
24 may cast a secret ballot on the question of authorizing a labor organization and the  
25 employer to continue a fair-share agreement.

1           **SECTION 2406gh.** 111.70 (1) (p) of the statutes is created to read:

2           111.70 (1) (p) "Transit employee" means a municipal employee who is  
3 determined to be a transit employee under sub. (4) (bm).

4           **SECTION 2406hg.** 111.70 (2) of the statutes, as affected by 2011 Wisconsin Act  
5 10, is repealed and recreated to read:✓

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



1 such conditions and for such time as the commission decides whenever it finds that  
2 the labor organization involved has refused on the basis of race, color, sexual  
3 orientation, creed, or sex to receive as a member any public safety employee or transit  
4 employee of the municipal employer in the bargaining unit involved, and such  
5 agreement is subject to this duty of the commission. Any of the parties to such  
6 agreement or any public safety employee or transit employee covered by the  
7 agreement may come before the commission, as provided in s. 111.07, and ask the  
8 performance of this duty.

9 **SECTION 2406hr.** 111.70 (3) (a) 3. of the statutes, as affected by 2011 Wisconsin  
10 Act 10, is repealed and recreated to read:

11 111.70 (3) (a) 3. To encourage or discourage a membership in any labor  
12 organization by discrimination in regard to hiring, tenure, or other terms or  
13 conditions of employment; but the prohibition shall not apply to a fair-share  
14 agreement that covers public safety employees or transit employees.

15 **SECTION 2406ir.** 111.70 (3) (a) 5. of the statutes, as affected by 2011 Wisconsin  
16 Act 10, is repealed and recreated to read:

17 111.70 (3) (a) 5. To violate any collective bargaining agreement previously  
18 agreed upon by the parties with respect to wages, hours and conditions of  
19 employment affecting public safety employees or transit employees, including an  
20 agreement to arbitrate questions arising as to the meaning or application of the  
21 terms of a collective bargaining agreement or to accept the terms of such arbitration  
22 award, where previously the parties have agreed to accept such award as final and  
23 binding upon them or to violate any collective bargaining agreement affecting  
24 general municipal employees, that was previously agreed upon by the parties with  
25 respect to wages.

1           **SECTION 2406pg.** 111.70 (3) (a) 6. of the statutes, as affected by 2011 Wisconsin  
2 Act 10, is repealed and recreated to read:

3           111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public  
4 safety employee or a transit employee, unless the municipal employer has been  
5 presented with an individual order therefor, signed by the employee personally, and  
6 terminable by at least the end of any year of its life or earlier by the public safety  
7 employee or transit employee giving at least 30 days' written notice of such  
8 termination to the municipal employer and to the representative organization,  
9 except when a fair-share agreement is in effect.

10           **SECTION 2406prm.** 111.70 (3) (a) 7m. of the statutes is created to read:

11           111.70 (3) (a) 7m. To refuse or otherwise fail to implement an arbitration  
12 decision lawfully made under sub. (4) (cg).

13           **SECTION 2406rg.** 111.70 (3) (a) 9. of the statutes, as affected by 2011 Wisconsin  
14 Act 10, is repealed and recreated to read:

15           111.70 (3) (a) 9. If the collective bargaining unit contains a public safety  
16 employee or transit employee, after a collective bargaining agreement expires and  
17 before another collective bargaining agreement takes effect, to fail to follow any  
18 fair-share agreement in the expired collective bargaining agreement.

19           **SECTION 2406rrm.** 111.70 (3) (b) 6m. of the statutes is created to read:

20           111.70 (3) (b) 6m. To refuse or otherwise fail to implement an arbitration  
21 decision lawfully made under sub. (4) (cg).<sup>✓</sup>

22 ~~X~~<sup>✓</sup> 57d. Page 975, line 9: before that line insert:

23           **"SECTION 2407bt.** 111.70 (4) (bm) of the statutes is created to read:

24           111.70 (4) (bm) *Transit employee determination.* The commission shall  
25 determine that any municipal employee is a transit employee if the commission

1 determines that the municipal employer who employs the municipal employee would  
2 lose federal funding under 49 USC 5333 (b) if the municipal employee is not a transit  
3 employee.

4 **SECTION 2407dg.** 111.70 (4) (c) 2. of the statutes, as affected by 2011 Wisconsin  
5 Act 10, is repealed and recreated to read:

6 111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning  
7 or application of the terms of a written collective bargaining agreement involving a  
8 collective bargaining unit containing a public safety employee may agree in writing  
9 to have the commission or any other appropriate agency serve as arbitrator or may  
10 designate any other competent, impartial and disinterested person to so serve.

11 **SECTION 2407ep.** 111.70 (4) (cg) of the statutes is created to read:

12 111.70 (4) (cg) *Methods for peaceful settlement of disputes; transit employees.*  
13 1. 'Notice of commencement of contract negotiations.' To advise the commission of  
14 the commencement of contract negotiations involving a collective bargaining unit  
15 containing transit employees, whenever either party requests the other to reopen  
16 negotiations under a binding collective bargaining agreement, or the parties  
17 otherwise commence negotiations if no collective bargaining agreement exists, the  
18 party requesting negotiations shall immediately notify the commission in writing.  
19 Upon failure of the requesting party to provide notice, the other party may provide  
20 notice to the commission. The notice shall specify the expiration date of the existing  
21 collective bargaining agreement, if any, and shall provide any additional information  
22 the commission may require on a form provided by the commission.

23 2. 'Presentation of initial proposals; open meetings.' The meetings between  
24 parties to a collective bargaining agreement or proposed collective bargaining  
25 agreement under this subchapter that involve a collective bargaining unit

1 containing a transit employee and that are held to present initial bargaining  
2 proposals, along with supporting rationale, are open to the public. Each party shall  
3 submit its initial bargaining proposals to the other party in writing. Failure to  
4 comply with this subdivision does not invalidate a collective bargaining agreement  
5 under this subchapter.

6 3. 'Mediation.' The commission or its designee shall function as mediator in  
7 labor disputes involving transit employees upon request of one or both of the parties,  
8 or upon initiation of the commission. The function of the mediator is to encourage  
9 voluntary settlement by the parties. No mediator has the power of compulsion.

10 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or  
11 application of the terms of a written collective bargaining agreement involving a  
12 collective bargaining unit containing a transit employee may agree in writing to have  
13 the commission or any other appropriate agency serve as arbitrator or may designate  
14 any other competent, impartial, and disinterested person to serve as an arbitrator.

15 5. 'Voluntary impasse resolution procedures.' In addition to the other impasse  
16 resolution procedures provided in this paragraph, a municipal employer that  
17 employs a transit employee and labor organization may at any time, as a permissive  
18 subject of bargaining, agree in writing to a dispute settlement procedure, including  
19 binding interest arbitration, which is acceptable to the parties for resolving an  
20 impasse over terms of any collective bargaining agreement under this subchapter.  
21 The parties shall file a copy of the agreement with the commission. If the parties  
22 agree to any form of binding interest arbitration, the arbitrator shall give weight to  
23 the factors enumerated under subsds. 7. and 7g.

24 6. 'Interest arbitration.' a. If in any collective bargaining unit containing  
25 transit employees a dispute has not been settled after a reasonable period of

1 negotiation and after mediation by the commission under subd. 3. and other  
2 settlement procedures, if any, established by the parties have been exhausted, and  
3 the parties are deadlocked with respect to any dispute between them over wages,  
4 hours, or conditions of employment to be included in a new collective bargaining  
5 agreement, either party, or the parties jointly, may petition the commission, in  
6 writing, to initiate compulsory, final, and binding arbitration, as provided in this  
7 paragraph. At the time the petition is filed, the petitioning party shall submit in  
8 writing to the other party and the commission its preliminary final offer containing  
9 its latest proposals on all issues in dispute. Within 14 calendar days after the date  
10 of that submission, the other party shall submit in writing its preliminary final offer  
11 on all disputed issues to the petitioning party and the commission. If a petition is  
12 filed jointly, both parties shall exchange their preliminary final offers in writing and  
13 submit copies to the commission when the petition is filed.

14 am. ✓ Upon receipt of a petition under subd. 6. a. to initiate arbitration, the  
15 commission shall determine, with or without a formal hearing, whether arbitration  
16 should be commenced. If in determining whether an impasse exists the commission  
17 finds that the procedures under this paragraph have not been complied with and  
18 compliance would tend to result in a settlement, it may order compliance before  
19 ordering arbitration. The validity of any arbitration award or collective bargaining  
20 agreement is not affected by failure to comply with the procedures. Prior to the close  
21 of the investigation each party shall submit in writing to the commission its single  
22 final offer containing its final proposals on all issues in dispute that are subject to  
23 interest arbitration under this subdivision. If a party fails to submit a single,  
24 ultimate final offer, the commission shall use the last written position of the party.  
25 Such final offers may include only mandatory subjects of bargaining, except that a

1 permissive subject of bargaining may be included by a party if the other party does  
2 not object and is then treated as a mandatory subject. At that time, the parties shall  
3 submit to the commission a stipulation, in writing, with respect to all matters that  
4 they agree to include in the new or amended collective bargaining agreement. The  
5 commission, after determining that arbitration should be commenced, shall issue an  
6 order requiring arbitration and immediately submit to the parties a list of 7  
7 arbitrators. The parties shall alternately strike names from the list until one name  
8 is left that person shall be appointed arbitrator. The petitioning party shall notify  
9 the commission in writing of the identity of the arbitrator. The commission shall then  
10 formally appoint the arbitrator and submit to him or her the final offers of the  
11 parties. The final offers are public documents and the commission shall make them  
12 available. In lieu of a single arbitrator and upon request of both parties, the  
13 commission shall appoint a tripartite arbitration panel consisting of one member  
14 selected by each of the parties and a neutral person designated by the commission  
15 who shall serve as a chairperson. An arbitration panel has the same powers and  
16 duties provided in this section as any other appointed arbitrator, and all arbitration  
17 decisions by a panel shall be determined by majority vote. In lieu of selection of the  
18 arbitrator by the parties and upon request of both parties, the commission shall  
19 establish a procedure for randomly selecting names of arbitrators. Under the  
20 procedure, the commission shall submit a list of 7 arbitrators to the parties. Each  
21 party shall strike one name from the list. From the remaining <sup>✓</sup>5 names, the  
22 commission shall randomly appoint an arbitrator. Unless both parties to an  
23 arbitration proceeding otherwise agree in writing, every individual whose name is  
24 submitted by the commission for appointment as an arbitrator must be a resident of  
25 this state at the time of submission and every individual who is designated as an

1 arbitration panel chairperson must be a resident of this state at the time of  
2 designation.

3 b. The arbitrator shall, within 10 days of his or her appointment under subd.  
4 6. am., establish a date and place for the arbitration hearing. Upon petition of at least  
5 5 citizens of the jurisdiction served by the municipal employer, filed within 10 days  
6 after the date on which the arbitrator is appointed, the arbitrator shall hold a public  
7 hearing in the jurisdiction to provide both parties the opportunity to present  
8 supporting arguments for their positions and to provide to members of the public the  
9 opportunity to offer their comments. The final offers of the parties, as transmitted  
10 by the commission to the arbitrator, are the basis for continued negotiations, if any,  
11 between the parties with respect to the issues in dispute. At any time prior to the  
12 arbitration hearing, either party, with the consent of the other party, may modify its  
13 final offer in writing.

14 c. Before issuing his or her arbitration decision, the arbitrator shall, on his or  
15 her own motion or at the request of either party, conduct a meeting open to the public  
16 to provide the opportunity to both parties to present supporting arguments for their  
17 complete offer on all matters to be covered by the proposed agreement. The  
18 arbitrator shall adopt without further modification the final offer of one of the parties  
19 on all disputed issues submitted under subd. 6. am., except those items that the  
20 commission determines not to be mandatory subjects of bargaining and those items  
21 that have not been treated as mandatory subjects by the parties, and including any  
22 prior modifications of the offer mutually agreed upon by the parties under subd. 6.

23 b. The decision shall be final and binding on both parties and shall be incorporated  
24 into a written collective bargaining agreement. The arbitrator shall serve a copy of  
25 his or her decision on both parties and the commission.

1 e. Arbitration proceedings may not be interrupted or terminated by reason of  
2 any prohibited practice complaint filed by either party at any time.

3 f. The parties shall divide the costs of arbitration equally. The arbitrator shall  
4 submit a statement of his or her costs to both parties and to the commission.

5 g. If a question arises as to whether any proposal made in negotiations by either  
6 party is a mandatory, permissive, or prohibited subject of bargaining, the  
7 commission shall determine the issue under par. (b). If either party to the dispute  
8 petitions the commission for a declaratory ruling under par. (b), the proceedings  
9 under subd. 6. c. shall be delayed until the commission renders a decision in the  
10 matter, but not during any appeal of the commission order. The arbitrator's award  
11 shall be made in accordance with the commission's ruling, subject to automatic  
12 amendment by any subsequent court reversal.

13 7. 'Factor given greatest weight.' In making any decision under the arbitration  
14 procedures under this paragraph, the arbitrator or arbitration panel shall consider  
15 and shall give the greatest weight to the economic conditions in the jurisdiction of  
16 the municipal employer. The arbitrator or arbitration panel shall give an accounting  
17 of the consideration of this factor in the arbitrator's or panel's decision.

18 7g. 'Factor given greater weight.' In making any decision under the arbitration  
19 procedures under this paragraph, the arbitrator or arbitration panel shall consider  
20 and shall give greater weight to any state law or directive lawfully issued by a state  
21 legislative or administrative officer, body, or agency that places limitations on  
22 expenditures that may be made or revenues that may be collected by a municipal  
23 employer than to any of the factors specified in subd. 7r.



1           7r. 'Other factors considered.' In making any decision under the arbitration  
2 procedures under by this paragraph, the arbitrator or arbitration panel shall give  
3 weight to the following factors:

4           a. The lawful authority of the municipal employer.

5           b. Stipulations of the parties.

6           c. The interests and welfare of the public and the financial ability of the unit  
7 of government to meet the costs of any proposed settlement.

8           d. Comparison of wages, hours and conditions of employment of the transit  
9 employees involved in the arbitration proceedings with the wages, hours, and  
10 conditions of employment of other employees performing similar services.

11           e. Comparison of the wages, hours and conditions of employment of the transit  
12 employees involved in the arbitration proceedings with the wages, hours, and  
13 conditions of employment of other employees generally in public employment in the  
14 same community and in comparable communities.

15           f. Comparison of the wages, hours and conditions of employment of the transit  
16 employees involved in the arbitration proceedings with the wages, hours, and  
17 conditions of employment of other employees in private employment in the same  
18 community and in comparable communities.

19           g. The average consumer prices for goods and services, commonly known as the  
20 cost of living.

21           h. The overall compensation presently received by the transit employees,  
22 including direct wage compensation, vacation, holidays, and excused time,  
23 insurance and pensions, medical and hospitalization benefits, the continuity and  
24 stability of employment, and all other benefits received.

1 i. Changes in any of the foregoing circumstances during the pendency of the  
2 arbitration proceedings.

3 j. Such other factors, not confined to the foregoing, which are normally or  
4 traditionally taken into consideration in the determination of wages, hours and  
5 conditions of employment through voluntary collective bargaining, mediation,  
6 fact-finding, arbitration or otherwise between the parties, in the public service or in  
7 private employment.

8 8. 'Rule making.' The commission shall adopt rules for the conduct of all  
9 arbitration proceedings under subd. 6., including, but not limited to, rules for:

10 a. The appointment of tripartite arbitration panels when requested by the  
11 parties.

12 b. The expeditious rendering of arbitration decisions, such as waivers of briefs  
13 and transcripts.

14 c. The removal of individuals who have repeatedly failed to issue timely  
15 decisions from the commission's list of qualified arbitrators.

16 d. Proceedings for the enforcement of arbitration decisions.

17 8m. 'Term of agreement; reopening of negotiations.' Except for the initial  
18 collective bargaining agreement between the parties and except as the parties  
19 otherwise agree, every collective bargaining agreement covering transit employees  
20 shall be for a term of 2 years, but in no case may a collective bargaining agreement  
21 for any collective bargaining unit consisting of transit employees subject to this  
22 paragraph be for a term exceeding 3 years. No arbitration award involving transit  
23 employees may contain a provision for reopening of negotiations during the term of  
24 a collective bargaining agreement, unless both parties agree to such a provision. The  
25 requirement for agreement by both parties does not apply to a provision for

1 reopening of negotiations with respect to any portion of an agreement that is  
2 declared invalid by a court or administrative agency or rendered invalid by the  
3 enactment of a law or promulgation of a federal regulation.

4 9. 'Application.' Chapter 788 does not apply to arbitration proceedings under  
5 this paragraph.

6 **SECTION 2408b.** 111.70 (4) (d) 2. a. of the statutes, as affected by 2011 Wisconsin  
7 Act 10, is repealed and recreated to read: ✓

8 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective  
9 bargaining unit for the purpose of collective bargaining and shall whenever possible  
10 avoid fragmentation by maintaining as few collective bargaining units as practicable  
11 in keeping with the size of the total municipal workforce. The commission may  
12 decide whether, in a particular case, the municipal employees in the same or several  
13 departments, divisions, institutions, crafts, professions, or other occupational  
14 groupings constitute a collective bargaining unit. Before making its determination,  
15 the commission may provide an opportunity for the municipal employees concerned  
16 to determine, by secret ballot, whether they desire to be established as a separate  
17 collective bargaining unit. The commission may not decide, however, that any group  
18 of municipal employees constitutes an appropriate collective bargaining unit if the  
19 group includes both professional employees and nonprofessional employees, unless  
20 a majority of the professional employees vote for inclusion in the unit. The  
21 commission may not decide that any group of municipal employees constitutes an  
22 appropriate collective bargaining unit if the group includes both school district  
23 employees and general municipal employees who are not school district employees.  
24 The commission may not decide that any group of municipal employees constitutes  
25 an appropriate collective bargaining unit if the group includes both public safety

1 employees and general municipal employees, if the group include includes both  
2 transit employees and general municipal employees, or if the group includes both  
3 transit employees and public safety employees. The commission may not decide that  
4 any group of municipal employees constitutes an appropriate collective bargaining  
5 unit if the group includes both craft employees and noncraft employees unless a  
6 majority of the craft employees vote for inclusion in the unit. The commission shall  
7 place the professional employees who are assigned to perform any services at a  
8 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit  
9 from a unit that includes any other professional employees whenever at least 30%  
10 of those professional employees request an election to be held to determine that issue  
11 and a majority of the professional employees at the charter school who cast votes in  
12 the election decide to be represented in a separate collective bargaining unit.

13 **SECTION 2408ch.** 111.70 (4) (d) 3. b. of the statutes, as created by 2011  
14 Wisconsin Act 10, is repealed and recreated to read:

15 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify  
16 the representative of the collective bargaining unit that contains a general municipal  
17 employee. The election shall occur no later than December 1 for a collective  
18 bargaining unit containing school district employees and no later than May 1 for a  
19 collective bargaining unit containing general municipal employees who are not  
20 school district employees. The commission shall certify any representative that  
21 receives at least 51 percent of the votes of all of the general municipal employees in  
22 the collective bargaining unit. If no representative receives at least 51 percent of the  
23 votes of all of the general municipal employees in the collective bargaining unit, at  
24 the expiration of the collective bargaining agreement, the commission shall decertify  
25 the current representative and the general municipal employees shall be

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

(B)

7 57p. Page 975, line 18: after that line insert:

8 "SECTION 2409bg. 111.70 (4) (mb) 2. b. of the statutes, as created by 2011  
9 Wisconsin Act 10, is repealed and recreated to read:

(C)

10 111.70 (4) (mb) 2. b. If there is a decrease or no change in the consumer price  
11 index change, provides for any change in total base wages for authorized positions  
12 in the proposed collective bargaining agreement from the total base wages for  
13 authorized positions 180 days before the expiration of the previous collective  
14 bargaining agreement.

15 SECTION 2409br. 111.70 (4) (mbb) of the statutes is created to read:

16 111.70 (4) (mbb) For purposes of determining compliance with par. (mb), the  
17 commission shall provide, upon request, to a municipal employer or to any  
18 representative of a collective bargaining unit containing a general municipal  
19 employee, the consumer price index change during any 12-month period. The  
20 commission may get the information from the department of revenue."

21 57q. Page 976, line 11: after that line insert:

22 "SECTION 2409db. 111.70 (4) (p) of the statutes, as affected by 2011 Wisconsin  
23 Act 10, is repealed and recreated to read:

24 111.70 (4) (p) *Permissive subjects of collective bargaining; public safety and*  
25 *transit employees.* A municipal employer is not required to bargain with public safety