

Enrolling

1st Run



2nd to last

Per
CTS

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0144/1inssection1145n
ALL:all:all

INSERT 1145N

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2 10, is repealed and recreated to read:

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

11 2. a. A municipal employer shall pay, on behalf of a nonrepresented law
12 enforcement or fire fighting managerial employee or a nonrepresented managerial
13 employee described in s. 111.70 (1) (mm) 2., who was initially employed by the
14 municipal employer before the effective date of this subd. 2. a. [LRB inserts date],
15 the same contributions required by par. (a) that are paid by the municipal employer
16 for represented law enforcement or fire fighting personnel or personnel described in
17 s. 111.70 (1) (mm) 2. who were initially employed by the municipal employer before
18 the effective date of this subd. 2. a. [LRB inserts date].

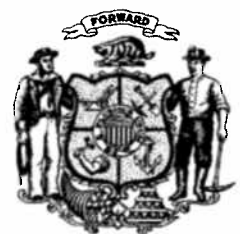
19 b. An employer shall pay, on behalf of a nonrepresented managerial employee
20 in a position described under s. 40.02 (48) (am) 7. or 8., who was initially employed
21 by the state before the effective date of this subd. 2. b. [LRB inserts date], in a
22 position described under s. 40.02 (48) (am)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

1 described under s. 40.02 (48) (am) 7. or 8. who were initially employed by the state
2 before the effective date of this subd. 2. b. [LRB inserts date].

3 c. A municipal employer shall pay, on behalf of a represented law enforcement
4 or fire fighting employee or employee described in s. 111.70 (1) (mm) 2., who was
5 initially employed by the municipal employer before the effective date of this subd.
6 2. c. [LRB inserts date], and who on or after the effective date of this subd. 2. c.
7 [LRB inserts date], became employed in a nonrepresented law enforcement or fire
8 fighting managerial position or nonrepresented managerial position described in s.
9 111.70 (1) (mm) 2. with the same municipal employer, or a successor municipal
10 employer in the event of a combined department that is created on or after the
11 effective date of this subd. 2. c. [LRB inserts date], the same contributions
12 required by par. (a) that are paid by the employer for represented law enforcement
13 or fire fighting personnel or personnel described in s. 111.70 (1) (mm) 2. who were
14 initially employed by a municipal employer before the effective date of this subd. 2.
15 c. [LRB inserts date].



WISCONSIN STATE LEGISLATURE



1 40.03 (6) (h) Shall, on behalf of the state, offer as provided in s. 40.55 long-term
 2 care insurance policies, ~~subject to the following conditions:~~ 2. For purposes of this
 3 section, the offering by the state of long-term health insurance policies shall
 4 constitute a group insurance plan under par. (a) 1.

5 **SECTION 1145.** 40.03 (6) (h) 1. of the statutes is repealed.

6 **SECTION 1145m.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
 7 10 is renumbered 40.05 (1) (b) 1. and amended to read:

8 40.05 (1) (b) 1. Except as otherwise provided in a collective bargaining
 9 agreement entered into under subch. IV or V of ch. 111 and except as provided in
 10 subd. 2., an employer may not pay, on behalf of a participating employee, any of the
 11 contributions required by par. (a).

INS
A

12 **SECTION 1145p.** 40.05 (1) (b) 2. of the statutes is created to read:

13 40.05 (1) (b) 2. a. A municipal employer shall pay, on behalf of a nonrepresented
 14 law enforcement or fire fighting managerial employee, who was initially employed
 15 by the municipal employer before the effective date of this subd. 2. a. [LRB inserts
 16 date], the same contributions required by par. (a) that are paid by the municipal
 17 employer for represented law enforcement or fire fighting personnel who were
 18 initially employed by the municipal employer before the effective date of this subd.
 19 2. a. [LRB inserts date].

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

SPECIAL INSERT

INS B

INS C



1 described under s. 40.02 (48) (am) 7. or 8. who were initially employed by the state
2 before the effective date of this subd. 2. b. [LRB inserts date].

3 c. A municipal employer shall pay, on behalf of a represented law enforcement
4 or fire fighting employee, ^{INS D} who was initially employed by the municipal employer
5 before the effective date of this subd. 2. c. [LRB inserts date], and who on or after
6 the effective date of this subd. 2. c. [LRB inserts date], became employed in a
7 nonrepresented law enforcement or fire fighting managerial position, ^{INS E} with the same
8 municipal employer, or a successor municipal employer in the event of a combined
9 department that is created on or after the effective date of this subd. 2. c. [LRB
10 inserts date], the same contributions required by par. (a) that are paid by the
11 employer for represented law enforcement or fire fighting personnel, ^{INS F} who were
12 initially employed by a municipal employer before the effective date of this subd. 2.
13 c. [LRB inserts date].

end special insert

14 **SECTION 1145s.** 40.05 (4) (at) of the statutes is created to read:

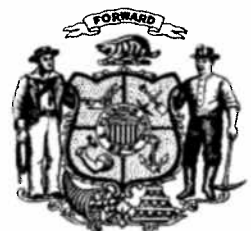
15 40.05 (4) (at) An employer shall pay, on behalf of a nonrepresented managerial
16 employee in a position described under s. 40.02 (48) (am) 7. or 8., who was initially
17 employed by the state before the effective date of this paragraph ... [LRB inserts
18 date], the same premium contribution rates required by par. (ag) that are paid by the
19 employer for represented employees in positions described under s. 40.02 (48) (am)
20 7. or 8. who were initially employed by the state before the effective date of this
21 paragraph ... [LRB inserts date].

22 **SECTION 1146.** 40.05 (4) (b) of the statutes is amended to read:

23 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
24 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
25 and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death,



WISCONSIN STATE LEGISLATURE



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

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

6 40.05 (1) (a) 4. For each participating employee whose formula rate is
7 determined under s. 40.23 (2m) (e) 4., the percentage of earnings paid by a
8 participating employee under subd. 1.”.

9 **51.** Page 482, line 6: delete the material beginning with that line and ending
10 with page 483, line 13, and substitute:

INS A

11 **SECTION 1145n.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
12 10, is repealed and recreated to read:

13 40.05 (1) (b) 1. Except as otherwise provided in a collective bargaining
14 agreement entered into under subch. IV or V of ch. 111 and except as provided in
15 subd. 2., an employer may not pay, on behalf of a participating employee, any of the
16 contributions required by par. (a). The contributions required by par. (a) shall be
17 made by a reduction in salary and, for tax purposes, shall be considered employer
18 contributions under section 414 (h) (2) of the Internal Revenue Code. A participating
19 employee may not elect to have contributions required by par. (a) paid directly to the
20 employee or make a cash or deferred election with respect to the contributions.

21 2. a. A municipal employer shall pay, on behalf of a nonrepresented law
22 enforcement or fire fighting managerial employee, who was initially employed by the
23 municipal employer before the effective date of this subd. 2. a. [LRB inserts date],
24 the same contributions required by par. (a) that are paid by the municipal employer

1 for represented law enforcement or fire fighting personnel who were initially
2 employed by the municipal employer before the effective date of this subd. 2. a.
3 [LRB inserts date].

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

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

22 **52.** Page 483, line 13: after that line insert:

23 “SECTION 1145rc. 40.05 (2m) of the statutes is repealed.

24 SECTION 1145re. 40.05 (2n) of the statutes is repealed.



WISCONSIN STATE LEGISLATURE



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

3 (b) The joint committee on finance may by majority vote postpone the
4 prohibition under par. (a)."

5 42d. Page 463, line 8: delete lines 8 to 19 and substitute:

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

13 42e. Page 479, line 17: delete the material beginning with that line and ending
14 with page 480, line 4.”.

15 **5.** Page 27, line 3: delete the material beginning with that line and ending with
16 page 28, line 5.

17 **6.** Page 30, line 22: delete the material beginning with that line and ending
18 with page 121, line 6, and substitute:

19 “52b. Page 482, line 14: after “employee” insert “or a nonrepresented
20 managerial employee described in s. 111.70 (1) (mm) 2.”. INS B

21 52m. Page 482, line 17: after “personnel” insert “or personnel described in s.
22 111.70 (1) (mm) 2.”. INS C

23 52x. Page 483, line 4: after “employee” insert “or employee described in s. 111.70
24 (1) (mm) 2.”. INS D



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

3 53d. Page 483, line 11: after "personnel" insert "or personnel described in s.
4 111.70 (1) (mm) 2." INS F

5 53g. Page 483, line 13: after that line insert:

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

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

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

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

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

20 40.05 (4) (ah) Annually, the director of the office of state employment relations
21 shall establish the amount that employees are required to pay for health insurance
22 premiums in accordance with the maximum employer payments under par. (ag).".

23 53i. Page 489, line 19: delete the material beginning with that line and ending
24 with page 491, line 2, and substitute: