

1 works, as defined in s. 103.49 (1) (br), for which the estimated project cost of
2 completion is less than \$100,000.

3 **SECTION 2390w.** 103.50 (2m) (b) (intro.) of the statutes is amended to read:

4 103.50 **(2m)** (b) (intro.) ~~Notwithstanding par. (a) 1., a~~ A laborer, worker,
5 mechanic, or truck driver who is regularly employed to process, manufacture, pick
6 up, or deliver materials or products from a commercial establishment that has a fixed
7 place of business from which the establishment regularly supplies processed or
8 manufactured materials or products or from a facility that is not dedicated
9 exclusively, or nearly so, to a project that is subject to this section is not entitled to
10 receive the prevailing wage rate determined under sub. (3) or to receive at least 1.5
11 times his or her hourly basic rate of pay for all hours worked in excess of the
12 prevailing hours of labor unless any of the following applies:

13 **SECTION 2390x.** 103.50 (2m) (b) 1. of the statutes is amended to read:

14 103.50 **(2m)** (b) 1. The laborer, worker, mechanic or truck driver is employed
15 to go to the source of mineral aggregate such as sand, gravel or stone ~~that is to be~~
16 ~~immediately incorporated into the work, and not stockpiled or further transported~~
17 ~~by truck, pick up that mineral aggregate and deliver that mineral aggregate to the~~
18 site of a project that is subject to this section by depositing the material substantially
19 in place, directly in final place, from transporting the vehicle or through spreaders
20 from the transporting vehicle.

21 **SECTION 2390z.** 103.50 (4) of the statutes is amended to read:

22 103.50 **(4)** CERTIFICATION OF PREVAILING WAGE RATES. The department of
23 workforce development shall, by May 1 of each year, certify to the department of
24 transportation the prevailing wage rates in each area for all trades or occupations
25 commonly employed in the highway construction industry. The certification shall,

1 in addition to the current prevailing wage rates, include future prevailing wage rates
2 when such prevailing wage rates can be determined for any such trade or occupation
3 in any area and shall specify the effective date of those future prevailing wage rates.
4 The certification shall also include wage rates for work performed on Sundays or the
5 holidays specified in s. 103.49 (1) (c) and shift differentials based on the time of day
6 or night when work is performed. If a construction project extends into more than
7 one area there shall be but one standard of prevailing wage rates for the entire
8 project.

9 **SECTION 2390zb.** 103.50 (4m) of the statutes is amended to read:

10 103.50 (4m) WAGE RATE DATA. In determining prevailing wage rates for projects
11 that are subject to this section, the department shall use data from projects that are
12 subject to this section, s. 66.0903, ~~66.0904~~, or 103.49, or 40 USC 3142. In determining
13 prevailing wage rates for those projects, the department may not use data from any
14 construction work that is performed by a state agency or a local governmental unit,
15 as defined in s. 66.0903 (1) (d).

16 **SECTION 2390zc.** 103.503 (title) of the statutes is amended to read:

17 **103.503 (title) Substance abuse prevention on public works and**
18 **publicly funded projects.**

19 **SECTION 2390zd.** 103.503 (1) (a) of the statutes is amended to read:

20 103.503 (1) (a) "Accident" means an incident caused, contributed to, or
21 otherwise involving an employee that resulted or could have resulted in death,
22 personal injury, or property damage and that occurred while the employee was
23 performing the work described in s. 66.0903 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a
24 project.

25 **SECTION 2390ze.** 103.503 (1) (c) of the statutes is amended to read:

1 103.503 (1) (c) “Contracting agency” means a local governmental unit, as
2 defined in s. 66.0903 (1) (d), or a state agency, as defined in s. 103.49 (1) (f), ~~or an~~
3 ~~owner or developer under s. 66.0904~~ that has contracted for the performance of work
4 on a project.

5 **SECTION 2390zf.** 103.503 (1) (e) of the statutes is amended to read:

6 103.503 (1) (e) “Employee” means a laborer, worker, mechanic, or truck driver
7 who performs the work described in s. 66.0903 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a
8 project.

9 **SECTION 2390zg.** 103.503 (1) (g) of the statutes is amended to read:

10 103.503 (1) (g) “Project” ~~mean~~ means a project of public works that is subject
11 to s. 66.0903 or 103.49 ~~or a publicly funded private construction project that is subject~~
12 ~~to s. 66.0904.~~

13 **SECTION 2390zh.** 103.503 (2) of the statutes is amended to read:

14 103.503 (2) SUBSTANCE ABUSE PROHIBITED. No employee may use, possess,
15 attempt to possess, distribute, deliver, or be under the influence of a drug, or use or
16 be under the influence of alcohol, while performing the work described in s. 66.0903
17 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a project. An employee is considered to be under
18 the influence of alcohol for purposes of this subsection if he or she has an alcohol
19 concentration that is equal to or greater than the amount specified in s. 885.235 (1g)
20 (d).

21 **SECTION 2390zhi.** 103.503 (3) (a) 2. of the statutes is amended to read:

22 103.503 (3) (a) 2. A requirement that employees performing the work described
23 in s. 66.0903 (4), ~~66.0904 (3)~~, or 103.49 (2m) on a project submit to random,
24 reasonable suspicion, and post-accident drug and alcohol testing and to drug and
25 alcohol testing before commencing work on a project, except that testing of an

1 employee before commencing work on a project is not required if the employee has
2 been participating in a random testing program during the 90 days preceding the
3 date on which the employee commenced work on the project.

4 **SECTION 2390zk.** 103.65 (2) of the statutes is amended to read:

5 103.65 (2) No minor ~~shall~~ under 16 years of age may be employed or permitted
6 to work at any employment for such hours of the day or week, ~~or~~ for such days of the
7 week, or at such periods of the day as ~~shall~~ may be dangerous or prejudicial to the
8 life, health, safety, or welfare of such ~~the~~ the minor.

9 **SECTION 2390zL.** 103.66 (2) of the statutes is amended to read:

10 103.66 (2) The department may investigate and fix reasonable classifications
11 of employments and hours of employment for minors under 16 years of age and may
12 issue general or special orders fixing for those minors maximum hours of
13 employment ~~for minors~~ per day and per week, maximum days of employment per
14 week, hours at which employment shall may begin and end, and the duration of
15 lunch and other rest periods as are necessary to protect the life, health, safety, and
16 welfare of those minors. For minors under 16 years of age, the department may not
17 fix hours of employment that exceed the maximum hours per day and per week
18 specified in s. 103.68 (2) (a) and (b), that exceed the maximum days per week specified
19 in s. 103.68 (2) (c), or that begin earlier or end later than the hours specified in s.
20 103.68 (2) (d) and (e). For minors 16 years of age or over, the department may fix the
21 duration of lunch and other rest periods, but may not limit hours of employment or
22 issue general or special orders fixing maximum hours of employment per day or per
23 week, maximum days of employment per week, or hours at which employment may
24 begin and end.

25 **SECTION 2390zm.** 103.68 (1) of the statutes is amended to read:

1 103.68 (1) No minor shall may be employed or permitted to work at any gainful
2 occupation ~~other than domestic service, farm labor, or service as an election inspector~~
3 ~~under s. 7.30 (2) (am) for more than 8 hours in any one day nor more than 40 hours~~
4 ~~nor more than 6 days in any one week, nor during such hours as the minor is required~~
5 under s. 118.15 to attend school.

6 **SECTION 2390zn.** 103.68 (2) of the statutes is renumbered 103.68 (2) (intro.)
7 and amended to read:

8 103.68 (2) (intro.) No minor under 16 shall years of age may be employed or
9 permitted to work in any gainful occupation, other than ~~domestic service or farm~~
10 ~~labor more than 24 hours in any one week, nor, except in domestic service, farm labor,~~
11 ~~or in public exhibitions, as defined provided in s. 103.78, or in street trades as defined~~
12 ~~in s. 103.21, before 7 a.m. nor after 6 p.m. as follows:~~

13 **SECTION 2390zp.** 103.68 (2) (a) to (e) of the statutes are created to read:

14 103.68 (2) (a) For more than 3 hours on a school day or 8 hours on a nonschool
15 day.

16 (b) For more than 18 hours in a school week or 40 hours in a nonschool week.

17 (c) For more than 6 days in a week.

18 (d) Before 7:00 a.m. or after 7:00 p.m. from the day after Labor Day to May 31.

19 (e) Before 7:00 a.m. or after 9:00 p.m. from June 1 to Labor Day.

20 **SECTION 2390zr.** 104.001 (3) (am) of the statutes is repealed.

21 **SECTION 2391.** 106.14 (2) of the statutes is amended to read:

22 106.14 (2) The department shall publicize and maintain on its job center Web
23 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)
24 ~~and 49.162~~ so that employers and individuals seeking employment may obtain
25 information about the ~~programs~~ program, including how to participate in ~~them~~ it.

1 **SECTION 2392.** 106.15 (3) (intro.) of the statutes is amended to read:

2 106.15 (3) GRANTS. (intro.) From the ~~appropriations~~ appropriation under s.
3 20.445 (1) ~~(be), (jm), and (m)~~, the department shall make grants to persons providing
4 employment and training activities to dislocated workers including all of the
5 following:

6 **SECTION 2393.** 106.16 (3) of the statutes is amended to read:

7 106.16 (3) A state agency or an authority under ch. 231 or 234 shall notify the
8 ~~department of commerce~~ Wisconsin Economic Development Corporation if it makes
9 a loan or grant to a company.

10 **SECTION 2394.** 106.20 (1) (e) of the statutes is amended to read:

11 106.20 (1) (e) "Minority business" has the meaning given in s. ~~560.036~~ 16.287
12 (1) (e).

13 **SECTION 2395.** 106.30 (2) of the statutes is amended to read:

14 106.30 (2) SURVEY FORM. Each odd-numbered year, the department of
15 workforce development shall develop and submit to the department of ~~regulation~~
16 ~~and licensing~~ safety and professional services a survey form to gather data under s.
17 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the
18 supply of, demand for, and turnover among nurses in this state and in determining
19 whether there are any regional shortages of nurses, shortages of nurses in any
20 speciality areas, or impediments to entering the nursing profession in this state.

21 **SECTION 2396.** 106.30 (5) (a) of the statutes is amended to read:

22 106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the
23 department of workforce development shall award grants equal to the amount
24 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to
25 a nonprofit statewide nursing center that is comprised of and led by nurses and that

1 has demonstrated coordination with constituent groups within the nursing
2 community, including professional nursing organizations; organizations
3 representing nurse educators, staff nurses, and nurse managers or executives; labor
4 organizations representing nurses; the department of ~~regulation and licensing~~
5 safety and professional services; the department of health services; and legislators
6 who are concerned with issues affecting the nursing profession.

7 **SECTION 2397.** 106.30 (5) (b) of the statutes is amended to read:

8 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)
9 shall use the grant moneys to develop strategies to ensure that there is a nursing
10 workforce that is adequate to meet the current and future health care needs of this
11 state. The statewide nursing center may use those moneys to fund activities that are
12 aimed at ensuring such a nursing workforce, including monitoring trends in the
13 applicant pool for nursing education programs; evaluating the effectiveness of
14 nursing education programs in increasing access to those programs and in
15 enhancing career mobility for nurses, especially for populations that are
16 underrepresented in the nursing profession; and facilitating partnerships between
17 the nursing community and other health care providers, the department of
18 ~~regulation and licensing~~ safety and professional services, the business community,
19 the legislature, and educators to promote diversity within the nursing profession,
20 enhance career mobility and leadership development for nurses, and achieve
21 consensus regarding policies aimed at ensuring an adequate nursing workforce in
22 this state.

23 **SECTION 2398.** 106.50 (6) (a) 3. of the statutes is amended to read:

24 106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an
25 interested person, by the department of workforce development under par. (b) or, if

1 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~
2 safety and professional services. The department of workforce development shall,
3 upon request, provide appropriate assistance in completing and filing complaints.

4 **SECTION 2399.** 106.50 (6) (b) of the statutes is amended to read:

5 106.50 (6) (b) *Powers and duties of department.* The department of workforce
6 development and its duly authorized agents may hold hearings, subpoena witnesses,
7 take testimony and make investigations as provided in this subsection. The
8 department of workforce development may test and investigate for the purpose of
9 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
10 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
11 of ~~commerce~~ safety and professional services may make, sign and file complaints
12 alleging violations of sub. (2r) (c). The department of workforce development shall
13 employ examiners to hear and decide complaints of discrimination under this
14 section, and to assist in the administration of this section. The examiners may make
15 findings and issue orders under this subsection. The department of workforce
16 development shall develop and implement an investigation manual for use in
17 conducting investigations under par. (c).

18 **SECTION 2400.** 107.30 (4) of the statutes is amended to read:

19 107.30 (4) "Department" means the department of ~~commerce~~ safety and
20 professional services.

21 **SECTION 2401.** 107.30 (10) of the statutes is amended to read:

22 107.30 (10) "Mining damage appropriation" means the appropriation under s.
23 ~~20.143 (3)~~ 20.165 (2) (a).

24 **SECTION 2402.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

1 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
2 is calculated by subtracting the total amount of all mining damages awards paid
3 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
4 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

5 **SECTION 2403.** 108.02 (21e) (intro.) of the statutes is amended to read:

6 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) “Professional
7 employer organization” means any person who is currently registered as a
8 professional employer organization with the department of ~~regulation and licensing~~
9 safety and professional services in accordance with ch. 461, who contracts to provide
10 the nontemporary, ongoing employee workforce of more than one client under a
11 written leasing contract, the majority of whose clients are not under the same
12 ownership, management, or control as the person other than through the terms of
13 the contract, and who under contract and in fact:

14 **SECTION 2403e.** 108.02 (26m) of the statutes is created to read:

15 108.02 (26m) WAITING PERIOD. “Waiting period” means any period of time under
16 s. 108.04 (3) for which no benefits are payable to a claimant as a condition precedent
17 to receipt of benefits.

18 **SECTION 2403s.** 108.04 (3) of the statutes is created to read:

19 108.04 (3) WAITING PERIOD. The first week of a claimant’s benefit year for which
20 the claimant has timely applied and is otherwise eligible for regular benefits under
21 this chapter is the claimant’s waiting period for that benefit year.

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

23 108.04 (8) (b) 1. An employee’s failure to accept an offer of work under par. (a)
24 includes:

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

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

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

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

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

10 108.04 (13) (cm) An employer shall report to the department an employee's
11 positive drug test or refusal to take such a test under sub. (8) (b), as the department
12 requires or approves.

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

14 108.09 (4r) DEPARTMENTAL RECORDS RELATING TO DRUG TEST INFORMATION. The
15 department shall retain drug test information obtained under s. 108.04 (13) (cm) for
16 the purpose of determining eligibility for benefits.

17 **SECTION 2404.** 109.07 (1m) (b) of the statutes is amended to read:

18 109.07 (1m) (b) The department shall promptly provide a copy of the notice
19 required under par. (a) ~~to the department of commerce and to the office of the~~
20 ~~commissioner of insurance and shall cooperate with the department of commerce in~~
21 ~~the performance of its responsibilities under s. 560.15 and with the office of the~~
22 ~~commissioner of insurance in the performance of its responsibilities under s. 601.41~~
23 (7).

24 **SECTION 2404c.** 109.09 (1) of the statutes is amended to read:

1 109.09 (1) The department shall investigate and attempt equitably to adjust
2 controversies between employers and employees as to alleged wage claims. The
3 department may receive and investigate any wage claim which is filed with the
4 department, or received by the department under s. 109.10 (4), no later than 2 years
5 after the date the wages are due. The department may, after receiving a wage claim,
6 investigate any wages due from the employer against whom the claim is filed to any
7 employee during the period commencing 2 years before the date the claim is filed.
8 The department shall enforce this chapter and ss. 66.0903, ~~66.0904~~, 103.02, 103.49,
9 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the
10 employer on behalf of the employee to collect any wage claim or wage deficiency and
11 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions
12 under s. 109.10, the department may refer such an action to the district attorney of
13 the county in which the violation occurs for prosecution and collection and the
14 district attorney shall commence an action in the circuit court having appropriate
15 jurisdiction. Any number of wage claims or wage deficiencies against the same
16 employer may be joined in a single proceeding, but the court may order separate
17 trials or hearings. In actions that are referred to a district attorney under this
18 subsection, any taxable costs recovered by the district attorney shall be paid into the
19 general fund of the county in which the violation occurs and used by that county to
20 meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office
21 of the district attorney who prosecuted the action.

22 **SECTION 2404g.** 110.08 (2) of the statutes is amended to read:

23 110.08 (2) Except as provided under sub. (5) (b) and s. 343.16 (1) (b) to (c), all
24 examinations for operator's licenses and permits shall be given by state examiners.

25 **SECTION 2404k.** 110.08 (5) of the statutes is created to read:

1 110.08 (5) (a) The department shall provide in each county, directly or by
2 contract as described in par. (b), at least 20 hours per week of services relating to
3 operator's licenses and identification cards.

4 (b) The department shall provide the services required under par. (a) by the
5 most cost-effective means possible, which may include contracting with counties or
6 other local governments to provide these services. Notwithstanding any provision
7 of ss. 343.14 and 343.16, a contract between the department and a county or other
8 local government under this paragraph may authorize an employee of the county or
9 local government to conduct any examination for an operator's license except a
10 driving skills test. The department may require any employee of a county or local
11 government who provides services under a contract entered into under this
12 paragraph to satisfy any requirement under s. 110.09 that would be required of an
13 employee of the department.

14 **SECTION 2404q.** 111.322 (2m) (c) of the statutes is amended to read:

15 111.322 (2m) (c) The individual files a complaint or attempts to enforce a right
16 under s. 66.0903, ~~66.0904~~, 103.49, or 229.8275 or testifies or assists in any action or
17 proceeding under s. 66.0903, ~~66.0904~~, 103.49, or 229.8275.

18 **SECTION 2404t.** 111.335 (1) (cv) of the statutes is amended to read:

19 111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment
20 discrimination because of conviction record to refuse to employ in a position in the
21 classified service ~~or in a position described in s. 230.08 (2) (k)~~ a person who has been
22 convicted under 50 USC, Appendix, section 462 for refusing to register with the
23 selective service system and who has not been pardoned.

24 **SECTION 2405p.** 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
25 10, is repealed and recreated to read:

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

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

17 111.70 (1) (f) “Fair-share agreement” means an agreement between a
18 municipal employer and a labor organization that represents public safety
19 employees or transit employees under which all or any of the public safety employees
20 or transit employees in the collective bargaining unit are required to pay their
21 proportionate share of the cost of the collective bargaining process and contract
22 administration measured by the amount of dues uniformly required of all members.

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

1 111.70 (1) (fm) “General municipal employee” means a municipal employee
2 who is not a public safety employee or a transit employee.

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

5 111.70 (1) (mm) “Public safety employee” means any municipal employee who
6 is employed in a position that, on the effective date of this paragraph [LRB inserts
7 date], is one of the following:

8 1. Classified as a protective occupation participant under any of the following:

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

10 b. A provision that is comparable to a provision under subd. 1. a. that is in a
11 county or city retirement system.

12 2. An emergency medical service provider for the emergency medical services
13 departments in Door and Waushara counties.

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

16 111.70 (1) (n) “Referendum” means a proceeding conducted by the commission
17 in which public safety employees or transit employees in a collective bargaining unit
18 may cast a secret ballot on the question of authorizing a labor organization and the
19 employer to continue a fair-share agreement.

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

21 111.70 (1) (p) “Transit employee” means a municipal employee who is
22 determined to be a transit employee under sub. (4) (bm).

23 **SECTION 2406hg.** 111.70 (2) of the statutes, as affected by 2011 Wisconsin Act
24 10, is repealed and recreated to read:

1 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right
2 of self-organization, and the right to form, join, or assist labor organizations, to
3 bargain collectively through representatives of their own choosing, and to engage in
4 lawful, concerted activities for the purpose of collective bargaining or other mutual
5 aid or protection. Municipal employees have the right to refrain from any and all
6 such activities. A general municipal employee has the right to refrain from paying
7 dues while remaining a member of a collective bargaining unit. A public safety
8 employee or a transit employee, however, may be required to pay dues in the manner
9 provided in a fair-share agreement; a fair-share agreement covering a public safety
10 employee or a transit employee must contain a provision requiring the municipal
11 employer to deduct the amount of dues as certified by the labor organization from the
12 earnings of the employee affected by the fair-share agreement and to pay the amount
13 deducted to the labor organization. A fair-share agreement covering a public safety
14 employee or transit employee is subject to the right of the municipal employer or a
15 labor organization to petition the commission to conduct a referendum. Such
16 petition must be supported by proof that at least 30% of the employees in the
17 collective bargaining unit desire that the fair-share agreement be terminated. Upon
18 so finding, the commission shall conduct a referendum. If the continuation of the
19 agreement is not supported by at least the majority of the eligible employees, it shall
20 terminate. The commission shall declare any fair-share agreement suspended upon
21 such conditions and for such time as the commission decides whenever it finds that
22 the labor organization involved has refused on the basis of race, color, sexual
23 orientation, creed, or sex to receive as a member any public safety employee or transit
24 employee of the municipal employer in the bargaining unit involved, and such
25 agreement is subject to this duty of the commission. Any of the parties to such

1 agreement or any public safety employee or transit employee covered by the
2 agreement may come before the commission, as provided in s. 111.07, and ask the
3 performance of this duty.

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

6 111.70 (3) (a) 3. To encourage or discourage a membership in any labor
7 organization by discrimination in regard to hiring, tenure, or other terms or
8 conditions of employment; but the prohibition shall not apply to a fair-share
9 agreement that covers public safety employees or transit employees.

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

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

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

23 111.70 (3) (a) 6. To deduct labor organization dues from the earnings of a public
24 safety employee or a transit employee, unless the municipal employer has been
25 presented with an individual order therefor, signed by the employee personally, and

1 terminable by at least the end of any year of its life or earlier by the public safety
2 employee or transit employee giving at least 30 days' written notice of such
3 termination to the municipal employer and to the representative organization,
4 except when a fair-share agreement is in effect.

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

6 111.70 (3) (a) 7m. To refuse or otherwise fail to implement an arbitration
7 decision lawfully made under sub. (4) (cg).

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

10 111.70 (3) (a) 9. If the collective bargaining unit contains a public safety
11 employee or transit employee, after a collective bargaining agreement expires and
12 before another collective bargaining agreement takes effect, to fail to follow any
13 fair-share agreement in the expired collective bargaining agreement.

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

15 111.70 (3) (b) 6m. To refuse or otherwise fail to implement an arbitration
16 decision lawfully made under sub. (4) (cg).

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

18 111.70 (4) (bm) *Transit employee determination.* The commission shall
19 determine that any municipal employee is a transit employee if the commission
20 determines that the municipal employer who employs the municipal employee would
21 lose federal funding under 49 USC 5333 (b) if the municipal employee is not a transit
22 employee.

23 **SECTION 2407dg.** 111.70 (4) (c) 2. of the statutes, as affected by 2011 Wisconsin

24 Act 10, is repealed and recreated to read:

1 111.70 (4) (c) 2. 'Arbitration.' Parties to a dispute pertaining to the meaning
2 or application of the terms of a written collective bargaining agreement involving a
3 collective bargaining unit containing a public safety employee may agree in writing
4 to have the commission or any other appropriate agency serve as arbitrator or may
5 designate any other competent, impartial and disinterested person to so serve.

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

7 111.70 (4) (cg) *Methods for peaceful settlement of disputes; transit employees.*

8 1. 'Notice of commencement of contract negotiations.' To advise the commission of
9 the commencement of contract negotiations involving a collective bargaining unit
10 containing transit employees, whenever either party requests the other to reopen
11 negotiations under a binding collective bargaining agreement, or the parties
12 otherwise commence negotiations if no collective bargaining agreement exists, the
13 party requesting negotiations shall immediately notify the commission in writing.
14 Upon failure of the requesting party to provide notice, the other party may provide
15 notice to the commission. The notice shall specify the expiration date of the existing
16 collective bargaining agreement, if any, and shall provide any additional information
17 the commission may require on a form provided by the commission.

18 2. 'Presentation of initial proposals; open meetings.' The meetings between
19 parties to a collective bargaining agreement or proposed collective bargaining
20 agreement under this subchapter that involve a collective bargaining unit
21 containing a transit employee and that are held to present initial bargaining
22 proposals, along with supporting rationale, are open to the public. Each party shall
23 submit its initial bargaining proposals to the other party in writing. Failure to
24 comply with this subdivision does not invalidate a collective bargaining agreement
25 under this subchapter.

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

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

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

19 6. 'Interest arbitration.' a. If in any collective bargaining unit containing
20 transit employees a dispute has not been settled after a reasonable period of
21 negotiation and after mediation by the commission under subd. 3. and other
22 settlement procedures, if any, established by the parties have been exhausted, and
23 the parties are deadlocked with respect to any dispute between them over wages,
24 hours, or conditions of employment to be included in a new collective bargaining
25 agreement, either party, or the parties jointly, may petition the commission, in

1 writing, to initiate compulsory, final, and binding arbitration, as provided in this
2 paragraph. At the time the petition is filed, the petitioning party shall submit in
3 writing to the other party and the commission its preliminary final offer containing
4 its latest proposals on all issues in dispute. Within 14 calendar days after the date
5 of that submission, the other party shall submit in writing its preliminary final offer
6 on all disputed issues to the petitioning party and the commission. If a petition is
7 filed jointly, both parties shall exchange their preliminary final offers in writing and
8 submit copies to the commission when the petition is filed.

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

1 order requiring arbitration and immediately submit to the parties a list of 7
2 arbitrators. The parties shall alternately strike names from the list until one name
3 is left that person shall be appointed arbitrator. The petitioning party shall notify
4 the commission in writing of the identity of the arbitrator. The commission shall then
5 formally appoint the arbitrator and submit to him or her the final offers of the
6 parties. The final offers are public documents and the commission shall make them
7 available. In lieu of a single arbitrator and upon request of both parties, the
8 commission shall appoint a tripartite arbitration panel consisting of one member
9 selected by each of the parties and a neutral person designated by the commission
10 who shall serve as a chairperson. An arbitration panel has the same powers and
11 duties provided in this section as any other appointed arbitrator, and all arbitration
12 decisions by a panel shall be determined by majority vote. In lieu of selection of the
13 arbitrator by the parties and upon request of both parties, the commission shall
14 establish a procedure for randomly selecting names of arbitrators. Under the
15 procedure, the commission shall submit a list of 7 arbitrators to the parties. Each
16 party shall strike one name from the list. From the remaining 5 names, the
17 commission shall randomly appoint an arbitrator. Unless both parties to an
18 arbitration proceeding otherwise agree in writing, every individual whose name is
19 submitted by the commission for appointment as an arbitrator must be a resident of
20 this state at the time of submission and every individual who is designated as an
21 arbitration panel chairperson must be a resident of this state at the time of
22 designation.

23 b. The arbitrator shall, within 10 days of his or her appointment under subd.
24 6. am., establish a date and place for the arbitration hearing. Upon petition of at least
25 5 citizens of the jurisdiction served by the municipal employer, filed within 10 days

1 after the date on which the arbitrator is appointed, the arbitrator shall hold a public
2 hearing in the jurisdiction to provide both parties the opportunity to present
3 supporting arguments for their positions and to provide to members of the public the
4 opportunity to offer their comments. The final offers of the parties, as transmitted
5 by the commission to the arbitrator, are the basis for continued negotiations, if any,
6 between the parties with respect to the issues in dispute. At any time prior to the
7 arbitration hearing, either party, with the consent of the other party, may modify its
8 final offer in writing.

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

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

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

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

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

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

14 7g. 'Factor given greater weight.' In making any decision under the arbitration
15 procedures under this paragraph, the arbitrator or arbitration panel shall consider
16 and shall give greater weight to any state law or directive lawfully issued by a state
17 legislative or administrative officer, body, or agency that places limitations on
18 expenditures that may be made or revenues that may be collected by a municipal
19 employer than to any of the factors specified in subd. 7r.

20 7r. 'Other factors considered.' In making any decision under the arbitration
21 procedures under by this paragraph, the arbitrator or arbitration panel shall give
22 weight to the following factors:

23 a. The lawful authority of the municipal employer.

24 b. Stipulations of the parties.

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

3 d. Comparison of wages, hours and conditions of employment of the transit
4 employees involved in the arbitration proceedings with the wages, hours, and
5 conditions of employment of other employees performing similar services.

6 e. Comparison of the wages, hours and conditions of employment of the transit
7 employees involved in the arbitration proceedings with the wages, hours, and
8 conditions of employment of other employees generally in public employment in the
9 same community and in comparable communities.

10 f. Comparison of the wages, hours and conditions of employment of the transit
11 employees involved in the arbitration proceedings with the wages, hours, and
12 conditions of employment of other employees in private employment in the same
13 community and in comparable communities.

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

16 h. The overall compensation presently received by the transit employees,
17 including direct wage compensation, vacation, holidays, and excused time,
18 insurance and pensions, medical and hospitalization benefits, the continuity and
19 stability of employment, and all other benefits received.

20 i. Changes in any of the foregoing circumstances during the pendency of the
21 arbitration proceedings.

22 j. Such other factors, not confined to the foregoing, which are normally or
23 traditionally taken into consideration in the determination of wages, hours and
24 conditions of employment through voluntary collective bargaining, mediation,

1 fact-finding, arbitration or otherwise between the parties, in the public service or in
2 private employment.

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

5 a. The appointment of tripartite arbitration panels when requested by the
6 parties.

7 b. The expeditious rendering of arbitration decisions, such as waivers of briefs
8 and transcripts.

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

11 d. Proceedings for the enforcement of arbitration decisions.

12 8m. 'Term of agreement; reopening of negotiations.' Except for the initial
13 collective bargaining agreement between the parties and except as the parties
14 otherwise agree, every collective bargaining agreement covering transit employees
15 shall be for a term of 2 years, but in no case may a collective bargaining agreement
16 for any collective bargaining unit consisting of transit employees subject to this
17 paragraph be for a term exceeding 3 years. No arbitration award involving transit
18 employees may contain a provision for reopening of negotiations during the term of
19 a collective bargaining agreement, unless both parties agree to such a provision. The
20 requirement for agreement by both parties does not apply to a provision for
21 reopening of negotiations with respect to any portion of an agreement that is
22 declared invalid by a court or administrative agency or rendered invalid by the
23 enactment of a law or promulgation of a federal regulation.

24 9. 'Application.' Chapter 788 does not apply to arbitration proceedings under
25 this paragraph.

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

3 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
4 bargaining unit for the purpose of collective bargaining and shall whenever possible
5 avoid fragmentation by maintaining as few collective bargaining units as practicable
6 in keeping with the size of the total municipal workforce. The commission may
7 decide whether, in a particular case, the municipal employees in the same or several
8 departments, divisions, institutions, crafts, professions, or other occupational
9 groupings constitute a collective bargaining unit. Before making its determination,
10 the commission may provide an opportunity for the municipal employees concerned
11 to determine, by secret ballot, whether they desire to be established as a separate
12 collective bargaining unit. The commission may not decide, however, that any group
13 of municipal employees constitutes an appropriate collective bargaining unit if the
14 group includes both professional employees and nonprofessional employees, unless
15 a majority of the professional employees vote for inclusion in the unit. The
16 commission may not decide that any group of municipal employees constitutes an
17 appropriate collective bargaining unit if the group includes both school district
18 employees and general municipal employees who are not school district employees.
19 The commission may not decide that any group of municipal employees constitutes
20 an appropriate collective bargaining unit if the group includes both public safety
21 employees and general municipal employees, if the group include includes both
22 transit employees and general municipal employees, or if the group includes both
23 transit employees and public safety employees. The commission may not decide that
24 any group of municipal employees constitutes an appropriate collective bargaining
25 unit if the group includes both craft employees and noncraft employees unless a

1 majority of the craft employees vote for inclusion in the unit. The commission shall
2 place the professional employees who are assigned to perform any services at a
3 charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit
4 from a unit that includes any other professional employees whenever at least 30%
5 of those professional employees request an election to be held to determine that issue
6 and a majority of the professional employees at the charter school who cast votes in
7 the election decide to be represented in a separate collective bargaining unit.

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

10 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify
11 the representative of the collective bargaining unit that contains a general municipal
12 employee. The election shall occur no later than December 1 for a collective
13 bargaining unit containing school district employees and no later than May 1 for a
14 collective bargaining unit containing general municipal employees who are not
15 school district employees. The commission shall certify any representative that
16 receives at least 51 percent of the votes of all of the general municipal employees in
17 the collective bargaining unit. If no representative receives at least 51 percent of the
18 votes of all of the general municipal employees in the collective bargaining unit, at
19 the expiration of the collective bargaining agreement, the commission shall decertify
20 the current representative and the general municipal employees shall be
21 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under
22 this subd. 3. b., the affected general municipal employees may not be included in a
23 substantially similar collective bargaining unit for 12 months from the date of
24 decertification. The commission shall assess and collect a certification fee for each

1 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall
2 be credited to the appropriation account under s. 20.425 (1) (i).

3 **SECTION 2408cv.** 111.70 (4) (jm) 4w. of the statutes is created to read:

4 111.70 (4) (jm) 4w. In determining the proper compensation to be received by
5 members of the police department under subd. 4., the arbitrator shall give greater
6 weight to the economic conditions in the 1st class city than the arbitrator gives to the
7 factors under subd. 5. The arbitrator shall give an accounting of the consideration
8 of this factor in the arbitrator's decision.

9 **SECTION 2408cx.** 111.70 (4) (jm) 5. (intro.) of the statutes is amended to read:

10 111.70 (4) (jm) 5. (intro.) In determining the proper compensation to be received
11 by members of the police department under subd. 4., in addition to the factor under
12 subd. 4w., the arbitrator shall utilize:

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

15 111.70 (4) (mb) 2. b. If there is a decrease or no change in the consumer price
16 index change, provides for any change in total base wages for authorized positions
17 in the proposed collective bargaining agreement from the total base wages for
18 authorized positions 180 days before the expiration of the previous collective
19 bargaining agreement.

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

21 111.70 (4) (mbb) For purposes of determining compliance with par. (mb), the
22 commission shall provide, upon request, to a municipal employer or to any
23 representative of a collective bargaining unit containing a general municipal
24 employee, the consumer price index change during any 12-month period. The
25 commission may get the information from the department of revenue.

1 **SECTION 2409cp.** 111.70 (4) (mc) 1., 2. and 3. of the statutes are repealed.

2 **SECTION 2409cy.** 111.70 (4) (mc) 5. and 6. of the statutes are created to read:

3 111.70 (4) (mc) 5. If the collective bargaining unit contains a public safety
4 employee who is initially employed on or after the effective date of this subdivision
5 [LRB inserts date], the requirement [under ss. 40.05 (1) (b), 59.875, and 62.623
6 that the municipal employer may not pay, on behalf of that public safety employee
7 any employee required contributions or the employee share of required
8 contributions, and the impact of this requirement on the wages, hours, and
9 conditions of employment of that public safety employee. If a public safety employee
10 is initially employed by a municipal employer before the effective date of this
11 subdivision [LRB inserts date], this subdivision does not apply to that public
12 safety employee if he or she is employed as a public safety employee by a successor
13 municipal employer in the event of a combined department that is created on or after
14 that date.

15 6. The design and selection of health care coverage plans by the municipal
16 employer for public safety employees, and the impact of the design and selection of
17 the health care coverage plans on the wages, hours, and conditions of employment
18 of the public safety employee.

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

21 111.70 (4) (p) *Permissive subjects of collective bargaining; public safety and*
22 *transit employees.* A municipal employer is not required to bargain with public safety
23 employees or transit employees on subjects reserved to management and direction
24 of the governmental unit except insofar as the manner of exercise of such functions

1 affects the wages, hours, and conditions of employment of the public safety
2 employees or of the transit employees in a collective bargaining unit.

3 **SECTION 2409fg.** 111.70 (7m) (c) 1. a. of the statutes, as affected by 2011
4 Wisconsin Act 10, is repealed and recreated to read:

5 111.70 (7m) (c) 1. a. Any labor organization that represents public safety
6 employees or transit employees which violates sub. (4) (L) may not collect any dues
7 under a collective bargaining agreement or under a fair-share agreement from any
8 employee covered by either agreement for a period of one year. At the end of the
9 period of suspension, any such agreement shall be reinstated unless the labor
10 organization is no longer authorized to represent the public safety employees or
11 transit employees covered by the collective bargaining agreement or fair-share
12 agreement or the agreement is no longer in effect.

13 **SECTION 2409gr.** 111.70 (8) (a) of the statutes, as affected by 2011 Wisconsin
14 Act 10, is repealed and recreated to read:

15 111.70 (8) (a) This section, except sub. (4) (cg) and (cm), applies to law
16 enforcement supervisors employed by a 1st class city. This section, except sub. (4)
17 (cm) and (jm), applies to law enforcement supervisors employed by a county having
18 a population of 500,000 or more. For purposes of such application, the terms
19 “municipal employee” and “public safety employee” include such a supervisor.

20 **SECTION 2409hg.** 111.71 (2) of the statutes, as affected by 2011 Wisconsin Act
21 10, is repealed and recreated to read:

22 111.71 (2) The commission shall assess and collect a filing fee for filing a
23 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
24 The commission shall assess and collect a filing fee for filing a request that the
25 commission act as an arbitrator to resolve a dispute involving the interpretation or

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

1 final and binding arbitration under s. 111.70 (4) (cg) 6. or (jm) or 111.77 (3) may not
2 prohibit the commission from initiating such arbitration. The commission may
3 initiate collection proceedings against the respondent party for the payment of the
4 filing fee. Fees collected under this subsection shall be credited to the appropriation
5 account under s. 20.425 (1) (i).

6 **SECTION 2409hrm.** 111.71 (4m) of the statutes is created to read:

7 111.71 (4m) The commission shall collect on a systematic basis information on
8 the operation of the arbitration law under s. 111.70 (4) (cg). The commission shall
9 report on the operation of the law to the legislature on an annual basis. The report
10 shall be submitted to the chief clerk of each house of the legislature for distribution
11 to the legislature under s. 13.172 (2).

12 **SECTION 2409igm.** 111.71 (5m) of the statutes is created to read:

13 111.71 (5m) The commission shall, on a regular basis, provide training
14 programs to prepare individuals for service as arbitrators or arbitration panel
15 members under s. 111.70 (4) (cg). The commission shall engage in appropriate
16 promotional and recruitment efforts to encourage participation in the training
17 programs by individuals throughout the state, including at least 10 residents of each
18 congressional district. The commission may also provide training programs to
19 individuals and organizations on other aspects of collective bargaining, including on
20 areas of management and labor cooperation directly or indirectly affecting collective
21 bargaining. The commission may charge a reasonable fee for participation in the
22 programs.

23 **SECTION 2409it.** 111.77 (6) of the statutes is renumbered 111.77 (6) (bm), and
24 111.77 (6) (bm) (intro.), as renumbered, is amended to read:

1 111.77 (6) (bm) (intro.) In reaching a decision, in addition to the factors under
2 par. (am), the arbitrator shall give weight to the following factors:

3 **SECTION 2409iv.** 111.77 (6) (am) of the statutes is created to read:

4 111.77 (6) (am) In reaching a decision, the arbitrator shall give greater weight
5 to the economic conditions in the jurisdiction of the municipal employer than the
6 arbitrator gives to the factors under par. (bm). The arbitrator shall give an
7 accounting of the consideration of this factor in the arbitrator's decision.

8 **SECTION 2409jn.** 111.77 (9) of the statutes is amended to read:

9 111.77 (9) Section 111.70 (4) (c) 3., (cg), and (cm) ~~shall~~ does not apply to
10 employments covered by this section.

11 **SECTION 2410a.** 111.81 (7) (ar) of the statutes is created to read:

12 111.81 (7) (ar) Any employee who is employed by the University of Wisconsin
13 System, except an employee who is assigned to the University of
14 Wisconsin-Madison, and except academic faculty under s. 36.13 and academic staff
15 under s. 36.15.

16 **SECTION 2410b.** 111.81 (7) (at) of the statutes is created to read:

17 111.81 (7) (at) Any employee who is employed by the University of Wisconsin
18 System and assigned to the University of Wisconsin-Madison except academic
19 faculty under s. 36.13 and academic staff under s. 36.15.

20 **SECTION 2410c.** 111.815 (1) of the statutes is amended to read:

21 111.815 (1) In the furtherance of this subchapter, the state shall be considered
22 as a single employer and employment relations policies and practices throughout the
23 state service shall be as consistent as practicable. The office shall negotiate and
24 administer collective bargaining agreements except that the department of health
25 services, subject to the approval of the federal centers for medicare and medicaid

1 services to use collective bargaining as the method of setting rates for
2 reimbursement of home care providers, shall negotiate and administer collective
3 bargaining agreements entered into with the collective bargaining unit specified in
4 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
5 the office, or the department of health services with regard to collective bargaining
6 agreements entered into with the collective bargaining unit specified in s. 111.825
7 (2g), shall maintain close liaison with the legislature relative to the negotiation of
8 agreements and the fiscal ramifications of those agreements. Except with respect
9 to the collective bargaining units specified in s. 111.825 (1m), ~~(2) (f)~~, (1r), (1t), and
10 (2g), the office is responsible for the employer functions of the executive branch under
11 this subchapter, and shall coordinate its collective bargaining activities with
12 operating state agencies on matters of agency concern. The legislative branch shall
13 act upon those portions of tentative agreements negotiated by the office that require
14 legislative action. With respect to the collective bargaining units specified in s.
15 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible
16 for the employer functions under this subchapter. With respect to the collective
17 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University
18 of Wisconsin System is responsible for the employer functions under this subchapter.
19 With respect to the collective bargaining units specified in s. 111.825 (1t), the
20 chancellor of the University of Wisconsin-Madison is responsible for the employer
21 functions under this subchapter. With respect to the collective bargaining unit
22 specified in s. 111.825 ~~(2) (f)~~ (1r) ~~(ef)~~, the governing board of the charter school
23 established by contract under s. 118.40 (2r) (cm) is responsible for the employer
24 functions under this subchapter. With respect to the collective bargaining unit

1 specified in s. 111.825 (2g), the department of health services is responsible for the
2 employer functions of the executive branch under this subchapter.

3 **SECTION 2410d.** 111.815 (2) of the statutes is amended to read:

4 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of
5 the office shall, together with the appointing authorities or their representatives,
6 represent the state in its responsibility as an employer under this subchapter except
7 with respect to negotiations in the collective bargaining units specified in s. 111.825
8 (1m), (2) (f), (1r), (1t), and (2g). The director of the office shall establish and maintain,
9 wherever practicable, consistent employment relations policies and practices
10 throughout the state service.

11 **SECTION 2410e.** 111.825 (1r) of the statutes is created to read:

12 111.825 (1r) Except as provided in sub. (2), collective bargaining units for
13 employees who are employed by the University of Wisconsin System, other than
14 employees who are assigned to the University of Wisconsin-Madison, are structured
15 with one collective bargaining unit for each of the following occupational groups:

- 16 (a) Administrative support.
- 17 (b) Blue collar and nonbuilding trades.
- 18 (c) Building trades crafts.
- 19 (cm) Law enforcement.
- 20 (d) Security and public safety.
- 21 (e) Technical.
- 22 (f) Professional:
- 23 1. Fiscal and staff services.
- 24 2. Research, statistics, and analysis.
- 25 3. Legal.

1 4. Patient treatment.

2 5. Patient care.

3 6. Social services.

4 7. Education.

5 8. Engineering.

6 9. Science.

7 **SECTION 2410f.** 111.825 (1t) of the statutes is created to read:

8 111.825 (1t) Except as provided in sub. (2), collective bargaining units for
9 employees employed by the University of Wisconsin System and assigned to the
10 University of Wisconsin-Madison are structured with one collective bargaining unit
11 for each of the following occupational groups:

12 (a) Administrative support.

13 (b) Blue collar and nonbuilding trades.

14 (c) Building trades crafts.

15 (cm) Law enforcement.

16 (d) Security and public safety.

17 (e) Technical.

18 (f) Professional:

19 1. Fiscal and staff services.

20 2. Research, statistics, and analysis.

21 3. Legal.

22 4. Patient treatment.

23 5. Patient care.

24 6. Social services.

25 7. Education.

1 8. Engineering.

2 9. Science.

3 **SECTION 2410g.** 111.825 (2) (a) of the statutes is renumbered 111.825 (1t) (em)
4 and amended to read:

5 111.825 **(1t)** (em) The program, project, and teaching assistants of the
6 University of Wisconsin-Madison ~~and,~~

7 **(1r)** (em) The program, project, and teaching assistants of the University of
8 Wisconsin-Extension.

9 **SECTION 2410h.** 111.825 (2) (b), (c) and (f) of the statutes are renumbered
10 111.825 (1r) (eb), (ec) and (ef).

11 **SECTION 2410i.** 111.825 (2) (g) of the statutes is renumbered 111.825 (1t) (er)
12 and amended to read:

13 111.825 **(1t)** (er) Research assistants of the University of Wisconsin-Madison
14 ~~and,~~

15 **(1r)** (er) Research assistants of the University of Wisconsin-Extension.

16 **SECTION 2410j.** 111.825 (2) (h) and (i) of the statutes are renumbered 111.825
17 (1r) (eh) and (ei).

18 **SECTION 2410k.** 111.825 (3) of the statutes is amended to read:

19 111.825 **(3)** The commission shall assign employees to the appropriate
20 collective bargaining units set forth in subs. (1), (1m), (1r), (1t), (2), and (2g).

21 **SECTION 2410L.** 111.825 (3m) of the statutes is created to read:

22 111.825 **(3m)** If, on or after the effective date of this subsection [LRB inserts
23 date], the University of Wisconsin-Madison or the Board of Regents of the University
24 of Wisconsin System creates a new position title or classification for a position, the
25 commission shall, within 30 days of being notified of the creation, determine if the

1 title or classification would make the person who holds the position an employee
2 under s. 111.81 (7) (ar) or (at) and assign any new position title or classification that
3 would make the position holder an employee to the appropriate collective bargaining
4 unit under s. 111.825 (1r) or (1t).

5 **SECTION 2410m.** 111.825 (4) of the statutes is amended to read:

6 111.825 (4) Any labor organization may petition for recognition as the exclusive
7 representative of a collective bargaining unit specified in sub. (1), (1m), (1r), (1t), (2),
8 or (2g) in accordance with the election procedures set forth in s. 111.83, provided the
9 petition is accompanied by a 30% showing of interest in the form of signed
10 authorization cards. Each additional labor organization seeking to appear on the
11 ballot shall file petitions within 60 days of the date of filing of the original petition
12 and prove, through signed authorization cards, that at least 10% of the employees
13 in the collective bargaining unit want it to be their representative.

14 **SECTION 2410n.** 111.825 (6) of the statutes is amended to read:

15 111.825 (6) The commission shall ~~only~~ assign only an employee of the
16 department of administration, department of transportation, University of
17 Wisconsin-Madison, or board of regents of the University of Wisconsin System who
18 engages in the detection and prevention of crime, who enforces the laws and who is
19 authorized to make arrests for violations of the laws; an employee of the department
20 of administration, department of transportation, University of Wisconsin-Madison,
21 or board of regents of the University of Wisconsin System who provides technical law
22 enforcement support to such employees; and an employee of the department of
23 transportation who engages in motor vehicle inspection or operator's license
24 examination to ~~the~~ a collective bargaining unit under sub. (1) (cm), (1r) (cm), or (1t)
25 (cm), whichever is appropriate.

1 **SECTION 2410o.** 111.825 (7) of the statutes is created to read:

2 111.825 (7) Notwithstanding sub. (3), if on the effective date of this subsection
3 [LRB inserts date], an employee of the University of Wisconsin System is assigned
4 to a collective bargaining unit under sub. (1) or (2) (a), (b), (c), (g), (h), or (i) the
5 commission shall assign the person to the corresponding collective bargaining unit
6 under sub. (1r) or (1t), whichever is appropriate. Except as otherwise provided in this
7 subchapter, the commission may not assign any other persons to the collective
8 bargaining units under sub. (1r) or (1t).

9 **SECTION 2410oe.** 111.83 (3) (b) of the statutes, as created by 2011 Wisconsin
10 Act 10, is repealed and recreated to read:

11 111.83 (3) (b) Annually, no later than December 1, the commission shall
12 conduct an election to certify the representative of a collective bargaining unit that
13 contains a general employee. There shall be included on the ballot the names of all
14 labor organizations having an interest in representing the general employees
15 participating in the election. The commission may exclude from the ballot one who,
16 at the time of the election, stands deprived of his or her rights under this subchapter
17 by reason of a prior adjudication of his or her having engaged in an unfair labor
18 practice. The commission shall certify any representative that receives at least 51
19 percent of the votes of all of the general employees in the collective bargaining unit.
20 If no representative receives at least 51 percent of the votes of all of the general
21 employees in the collective bargaining unit, at the expiration of the collective
22 bargaining agreement, the commission shall decertify the current representative
23 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if
24 a representative is decertified under this paragraph, the affected general employees
25 may not be included in a substantially similar collective bargaining unit for 12

1 months from the date of decertification. The commission's certification of the results
2 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The
3 commission shall assess and collect a certification fee for each election conducted
4 under this paragraph. Fees collected under this paragraph shall be credited to the
5 appropriation account under s. 20.425 (1) (i).

6 **SECTION 2410pm.** 111.83 (5) (a) of the statutes is amended to read:

7 111.83 (5) (a) This subsection applies only to the collective bargaining unit
8 specified in s. 111.825 (2) (e) (1r) (ec).

9 **SECTION 2410q.** 111.83 (5) (b) of the statutes is amended to read:

10 111.83 (5) (b) Upon filing of a petition with the commission indicating a
11 showing of interest of at least 30% of the employees at an institution who are
12 included within a collective bargaining unit to be represented by a labor
13 organization, the commission shall hold an election in which the employees in that
14 unit at that institution may vote on the question of representation. The labor
15 organization named in any such petition shall be included on the ballot. Within 60
16 days of the time that an original petition is filed, another petition may be filed with
17 the commission indicating a showing of interest of at least 10% of the employees at
18 the same institution who are included in the same collective bargaining unit to be
19 represented by another labor organization, in which case the name of that labor
20 organization shall be included on the ballot. If more than one original petition is filed
21 within a 30-day period concerning employees in the collective bargaining unit
22 specified in s. 111.825 (2) (e) (1r) (ec), the results of all elections held pursuant to the
23 petitions shall be announced by the commission at the same time. The ballot shall
24 be prepared in accordance with sub. (3), except as otherwise provided in this
25 subsection.

1 **SECTION 2410r.** 111.83 (5) (c) of the statutes is amended to read:

2 111.83 (5) (c) Notwithstanding s. 111.825 ~~(2) (e)~~ (1r) (ec), the employees at any
3 institution included within the collective bargaining unit at which no petition is filed
4 and no election is held or at which the employees indicate, by a majority of those
5 voting in an election, a desire not to participate in collective bargaining are not
6 considered to be a part of that collective bargaining unit.

7 **SECTION 2410s.** 111.83 (7) of the statutes is renumbered 111.83 (7) (a).

8 **SECTION 2410t.** 111.83 (7) (b) of the statutes is created to read:

9 111.83 (7) (b) Notwithstanding subs. (1), (3) and (6) and s. 111.825 (4), if on the
10 effective date of this paragraph ... [LRB inserts date], there is a representative
11 recognized or certified to represent the employees in any of the collective bargaining
12 units specified in s. 111.825 (1) (a) to (f), that representative shall become the
13 representative of the employees in the corresponding collective bargaining units
14 specified in s. 111.825 (1r) (a) to (f) or (1t) (a) to (f), whichever is appropriate, without
15 the necessity of filing a petition or conducting an election, subject to the right of any
16 person to file a petition under this section during October 2014 or at any subsequent
17 time when sub. (6) applies.

18 **SECTION 2410u.** 111.84 (2) (c) of the statutes is amended to read:

19 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
20 (1) with the duly authorized officer or agent of the employer which is the recognized
21 or certified exclusive collective bargaining representative of employees specified in
22 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
23 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
24 ~~(b)~~ (ar) to (g) in an appropriate collective bargaining unit. Such refusal to bargain

1 shall include, but not be limited to, the refusal to execute a collective bargaining
2 agreement previously orally agreed upon.

3 **SECTION 2410v.** 111.85 (5) of the statutes is renumbered 111.85 (5) (a).

4 **SECTION 2410w.** 111.85 (5) (b) of the statutes is created to read:

5 111.85 (5) (b) Notwithstanding sub. (1), if on the effective date of this paragraph
6 [LRB inserts date], there is a fair-share or maintenance of membership
7 agreement in effect in any of the collective bargaining units specified in s. 111.825
8 (1) (a) to (f), that fair-share or maintenance of membership agreement shall apply
9 to the corresponding collective bargaining unit under s. 111.825 (1r) (a) to (f) or (1t)
10 (a) to (f), whichever is appropriate, without the necessity of filing a petition or
11 conducting a referendum, subject to the right of the employees in each collective
12 bargaining unit to file a petition requesting a referendum under sub. (2) (a).

13 **SECTION 2424hr.** 111.91 (1) (cm) of the statutes, as affected by 2011 Wisconsin
14 Act 10, is amended to read:

15 111.91 (1) (cm) Except as provided in sub. (2) (~~g~~) and (~~h~~) and ss. 40.02 (22) (e)
16 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40
17 and all actions of the employer that are authorized under any such law which apply
18 to nonrepresented individuals employed by the state shall apply to similarly situated
19 public safety employees, unless otherwise specifically provided in a collective
20 bargaining agreement that applies to the public safety employees.

21 **SECTION 2424jp.** 111.91 (2) (fm) of the statutes is created to read:

22 111.91 (2) (fm) If the collective bargaining unit contains a public safety
23 employee initially employed on or after the effective date of this paragraph [LRB
24 inserts date], the requirement under s. 40.05 (1) (b) that the employer may not pay,
25 on behalf of that public safety employee, any employee required contributions or the

1 employee share of required contributions and the impact of this requirement on the
2 wages, hours, and conditions of employment of that public safety employee.

3 **SECTION 2425p.** 111.91 (3) (b) 2. of the statutes, as created by 2011 Wisconsin
4 Act 10, is repealed and recreated to read:

5 111.91 (3) (b) 2. If there is a decrease or no change in the consumer price index
6 change, provides for any change in total base wages for authorized positions in the
7 proposed collective bargaining agreement from the total base wages for authorized
8 positions 180 days before the expiration of the previous collective bargaining
9 agreement.

10 **SECTION 2426c.** 111.91 (4) of the statutes is amended to read:

11 111.91 (4) The director of the office, in connection with the development of
12 tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a) 1,
13 shall endeavor to obtain tentative agreements with each recognized or certified labor
14 organization representing employees or supervisors of employees specified in s.
15 111.81 (7) (a) and with each certified labor organization representing employees
16 specified in s. 111.81 (7) (b) to (e) which do not contain any provision for the payment
17 to any employee of a cumulative or noncumulative amount of compensation in
18 recognition of or based on the period of time an employee has been employed by the
19 state.

20 **SECTION 2426g.** 111.92 (1) (a) of the statutes is renumbered 111.92 (1) (a) 1. and
21 amended to read:

22 111.92 (1) (a) 1. Any tentative agreement reached between the office, or, as
23 provided in s. 111.815 (1), the department of health services, acting for the state, and
24 any labor organization representing a collective bargaining unit specified in s.
25 111.825 (1), (2) ~~(a) to (d)~~ or (e), or (2g) shall, after official ratification by the labor

1 organization, be submitted by the office or department of health services to the joint
2 committee on employment relations, which shall hold a public hearing before
3 determining its approval or disapproval.

4 4. If the committee approves ~~the~~ a tentative agreement under subd. 1., 2., or
5 3., it shall introduce in a bill or companion bills, to be put on the calendar or referred
6 to the appropriate scheduling committee of each house, that portion of the tentative
7 agreement which requires legislative action for implementation, such as salary and
8 wage adjustments, changes in fringe benefits, and any proposed amendments,
9 deletions or additions to existing law. Such bill or companion bills are not subject to
10 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
11 suitable portions of the tentative agreement to appropriate legislative committees
12 for advisory recommendations on the proposed terms. The committee shall
13 accompany the introduction of such proposed legislation with a message that informs
14 the legislature of the committee's concurrence with the matters under consideration
15 and which recommends the passage of such legislation without change. If the joint
16 committee on employment relations does not approve the tentative agreement, it
17 shall be returned to the parties for renegotiation. If the legislature does not adopt
18 without change that portion of the tentative agreement introduced by the joint
19 committee on employment relations, the tentative agreement shall be returned to
20 the parties for renegotiation.

21 **SECTION 2426L.** 111.92 (1) (a) 2. and 3. of the statutes are created to read:

22 111.92 (1) (a) 2. Any tentative agreement reached between the Board of
23 Regents of the University of Wisconsin System, acting for the state, and any labor
24 organization representing a collective bargaining unit specified in s. 111.825 (1r)
25 shall, after official ratification by the labor organization, be submitted by the Board

1 of Regents of the University of Wisconsin System to the joint committee on
2 employment relations, which shall hold a public hearing before determining its
3 approval or disapproval.

4 3. Any tentative agreement reached between the University of
5 Wisconsin-Madison, acting for the state, and any labor organization representing a
6 collective bargaining unit specified in s. 111.825 (1t) shall, after official ratification
7 by the labor organization and approval by the Board of Regents of the University of
8 Wisconsin System, be submitted by the University of Wisconsin-Madison to the joint
9 committee on employment relations, which shall hold a public hearing before
10 determining its approval or disapproval.

11 **SECTION 2426p.** 111.92 (1) (c) of the statutes is amended to read:

12 111.92 (1) (c) Any tentative agreement reached between the governing board
13 of the charter school established by contract under s. 118.40 (2r) (cm), acting for the
14 state, and any labor organization representing a collective bargaining unit specified
15 in s. 111.825 (2) (f) (1r) (ef) shall, after official ratification by the labor organization
16 and approval by the chancellor of the University of Wisconsin-Parkside, be executed
17 by the parties.

18 **SECTION 2426t.** 111.93 (3) of the statutes is amended to read:

19 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
20 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement
21 exists between the employer and a labor organization representing employees in a
22 collective bargaining unit, the provisions of that agreement shall supersede the
23 provisions of civil service and other applicable statutes, as well as rules and policies
24 of the University of Wisconsin-Madison and the board of regents of the University
25 of Wisconsin System, related to wages, fringe benefits, hours, and conditions of

1 employment whether or not the matters contained in those statutes, rules, and
2 policies are set forth in the collective bargaining agreement.

3 **SECTION 2426x.** 111.935 (2) of the statutes is amended to read:

4 111.935 (2) Notwithstanding s. 111.83 (2), the commission shall establish a
5 procedure whereby research assistants may determine whether to form themselves
6 into collective bargaining units under s. 111.825 (2) ~~(g), (h), or (i)~~ (1r) (eh), (ei), or (er)
7 or (1t) (er) by authorization cards in lieu of secret ballot. The procedure shall provide
8 that once a majority of research assistants have indicated their preference on the
9 authorization cards to form themselves into a collective bargaining unit, the
10 collective bargaining unit is established.

11 **SECTION 2432.** 114.31 (6) of the statutes is amended to read:

12 114.31 (6) TECHNICAL SERVICES TO MUNICIPALITIES. The secretary may, insofar
13 as is reasonably possible, offer the engineering or other technical service of the
14 department, to any municipality desiring them in connection with the construction,
15 maintenance or operation or proposed construction, maintenance or operation of an
16 airport. The secretary may assess reasonable costs for services including services
17 performed while acting as agent for a municipality. Such assessment shall include
18 properly allocated administrative costs. Municipalities are authorized to cooperate
19 with the secretary in the development of aeronautics and aeronautical facilities in
20 this state. ~~The department of commerce~~ Wisconsin Economic Development
21 Corporation and all other agencies are authorized and directed to make available
22 such facilities and services, and to cooperate as far as possible to promote the best
23 interests of aeronautics of the state.

24 **SECTION 2433.** 114.33 (10) of the statutes is amended to read:

1 114.33 (10) Subject to the approval of the governor under this subsection, the
2 secretary may sell at public or private sale property of whatever nature owned by the
3 state and under the jurisdiction of the secretary when the secretary determines that
4 the property is no longer necessary for the state's use for airport purposes and, if real
5 property, the real property is not the subject of a petition under s. ~~560.9810~~ 16.310.
6 The secretary shall present to the governor a full and complete report of the property
7 to be sold, the reason for the sale, and the minimum price for which the property
8 should be sold, together with an application for the governor's approval of the sale.
9 The governor shall investigate the proposed sale as he or she deems necessary and
10 approve or disapprove the application. Upon approval and receipt of the full
11 purchase price, the secretary shall by appropriate deed or other instrument transfer
12 the property to the purchaser. The funds derived from the sale shall be deposited in
13 the appropriate airport fund, and the expense incurred by the secretary in
14 connection with the sale shall be paid from that fund. This subsection does not apply
15 to real property that is sold under s. 16.848.

16 **SECTION 2437.** 115.28 (12) of the statutes is created to read:

17 115.28 (12) STUDENT INFORMATION SYSTEM. (a) Working with the office of the
18 governor, establish a student information system to collect and maintain
19 information about pupils enrolled in public schools, including their academic
20 performance and demographic information, aggregated by school district, school,
21 and teacher.

22 (b) Ensure that within 5 years of the establishment of the system under par.
23 (a), every school district is using the system. The state superintendent may
24 promulgate rules authorizing the department to charge a fee to any person that uses

1 the system. All fees shall be credited to the appropriation account under s. 20.255
2 (1) (jm).

3 **SECTION 2438.** 115.28 (24) of the statutes is amended to read:

4 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
5 school boards under ~~ss. s. 115.36 and 115.361~~, and in awarding grants from federal
6 funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862
7 (b) (1) (B), to programs that provide more than one of the educational services
8 specified under s. 115.36, ~~115.361~~, 115.915, 118.01 (2) (d) 7. or 8. or 118.153 or 20 USC
9 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862 (b) (1) (B).

10 **SECTION 2439.** 115.28 (35) of the statutes is repealed.

11 **SECTION 2440.** 115.28 (39) of the statutes is amended to read:

12 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and~~
13 ~~biennially~~ Biennially by July 1 thereafter, evaluate the effectiveness of the programs
14 under ~~ss. s. 115.36 and 115.361~~ and submit a report to the legislature under s. 13.172
15 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~
16 ~~may incorporate into the report under this subsection the report required under s.~~
17 ~~115.361 (2).~~

18 **SECTION 2441.** 115.28 (45) of the statutes is repealed.

19 **SECTION 2442.** 115.28 (46) of the statutes is repealed.

20 **SECTION 2443.** 115.28 (47) of the statutes is repealed.

21 **SECTION 2446.** 115.33 (2) (a) (intro.) of the statutes is amended to read:

22 115.33 (2) (a) (intro.) The state superintendent may request the department
23 of ~~commerce~~ safety and professional services to inspect a public school if any of the
24 following occurs:

25 **SECTION 2447.** 115.33 (2) (b) of the statutes is amended to read:

1 115.33 (2) (b) The department of ~~commerce~~ safety and professional services
2 shall inspect the school within 30 days after receiving a request from the state
3 superintendent under par. (a).

4 **SECTION 2448.** 115.33 (3) (a) of the statutes is amended to read:

5 115.33 (3) (a) If the state superintendent determines that a school is not in
6 compliance, and the department of ~~commerce~~ safety and professional services, based
7 on its inspection of the school, concurs in the determination, the state
8 superintendent may order the school board to repair, improve, remodel or close the
9 school by a stated date. An order issued under this paragraph constitutes a
10 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

11 **SECTION 2449.** 115.33 (3) (b) 1. of the statutes is amended to read:

12 115.33 (3) (b) 1. If the state superintendent determines that a school is not in
13 compliance and is not worth repairing, and the department of ~~commerce~~ safety and
14 professional services, based on its inspection of the school, concurs in the
15 determination, the state superintendent may order the school board to develop a
16 plan that describes how the school board will achieve compliance with the standard
17 under s. 121.02 (1) (i). The plan shall specify the time within which compliance with
18 the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall
19 hold a public hearing on the plan in the school district and may, as a result of the
20 hearing, recommend changes to the plan. The state superintendent may withhold
21 up to 25% of the school district's state aid if the school district fails to achieve
22 compliance with the standard under s. 121.02 (1) (i) within the period specified in the
23 plan.

24 **SECTION 2451.** 115.361 of the statutes is repealed.

25 **SECTION 2453.** 115.39 of the statutes is repealed.

1 **SECTION 2454.** 115.405 (2m) of the statutes is repealed.

2 **SECTION 2457.** 115.45 of the statutes is repealed.

3 **SECTION 2458.** 115.53 (3) (a) and (b) of the statutes are consolidated,
4 renumbered 115.53 (3) and amended to read:

5 115.53 (3) Arrange for otological or ophthalmic examination of any pupil or
6 prospective pupil of the school operated by the Wisconsin Educational Services
7 Program for the Deaf and Hard of Hearing. ~~The examination shall be paid for from~~
8 ~~the appropriation in s. 20.255 (1) (b), (gh) or (gs).~~ (b) Arrange for ophthalmic or
9 otological examination of any pupil or prospective pupil of or the school operated by
10 the Wisconsin Center for the Blind and Visually Impaired. The examination shall
11 be paid for from the appropriation ~~in~~ under s. 20.255 (1) (b), ~~(gh)~~, (gL), or (gs).

12 **SECTION 2459.** 115.53 (4) (unnumbered first par.) and (a) of the statutes are
13 consolidated, renumbered 115.53 (4) and amended to read:

14 115.53 (4) Apply to the board of directors of the University of Wisconsin
15 Hospitals and Clinics Authority for admission to the University of Wisconsin
16 Hospitals and Clinics of any pupil at the school operated by the Wisconsin
17 Educational Services Program for the Deaf and Hard of Hearing or the school
18 operated by the Wisconsin Center for the Blind and Visually Impaired. (a) The
19 application shall be accompanied by the report of a physician appointed by the
20 director of the Wisconsin Educational Services Program for the Deaf and Hard of
21 Hearing or the director of the Wisconsin Center for the Blind and Visually Impaired
22 and shall be in the same form as reports of other physicians for admission of patients
23 to such hospital.

24 **SECTION 2460.** 115.53 (4) (b) of the statutes is repealed.

25 **SECTION 2472.** 118.07 (2) (b) of the statutes is amended to read: