

2011 DRAFTING REQUEST

Senate Amendment (SA-AB40)

Received: **06/16/2011**

Received By: **chanaman**

Wanted: **Today**

Companion to LRB:

For: **Mark Miller (608) 266-9170**

By/Representing: **Beth**

May Contact:

Drafter: **chanaman**

Subject: **Employ Pub - collective bargain
Employ Pub - employee benefits**

Addl. Drafters: **rchampag**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Miller@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restore collective bargaining

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 06/16/2011	wjackson 06/16/2011		_____			
/1			rschluet 06/16/2011	_____	mbarman 06/16/2011	mbarman 06/16/2011	

FE Sent For:

<END>

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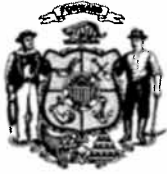
See attached.

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FE Sent For:

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State of Wisconsin
2011 - 2012 LEGISLATURE



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LRBb13264
CMH&RAC:wlj:ph

S. EV

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stays

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 40

Now

bill, as shown by assembly substitute amendment

1 At the locations indicated, amend the ~~substitute amendment~~ as follows:

2 **1.** Page 5, line 2: after that line insert:

3 "SECTION 5s. 7.33 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 10,

4 is amended to read:

5 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and

6 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,

7 or 237.

8 SECTION 5t. 7.33 (4) of the statutes, as affected by 2011 Wisconsin Act 10, is

9 amended to read:

10 7.33 (4) Except as otherwise provided in this subsection, each local

11 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon

12 proper application under sub. (3), permit each of its employees to serve as an election

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

8 **2.** Page 15, line 22: after that line insert:

9 “**SECTION 25m.** 13.111 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
10 is amended to read:

11 13.111 (2) DUTIES. The joint committee on employment relations shall perform
12 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
13 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923.

14 **SECTION 26m.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
15 is amended to read:

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

22 **3.** Page 18, line 16: after that line insert:

23 “**SECTION 49b.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

1 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
2 facility that is constructed for the benefit of or use of the state, any state agency,
3 board, commission or department, the University of Wisconsin Hospitals and Clinics
4 Authority, the Fox River Navigational System Authority, the Wisconsin Quality
5 Home Care Authority, the Wisconsin Economic Development Corporation, or any
6 local professional baseball park district created under subch. III of ch. 229 if the
7 construction is undertaken by the department of administration on behalf of the
8 district, shall be in compliance with all applicable state laws, rules, codes and
9 regulations but the construction is not subject to the ordinances or regulations of the
10 municipality in which the construction takes place except zoning, including without
11 limitation because of enumeration ordinances or regulations relating to materials
12 used, permits, supervision of construction or installation, payment of permit fees, or
13 other restrictions.”.

14 **4.** Page 22, line 21: after that line insert:

15 “**SECTION 62m.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
16 is amended to read:

17 13.62 (2) “Agency” means any board, commission, department, office, society,
18 institution of higher education, council, or committee in the state government, or any
19 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
20 233, 234, 237, 238, or 279, except that the term does not include a council or
21 committee of the legislature.”.

22 **5.** Page 24, line 4: after that line insert:

23 “**SECTION 69.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

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

18 **SECTION 69g.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act
19 10, is amended to read:

20 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
21 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
22 shall be strictly nonpartisan and shall at all times observe the confidential nature
23 of the research requests received by it; however, with the prior approval of the
24 requester in each instance, the bureau may duplicate the results of its research for
25 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s

1 designated employees shall at all times, with or without notice, have access to all
2 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
3 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
4 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
5 Authority, the Wisconsin Economic Development Corporation, and the Fox River
6 Navigational System Authority, and to any books, records, or other documents
7 maintained by such agencies or authorities and relating to their expenditures,
8 revenues, operations, and structure.”.

9 **6.** Page 51, line 22: after that line insert:

10 “**SECTION 176.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
11 is amended to read:

12 16.002 (2) “Departments” means constitutional offices, departments, and
13 independent agencies and includes all societies, associations, and other agencies of
14 state government for which appropriations are made by law, but not including
15 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
16 233, 234, 235, 237, 238, or 279.

17 **SECTION 177.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
18 is amended to read:

19 16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the
20 department as the secretary designates may enter into the offices of state agencies
21 and authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under
22 chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and accounts
23 and any other matter that in the secretary’s judgment should be examined and may
24 interrogate the agency’s employees publicly or privately relative thereto.

1 **SECTION 178.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

3 **16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE.** All state agencies and
4 authorities created under subch. II of ch. 114 and subch. III of ch. 149 and under chs.
5 52, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate
6 with the secretary and shall comply with every request of the secretary relating to
7 his or her functions.

8 **SECTION 179.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
9 10, is amended to read:

10 **16.004 (12) (a)** In this subsection, “state agency” means an association,
11 authority, board, department, commission, independent agency, institution, office,
12 society, or other body in state government created or authorized to be created by the
13 constitution or any law, including the legislature, the office of the governor, and the
14 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
15 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
16 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
17 Care Authority, the Wisconsin Economic Development Corporation, and the Fox
18 River Navigational System Authority.”.

19 **7.** Page 52, line 8: after that line insert:

20 **“SECTION 192m.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin
21 Act 10, is amended to read:

22 **16.045 (1) (a)** “Agency” means an office, department, independent agency,
23 institution of higher education, association, society, or other body in state
24 government created or authorized to be created by the constitution or any law, that

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
3 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

4 **8.** Page 53, line 22: after that line insert:

5 “**SECTION 202m.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin
6 Act 10, is amended to read:

7 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
8 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
9 River Remediation Authority, the Wisconsin Quality Home Care Authority, the
10 Wisconsin Economic Development Corporation, and the Health Insurance
11 Risk-Sharing Plan Authority.”.

12 **9.** Page 54, line 12: after that line insert:

13 “**SECTION 213m.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
14 is amended to read:

15 16.41 (4) In this section, “authority” means a body created under subch. II of
16 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.”.

17 **10.** Page 56, line 24: after that line insert:

18 “**SECTION 217m.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin
19 Act 10, is amended to read:

20 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
21 ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.”.

22 **11.** Page 59, line 18: after that line insert:

23 “**SECTION 218gm.** 16.50 (3) (e) of the statutes, as affected by 2011 Wisconsin
24 Act 10, is amended to read:

1 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
2 the pay ranges prescribed in the compensation plan or as provided in a collective
3 bargaining agreement under subch. V or VI of ch. 111.”.

4 **12.** Page 63, line 4: after that line insert:

5 “**SECTION 221t.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 10,
6 is amended to read:

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

17 **SECTION 221u.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
18 10, is amended to read:

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

1 **SECTION 221w.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

3 **16.53 (2) IMPROPER INVOICES.** If an agency receives an improperly completed
4 invoice, the agency shall notify the sender of the invoice within 10 working days after
5 it receives the invoice of the reason it is improperly completed. In this subsection,
6 “agency” means an office, department, independent agency, institution of higher
7 education, association, society, or other body in state government created or
8 authorized to be created by the constitution or any law, that is entitled to expend
9 moneys appropriated by law, including the legislature and the courts, but not
10 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
11 52, 231, 233, 234, 237, 238, or 279.

12 **SECTION 221x.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
13 10, is amended to read:

14 **16.54 (9) (a) 1.** “Agency” means an office, department, independent agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law, which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
19 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.”.

20 **13.** Page 63, line 5: after that line insert:

21 **“SECTION 221y.** 16.70 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
22 is amended to read:

23 **16.70 (2)** “Authority” means a body created under subch. II of ch. 114 or subch.
24 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.”.

1 **14.** Page 63, line 15: after that line insert:

2 “**SECTION 236m.** 16.705 (3) of the statutes is created to read:

3 16.705 **(3)** The director of the office of state employment relations, prior to
4 award, under conditions established by rule of the department, shall review
5 contracts for contractual services in order to ensure that agencies do all of the
6 following:

7 (a) Properly utilize the services of state employees.

8 (b) Evaluate the feasibility of using limited term appointments prior to
9 entering into a contract for contractual services.

10 (c) Do not enter into any contract for contractual services in conflict with any
11 collective bargaining agreement under subch. V or VI of ch. 111.”.

12 **15.** Page 69, line 8: after that line insert:

13 “**SECTION 262b.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act
14 10, is amended to read:

15 16.765 **(1)** Contracting agencies, the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
17 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
18 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
19 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
20 Entertainment Corporation shall include in all contracts executed by them a
21 provision obligating the contractor not to discriminate against any employee or
22 applicant for employment because of age, race, religion, color, handicap, sex, physical
23 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
24 defined in s. 111.32 (13m), or national origin and, except with respect to sexual

1 orientation, obligating the contractor to take affirmative action to ensure equal
2 employment opportunities.

3 **SECTION 262e.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
4 is amended to read:

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

23 **SECTION 262h.** 16.765 (4) of the statutes, as affected by 2011 Wisconsin Act 10,
24 is amended to read:

1 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
2 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
3 Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower
4 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
5 the Bradley Center Sports and Entertainment Corporation shall take appropriate
6 action to revise the standard government contract forms under this section.

7 **SECTION 262L.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 10,
8 is amended to read:

9 16.765 (5) The head of each contracting agency and the boards of directors of
10 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
11 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
12 Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation
13 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
14 Development Corporation, and the Bradley Center Sports and Entertainment
15 Corporation shall be primarily responsible for obtaining compliance by any
16 contractor with the nondiscrimination and affirmative action provisions prescribed
17 by this section, according to procedures recommended by the department. The
18 department shall make recommendations to the contracting agencies and the boards
19 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
20 River Navigational System Authority, the Wisconsin Aerospace Authority, the
21 Health Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation
22 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
23 Development Corporation, and the Bradley Center Sports and Entertainment
24 Corporation for improving and making more effective the nondiscrimination and

1 affirmative action provisions of contracts. The department shall promulgate such
2 rules as may be necessary for the performance of its functions under this section.

3 **SECTION 262p.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 10,
4 is amended to read:

5 16.765 (6) The department may receive complaints of alleged violations of the
6 nondiscrimination provisions of such contracts. The department shall investigate
7 and determine whether a violation of this section has occurred. The department may
8 delegate this authority to the contracting agency, the University of Wisconsin
9 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
10 Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,
11 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
12 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
13 Sports and Entertainment Corporation for processing in accordance with the
14 department's procedures.

15 **SECTION 262r.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
16 Act 10, is amended to read:

17 16.765 (7) (intro.) When a violation of this section has been determined by the
18 department, the contracting agency, the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower
21 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the
22 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
23 Entertainment Corporation, the contracting agency, the University of Wisconsin
24 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
25 Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority,

1 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
2 Authority, the Wisconsin Economic Development Corporation, or the Bradley Center
3 Sports and Entertainment Corporation shall:

4 **SECTION 262u.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act
5 10, is amended to read:

6 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
7 further violations of this section and to report its corrective action to the contracting
8 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
9 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
10 Insurance Risk–Sharing Plan Authority, the Lower Fox River Remediation
11 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
12 Development Corporation, or the Bradley Center Sports and Entertainment
13 Corporation.

14 **SECTION 262y.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 10,
15 is amended to read:

16 16.765 (8) If further violations of this section are committed during the term
17 of the contract, the contracting agency, the Fox River Navigational System Authority,
18 the Wisconsin Aerospace Authority, the Health Insurance Risk–Sharing Plan
19 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
20 Care Authority, the Wisconsin Economic Development Corporation, or the Bradley
21 Center Sports and Entertainment Corporation may permit the violating party to
22 complete the contract, after complying with this section, but thereafter the
23 contracting agency, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, the Health Insurance Risk–Sharing Plan Authority, the Lower
25 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, the

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

11 **16.** Page 73, line 13: after that line insert:

12 “**SECTION 267m.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
13 is amended to read:

14 16.85 (2) To furnish engineering, architectural, project management, and other
15 building construction services whenever requisitions therefor are presented to the
16 department by any agency. The department may deposit moneys received from the
17 provision of these services in the account under s. 20.505 (1) (kc) or in the general
18 fund as general purpose revenue — earned. In this subsection, “agency” means an
19 office, department, independent agency, institution of higher education, association,
20 society, or other body in state government created or authorized to be created by the
21 constitution or any law, which is entitled to expend moneys appropriated by law,
22 including the legislature and the courts, but not including an authority created in
23 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.”.

24 **17.** Page 75, line 25: after that line insert:

1 “**SECTION 290m.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

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

18 **18.** Page 83, line 14: after that line insert:

19 “**SECTION 354z.** 19.42 (10) (s) of the statutes is created to read:
20 19.42 (10) (s) The executive director and members of the board of directors of
21 the Wisconsin Quality Home Care Authority.”.

22 **19.** Page 86, line 6: after that line insert:

23 “**SECTION 362m.** 19.82 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
24 is amended to read:

1 19.82 (1) “Governmental body” means a state or local agency, board,
2 commission, committee, council, department or public body corporate and politic
3 created by constitution, statute, ordinance, rule or order; a governmental or
4 quasi-governmental corporation except for the Bradley center sports and
5 entertainment corporation; a local exposition district under subch. II of ch. 229; a
6 long-term care district under s. 46.2895; or a formally constituted subunit of any of
7 the foregoing, but excludes any such body or committee or subunit of such body which
8 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
9 ~~or V, or VI~~ of ch. 111.”.

10 **20.** Page 86, line 7: after that line insert:

11 “**SECTION 364g.** 19.85 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 19.85 (3) Nothing in this subchapter shall be construed to authorize a
14 governmental body to consider at a meeting in closed session the final ratification or
15 approval of a collective bargaining agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111
16 which has been negotiated by such body or on its behalf.

17 **SECTION 364r.** 19.86 of the statutes, as affected by 2011 Wisconsin Act 10, is
18 amended to read:

19 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
20 19.82 (1), where notice has been given by either party to a collective bargaining
21 agreement under subch. I, IV, ~~or V, or VI~~ of ch. 111 to reopen such agreement at its
22 expiration date, the employer shall give notice of such contract reopening as provided
23 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
24 by the employer’s chief officer or such person’s designee.”.

1 **21.** Page 339, line 7: after that line insert:

2 “**SECTION 634g.** 20.425 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
3 10, is amended to read:

4 20.425 (1) (a) *General program operations.* The amounts in the schedule for
5 the purposes provided in subchs. I, IV, ~~and V~~, and VI of ch. 111 and s. 230.45 (1).

6 **SECTION 634r.** 20.425 (1) (i) of the statutes, as affected by 2011 Wisconsin Act
7 10, is amended to read:

8 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
9 The amounts in the schedule for the performance of fact-finding, mediation, and
10 arbitration functions, for the provision of copies of transcripts, for the cost of
11 operating training programs under ss. 111.09 (3), 111.71 (5), and 111.94 (3), for the
12 preparation of publications, transcripts, reports, and other copied material, and for
13 costs related to conducting appeals under s. 230.45. All moneys received under ss.
14 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), 111.9993, and 230.45 (3), all
15 moneys received from arbitrators and arbitration panel members, and individuals
16 who are interested in serving in such positions, and from individuals and
17 organizations who participate in other collective bargaining training programs
18 conducted by the commission, and all moneys received from the sale of publications,
19 transcripts, reports, and other copied material shall be credited to this appropriation
20 account.”.

21 **22.** Page 364, line 23: after that line insert:

22 “**SECTION 748t.** 20.545 (1) (k) of the statutes, as affected by 2011 Wisconsin Act
23 10, is amended to read:

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

7 **SECTION 748w.** 20.545 (1) (km) of the statutes, as affected by 2011 Wisconsin
8 Act 10, is amended to read:

9 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
10 the schedule for the payment of the state's share of costs related to collective
11 bargaining grievance arbitrations under s. 111.86 and related to collective
12 bargaining grievance arbitrations under s. 111.993. All moneys received from state
13 agencies for the purpose of reimbursing the state's share of the costs related to
14 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
15 training related to grievance arbitrations, and all moneys received from institutions,
16 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
17 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
18 of costs for training related to grievance arbitrations shall be credited to this
19 appropriation account.”.

20 **23.** Page 371, line 23: delete the material beginning with that line and ending
21 with page 372, line 5, and substitute:

22 **“SECTION 775m.** 20.865 (1) (ci) of the statutes, as affected by 2011 Wisconsin
23 Act 10, is amended to read:

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

8 **24.** Page 372, line 5: after that line insert:

9 “**SECTION 775n.** 20.865 (1) (cm) of the statutes is created to read:

10 20.865 (1) (cm) *Represented university faculty and academic staff pay*
11 *adjustments*. A sum sufficient to supplement the appropriations to the Board of
12 Regents of the University of Wisconsin System for the cost of compensation and
13 related adjustments approved by the legislature under s. 111.9991 for University of
14 Wisconsin System employees under s. 230.08 (2) (d) who are included within a
15 collective bargaining unit for which a representative is certified under subch. VI of
16 ch. 111, as determined under s. 20.928.”.

17 **25.** Page 372, line 18: delete the material beginning with that line and ending
18 with page 373, line 2, and substitute:

19 “**SECTION 775s.** 20.865 (1) (ic) of the statutes, as affected by 2011 Wisconsin Act
20 10, is amended to read:

21 20.865 (1) (ic) ~~Nonrepresented university system senior executive, faculty and~~
22 ~~academic~~ University pay adjustments. From the appropriate program revenue and
23 program revenue–service accounts, a sum sufficient to supplement the
24 appropriations to the University of Wisconsin System to pay the cost of pay and

1 related adjustments approved by the joint committee on employment relations under
2 s. 230.12 (3) (e) for University of Wisconsin System employees ~~under ss. 20.923 (4g),~~
3 ~~(5) and (6) (m) and 230.08 (2) (d)~~ who are not included within a collective bargaining
4 unit for which a representative is certified under subch. V or VI of ch. 111, as
5 determined under s. 20.928, other than adjustments funded under par. (cj).

6 **SECTION 775t.** 20.865 (1) (im) of the statutes is created to read:

7 20.865 (1) (im) *Represented university system faculty and academic staff pay*
8 *adjustments; program revenue.* From the appropriate program revenue and program
9 revenue–service accounts, a sum sufficient to supplement the appropriations to the
10 Board of Regents of the University of Wisconsin System for the cost of compensation
11 and related adjustments for University of Wisconsin System employees under s.
12 230.08 (2) (d) who are included within a collective bargaining unit for which a
13 representative is certified under subch. VI of ch. 111, as determined under s. 20.928.”.

14 **26.** Page 373, line 14: delete the material beginning with that line and ending
15 with line 22 and substitute:

16 “**SECTION 775ym.** 20.865 (1) (si) of the statutes, as affected by 2011 Wisconsin
17 Act 10, is amended to read:

18 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
19 *academic University pay adjustments.* From the appropriate segregated funds, a
20 sum sufficient to supplement the appropriations to the University of Wisconsin
21 System to pay the cost of pay and related adjustments approved by the joint
22 committee on employment relations under s. 230.12 (3) (e) for University of
23 Wisconsin System employees ~~under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d)~~

1 who are not included within a collective bargaining unit for which a representative
2 is certified under subch. V or VI of ch. 111, as determined under s. 20.928.

3 **SECTION 775z.** 20.865 (1) (sm) of the statutes is created to read:

4 20.865 (1) (sm) *Represented university faculty and academic staff pay*
5 *adjustments; segregated revenues.* From the appropriate segregated funds, a sum
6 sufficient to supplement the appropriations to the Board of Regents of the University
7 of Wisconsin System for the cost of compensation and related adjustments for
8 University of Wisconsin System employees under s. 230.08 (2) (d) who are included
9 within a collective bargaining unit for which a representative is certified under
10 subch. VI of ch. 111, as determined under s. 20.928.”.

11 **27.** Page 390, line 5: after that line insert:

12 “**SECTION 804p.** 20.917 (3) (b) of the statutes, as affected by 2011 Wisconsin Act
13 10, is amended to read:

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

18 **SECTION 804s.** 20.921 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin
19 Act 10, is amended to read:

20 20.921 (1) (a) 2. ~~If the state employee is a public safety employee under s. 111.81~~
21 ~~(15r), payment~~ Payment of dues to employee organizations.

22 **SECTION 804x.** 20.921 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
23 10, is amended to read:

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

8 **28.** Page 391, line 17: after that line insert:

9 “**SECTION 809w.** 20.923 (6) (intro.) of the statutes, as affected by 2011 Wisconsin
10 Act 10, is amended to read:

11 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
12 following positions may be set by the appointing authority, subject to restrictions
13 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
14 where the salaries are a subject of bargaining with a certified representative of a
15 collective bargaining unit under s. 111.91 or 111.998.”.

16 **29.** Page 394, line 13: after that line insert:

17 “**SECTION 817r.** 20.928 (1) of the statutes, as affected by 2011 Wisconsin Act 10,
18 is amended to read:

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

1 secretary of administration prescribes, the secretary shall determine the amounts
2 required from the respective appropriations to supplement state agency budgets.”.

3 **30.** Page 443, line 4: delete the material beginning with that line and ending
4 with page 444, line 9, and substitute:

5 “SECTION 951L. 36.09 (1) (j) of the statutes, as affected by 2011 Wisconsin Act
6 10, is amended to read:

7 36.09 (1) (j) Except where such matters are a subject of bargaining with a
8 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
9 board shall establish salaries for persons not in the classified staff prior to July 1 of
10 each year for the next fiscal year, and shall designate the effective dates for payment
11 of the new salaries. In the first year of the biennium, payments of the salaries
12 established for the preceding year shall be continued until the biennial budget bill
13 is enacted. If the budget is enacted after July 1, payments shall be made following
14 enactment of the budget to satisfy the obligations incurred on the effective dates, as
15 designated by the board, for the new salaries, subject only to the appropriation of
16 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
17 authority of the board to establish salaries for new appointments. The board may
18 not increase the salaries of employees ~~specified in ss. 20.923 (5) and (6) (m) and~~
19 ~~230.08 (2) (d)~~ under this paragraph unless the salary increase conforms to the
20 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
21 increase to correct salary inequities under par. (h), to fund job reclassifications or
22 promotions, or to recognize competitive factors. The board may not increase the
23 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
24 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the

1 board authorizes the salary increase to correct a salary inequity or to recognize
2 competitive factors. ~~The board may not increase the salary of any position identified~~
3 ~~in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the~~
4 ~~appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless~~
5 ~~the increase is approved by the office of state employment relations.~~ The granting
6 of salary increases to recognize competitive factors does not obligate inclusion of the
7 annualized amount of the increases in the appropriations under s. 20.285 (1) for
8 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
9 report to the joint committee on finance and the secretary of administration and
10 director of the office of state employment relations concerning the amounts of any
11 salary increases granted to recognize competitive factors, and the institutions at
12 which they are granted, for the 12-month period ending on the preceding June 30.”.

13 **31.** Page 480, line 6: after that line insert:

14 “**SECTION 1139b.** 40.02 (25) (b) 8. of the statutes, as affected by 2011 Wisconsin
15 Act 10, is amended to read:

16 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
17 under a collective bargaining agreement pursuant to subch. I, V, or VI of ch. 111 or
18 under s. 230.12 or 233.10.”.

19 **32.** Page 482, line 6: delete the material beginning with that line and ending
20 with page 483, line 13, and substitute:

21 “**SECTION 1145m.** 40.05 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
22 10, is renumbered 40.05 (1) (b) 1. and amended to read:

23 40.05 (1) (b) 1. Except as otherwise provided in a collective bargaining
24 agreement entered into under subch. I, IV or, V, or VI of ch. 111 and except as provided

1 in subd. 2., an employer may not pay, on behalf of a participating employee, any of
2 the contributions required by par. (a).

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

4 40.05 (1) (b) 2. a. A municipal employer shall pay, on behalf of a nonrepresented
5 law enforcement or fire fighting managerial employee, who was initially employed
6 by the municipal employer before the effective date of this subd. 2. a. [LRB inserts
7 date], the same contributions required by par. (a) that are paid by the municipal
8 employer for represented law enforcement or fire fighting personnel who were
9 initially employed by the municipal employer before the effective date of this subd.
10 2. a. [LRB inserts date].

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

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

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

4 **SECTION 1145n.** 40.05 (4) (ag) (intro.) of the statutes, as affected by 2011
5 Wisconsin Act 10, is amended to read:

6 40.05 (4) (ag) (intro.) Except as otherwise provided in a collective bargaining
7 agreement under subch. V or VI of ch. 111, the employer shall pay for its currently
8 employed insured employees:”.

9 **33.** Page 483, line 22: delete the material beginning with that line and ending
10 with page 485, line 5, and substitute:

11 “**SECTION 1146.** 40.05 (4) (b) of the statutes, as affected by 2011 Wisconsin Act
12 10, is amended to read:

13 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
14 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
15 and subch. I, V, or VI of ch. 111 of any eligible employee shall, at the time of death,
16 upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25
17 (1) or upon termination of creditable service and qualifying as an eligible employee
18 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee’s highest basic pay rate
19 he or she received while employed by the state, to credits for payment of health
20 insurance premiums on behalf of the employee or the employee’s surviving insured
21 dependents. Any supplemental compensation that is paid to a state employee who
22 is classified under the state classified civil service as a teacher, teacher supervisor,
23 or education director for the employee’s completion of educational courses that have
24 been approved by the employee’s employer is considered as part of the employee’s

1 basic pay for purposes of this paragraph. The full premium for any eligible employee
2 who is insured at the time of retirement, or for the surviving insured dependents of
3 an eligible employee who is deceased, shall be deducted from the credits until the
4 credits are exhausted and paid from the account under s. 40.04 (10), and then
5 deducted from annuity payments, if the annuity is sufficient. The department shall
6 provide for the direct payment of premiums by the insured to the insurer if the
7 premium to be withheld exceeds the annuity payment. Upon conversion of an
8 employee's unused sick leave to credits under this paragraph or par. (bf), the
9 employee or, if the employee is deceased, the employee's surviving insured
10 dependents may initiate deductions from those credits or may elect to delay
11 initiation of deductions from those credits, but only if the employee or surviving
12 insured dependents are covered by a comparable health insurance plan or policy
13 during the period beginning on the date of the conversion and ending on the date on
14 which the employee or surviving insured dependents later elect to initiate
15 deductions from those credits. If an employee or an employee's surviving insured
16 dependents elect to delay initiation of deductions from those credits, an employee or
17 the employee's surviving insured dependents may only later elect to initiate
18 deductions from those credits during the annual enrollment period under par. (be).
19 A health insurance plan or policy is considered comparable if it provides hospital and
20 medical benefits that are substantially equivalent to the standard health insurance
21 plan established under s. 40.52 (1).".

22 **34.** Page 1185, line 20: after that line insert:

23 "SECTION 1148. 40.05 (4) (bw) of the statutes, as affected by 2011 Wisconsin Act
24 10, is amended to read:

1 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
2 payment of health insurance premiums under par. (b), the department shall add
3 additional credits, calculated in the same manner as are credits under par. (b), that
4 are based on a state employee's accumulated sabbatical leave or earned vacation
5 leave from the state employee's last year of service prior to retirement, or both. The
6 department shall apply the credits awarded under this paragraph for the payment
7 of health insurance premiums only after the credits awarded under par. (b) are
8 exhausted. This paragraph applies only to state employees who are eligible for
9 accumulated unused sick leave conversion under par. (b) and who are entitled to the
10 benefits under this paragraph pursuant to a collective bargaining agreement under
11 subch. V or VI of ch. 111.

12 **SECTION 1149.** 40.05 (4g) (a) 4. of the statutes, as affected by 2011 Wisconsin
13 Act 10, is amended to read:

14 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
15 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111
16 or under rules promulgated by the director of the office of state employment relations
17 or is eligible for reemployment with the state under s. 321.64 after completion of his
18 or her service in the U.S. armed forces.

19 **SECTION 1150.** 40.05 (5) (intro.) of the statutes, as affected by 2011 Wisconsin
20 Act 10, is amended to read:

21 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
22 continuation insurance provided under subch. V the employee shall pay the amount
23 remaining after the employer has contributed the following or, if different, the
24 amount determined under a collective bargaining agreement under subch. I, V, or VI
25 of ch. 111 or s. 230.12 or 233.10:".

1 **35.** Page 485, line 21: delete lines 21 to 24 and substitute:

2 “**SECTION 1153g.** 40.05 (5) (b) 4. of the statutes, as affected by 2011 Wisconsin
3 Act 10, is amended to read:

4 40.05 **(5)** (b) 4. The accrual and crediting of sick leave shall be determined in
5 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5)
6 and subch. I, V, or VI of ch. 111.

7 **SECTION 1153h.** 40.05 (6) (a) of the statutes, as affected by 2011 Wisconsin Act
8 10, is amended to read:

9 40.05 **(6)** (a) Except as otherwise provided in accordance with a collective
10 bargaining agreement under subch. I, V, or VI of ch. 111 or s. 230.12 or 233.10, each
11 insured employee under the age of 70 and annuitant under the age of 65 shall pay
12 for group life insurance coverage a sum, approved by the group insurance board,
13 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
14 based upon the last amount of insurance in force during the month for which
15 earnings are paid. The equivalent premium may be fixed by the group insurance
16 board if the annual compensation is paid in other than 12 monthly installments.”.

17 **36.** Page 491, line 12: delete lines 12 to 16 and substitute:

18 “**SECTION 1161.** 40.62 (2) of the statutes, as affected by 2011 Wisconsin Act 10,
19 is amended to read:

20 40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules
21 of the department, any collective bargaining agreement under subch. I, V, or VI of
22 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d) and (5) (d), 49.826 (4) (d), 230.35 (2),
23 233.10, 238.04 (8), 757.02 (5) and 978.12 (3).

1 **SECTION 1161g.** 40.80 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
2 is amended to read:

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

5 **SECTION 1161h.** 40.81 (3) of the statutes, as affected by 2011 Wisconsin Act 10,
6 is amended to read:

7 **40.81 (3)** Any action taken under this section shall apply to employees covered
8 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.”.

9 **37.** Page 491, line 19: after that line insert:

10 **“SECTION 1163m.** 40.95 (1) (a) 2. of the statutes, as affected by 2011 Wisconsin
11 Act 10, is amended to read:

12 **40.95 (1) (a) 2.** The employee has his or her compensation established in a
13 collective bargaining agreement under subch. V or VI of ch. 111.”.

14 **38.** Page 512, line 19: after that line insert:

15 **“SECTION 1304p.** 46.284 (4) (m) of the statutes is created to read:

16 **46.284 (4) (m)** Compensate providers, as defined in s. 46.2898 (1) (e), in
17 accordance with any agreement under subch. V of ch. 111 relating to a provider hired
18 directly by an enrollee and make any payroll deductions authorized by those
19 agreements.”.

20 **39.** Page 513, line 2: after that line insert:

21 **“SECTION 1305d.** 46.2895 (8) (a) 1. of the statutes, as affected by 2011 Wisconsin
22 Act 10, is amended to read:

23 **46.2895 (8) (a) 1.** If the long-term care district offers employment to any
24 individual who was previously employed by a county, which participated in creating

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

14 **SECTION 1305p.** 46.2898 of the statutes is created to read:

15 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

16 (a) "Authority" means the Wisconsin Quality Home Care Authority.

17 (b) "Care management organization" has the meaning given in s. 46.2805 (1).

18 (cm) "Consumer" means an adult who receives home care services and who
19 meets all of the following criteria:

20 1. Is a resident of any of the following:

21 a. A county that has acted under sub. (2) (a).

22 b. A county in which the Family Care Program under s. 46.286 is available.

23 c. A county in which the Program of All-Inclusive Care for the Elderly under
24 42 USC 1396u-4 is available.

1 d. A county in which the self-directed services option program under 42 USC
2 1396n (c) is available or in which a program operated under an amendment to the
3 state medical assistance plan under 42 USC 1396n (j) is available.

4 2. Self-directs all or part of his or her home care services and is an employer
5 listed on the provider's income tax forms.

6 3. Is eligible to receive a home care benefit under one of the following:

7 a. The Family Care Program under s. 46.286.

8 b. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

9 c. A program operated under a waiver from the secretary of the federal
10 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
11 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

12 d. A program operated under an amendment to the state medical assistance
13 plan under 42 USC 1396n (j).

14 (dm) "Home care" means supportive home care, personal care, and other
15 nonprofessional services of a type that may be covered under a medical assistance
16 waiver under 42 USC 1396n (c) and that are provided to individuals to assist them
17 in meeting their daily living needs, ensuring adequate functioning in their homes,
18 and permitting safe access to their communities.

19 (e) "Provider" means an individual who is hired by a consumer to provide home
20 care to the consumer but does not include any of the following:

21 1. A person, while he or she is providing services in the capacity of an employee
22 of any of the following entities:

23 a. A home health agency licensed under s. 50.49.

24 b. A personal care provider agency.

25 c. A company or agency providing supportive home care.

1 d. An independent living center, as defined in s. 46.96 (1) (ah).

2 e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or
3 51.437.

4 2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her
5 professional capacity.

6 (f) “Qualified provider” means a provider who meets the qualifications for
7 payment through the Family Care Program under s. 46.286, the Program for
8 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
9 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
10 waiver program operated under a waiver from the secretary of the U.S. department
11 of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c)
12 and any qualification criteria established in the rules promulgated under sub. (7)
13 and who the authority determines is eligible for placement on the registry
14 maintained by the authority under s. 52.20 (1).

15 **(2) COUNTY PARTICIPATION.** (a) A county board of supervisors may require a
16 county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 to follow
17 procedures under this section and to pay providers in accordance with agreements
18 under subch. V of ch. 111.

19 (b) If a county acts under par. (a), it shall notify the department and the
20 authority of its action.

21 (c) A county that acts under par. (a) shall compensate providers in accordance
22 with any agreement under subch. V of ch. 111 and make any payroll deductions
23 authorized by such agreements.

24 **(4) DUTIES OF HOME CARE PAYORS.** Care management organizations, the state,
25 and counties, as described under sub. (1) (cm) 1. a. to d., that pay for the provision

1 of home care services to consumers shall provide to the authority the name, address,
2 telephone number, date of hire, and date of termination of any provider hired by an
3 individual receiving home care services.

4 (5) DUTIES OF CONSUMERS. A consumer shall do all of the following:

5 (a) Inform the authority of the name, address, telephone number, date of hire,
6 and date of termination of any provider hired by the consumer to provide home care
7 services.

8 (b) Compensate providers in accordance with any collective bargaining
9 agreement that applies to home care providers under subch. V of ch. 111 and make
10 any payroll deductions authorized by the agreement.

11 (6) PROVIDERS. (a) A qualified provider providing home care services under this
12 section shall be subject to the collective bargaining agreement that applies to home
13 care providers under subch. V of ch. 111.

14 (b) A qualified provider may choose to be placed on the registry maintained by
15 the authority under s. 52.20 (1).

16 (7) DEPARTMENT RULE-MAKING. The department may promulgate rules defining
17 terms, specifying which services constitute home care, establishing the qualification
18 criteria that apply under sub. (1) (f), and establishing procedures for implementation
19 of this section.”.

20 **40.** Page 513, line 17: after that line insert:

21 “SECTION 1308d. 46.48 (9m) of the statutes is created to read:

22 46.48 (9m) QUALITY HOME CARE. The department shall award a grant to the
23 Wisconsin Quality Home Care Authority for the purpose of providing services to
24 recipients and providers of home care under s. 46.2898 and ch. 52 and may award

1 grants to counties to facilitate transition to procedures established under s.
2 46.2898.”.

3 **41.** Page 624, line 7: after that line insert:

4 **“SECTION 1545nd.** 49.825 (3) (b) 4. of the statutes is created to read:

5 49.825 (3) (b) 4. The department may enter into a memorandum of
6 understanding, as described under s. 111.70 (3m), with the certified representative
7 of the county employees performing services under this section for the unit. If there
8 is a dispute as to hours or conditions of employment that remains between the
9 department and the certified representative after a good faith effort to resolve it, the
10 department may unilaterally resolve the dispute.”.

11 **42.** Page 626, line 7: after that line insert:

12 **“SECTION 1545v.** 49.826 (3) (b) 4. of the statutes is created to read:

13 49.826 (3) (b) 4. The department may enter into a memorandum of
14 understanding, as described under s. 111.70 (3p), with the certified representative
15 of the county employees performing services under this section in the county for the
16 unit. If there is a dispute as to hours or conditions of employment that remains
17 between the department and the certified representative after a good faith effort to
18 resolve it, the department may unilaterally resolve the dispute.”.

19 **43.** Page 637, line 20: after that line insert:

20 **“SECTION 1667h.** Chapter 52 of the statutes is created to read:

21 **CHAPTER 52**

22 **QUALITY HOME CARE**

23 **52.01 Definitions.** In this chapter:

24 **(1)** “Authority” means the Wisconsin Quality Home Care Authority.

1 (2) “Board” means the board of directors of the authority.

2 (3) “Care management organization” has the meaning given in s. 46.2805 (1).

3 (3m) “Consumer” has the meaning given in s. 46.2898 (1) (cm).

4 (4) “Department” means the department of health services.

5 (5) “Family Care Program” means the benefit program described in s. 46.286.

6 (6) “Home care provider” means an individual who is a qualified provider under
7 s. 46.2898 (1) (f).

8 (7) “Medical assistance waiver program” means a program operated under a
9 waiver from the secretary of the U.S. department of health and human services
10 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

11 (8) “Program of All-Inclusive Care for the Elderly” means the program
12 operated under 42 USC 1396u-4.

13 **52.05 Creation and organization of authority. (1) CREATION AND**
14 **MEMBERSHIP OF BOARD.** There is created a public body corporate and politic to be
15 known as the “Wisconsin Quality Home Care Authority.” The members of the board
16 shall consist of the following members:

17 (a) The secretary of the department of health services or his or her designee.

18 (b) The secretary of the department of workforce development or his or her
19 designee.

20 (c) The following, to be appointed by the governor to serve 3-year terms:

21 1. One representative from the state assembly.

22 2. One representative from the state senate.

23 3. One representative of care management organizations.

1 4. One representative of county departments, under s. 46.215, 46.22, 46.23,
2 51.42, or 51.437, selected from counties where the Family Care Program is not
3 available.

4 5. One representative of the board for people with developmental disabilities.

5 6. One representative of the council on physical disabilities.

6 7. One representative of the council on mental health.

7 8. One representative of the board on aging and long-term care.

8 9. Eleven individuals, each of whom is a current or former recipient of home
9 care services through the Family Care Program or a medical assistance waiver
10 program or an advocate for or representative of consumers of home care services.

11 **(3) CHAIRPERSON.** Annually, the governor shall appoint one member of the
12 board to serve as the chairperson.

13 **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.
14 The executive committee shall consist of the chair of the board, the secretary of the
15 department of health services or his or her designee, the secretary of the department
16 of workforce development or his or her designee, and 3 persons selected from board
17 members appointed under sub. (1) (c) 9.

18 (b) The executive committee may do the following:

19 1. Hire an executive director who is not a member of the board and serves at
20 the pleasure of the board.

21 2. Hire employees to carry out the duties of the authority.

22 3. Engage in contracts for services to carry out the duties of the authority.

23 **(5) TERMS.** The terms of members of the board appointed under sub. (1) (c) shall
24 expire on July 1.

1 **(6) QUORUM.** A majority of the members of the board constitutes a quorum for
2 the purpose of conducting its business and exercising its powers and for all other
3 purposes, notwithstanding the existence of any vacancies. Action may be taken by
4 the board upon a vote of a majority of the members present. Meetings of the members
5 of the board may be held anywhere within the state.

6 **(7) VACANCIES.** Each member of the board shall hold office until a successor is
7 appointed and qualified unless the member vacates or is removed from his or her
8 office. A member who serves as a result of holding another office or position vacates
9 his or her office as a member when he or she vacates the other office or position. A
10 member who ceases to qualify for office vacates his or her office. A vacancy on the
11 board shall be filled in the same manner as the original appointment to the board for
12 the remainder of the unexpired term, if any.

13 **(8) COMPENSATION.** The members of the board are not entitled to compensation
14 for the performance of their duties. The authority may reimburse members of the
15 board for actual and necessary expenses incurred in the discharge of their official
16 duties as provided by the board.

17 **(9) EMPLOYMENT OF BOARD MEMBER.** It is not a conflict of interest for a board
18 member to engage in private or public employment or in a profession or business,
19 except to the extent prohibited by law, while serving as a member of the board.

20 **52.10 Powers of authority.** The authority shall have all the powers
21 necessary or convenient to carry out the purposes and provisions of this chapter and
22 s. 46.2898. In addition to all other powers granted the authority under this chapter,
23 the authority may:

24 **(1)** Adopt policies and procedures to govern its proceedings and to carry out its
25 duties as specified in this chapter.

1 (2) Employ, appoint, engage, compensate, transfer, or discharge necessary
2 personnel.

3 (3) Make or enter into contracts, including contracts for the provision of legal
4 or accounting services.

5 (4) Award grants for the purposes set forth in this chapter.

6 (5) Buy, lease, or sell real or personal property.

7 (6) Sue and be sued.

8 (7) Accept gifts, grants, or assistance funds and use them for the purposes of
9 this chapter.

10 (8) Collect fees for its services.

11 **52.20 Duties of authority.** The authority shall:

12 (1) Establish and maintain a registry of eligible home care providers who
13 choose to be on the registry for purposes of employment by consumers and provide
14 referral services for consumers in need of home care services.

15 (2) Determine the eligibility of individuals for placement on the registry. For
16 purposes of determining eligibility, the authority shall apply the criteria described
17 in s. 46.2898 (1) (f), including any qualifying criteria established by the department
18 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
19 of placement on or removal of a provider from the registry consistent with the terms
20 of the medical assistance waiver programs, the Family Care Program, an
21 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
22 Program of All-Inclusive Care for the Elderly, as determined by the department.

23 (3) Comply with any conditions necessary for consumers receiving home care
24 services to receive federal medical assistance funding through a medical assistance
25 waiver program, the Family Care Program, an amendment to the state medical

1 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the
2 Elderly.

3 (4) Develop and operate recruitment and retention programs to expand the
4 pool of home care providers qualified and available to provide home care services to
5 consumers.

6 (5) Maintain a list of home care providers included in a collective bargaining
7 unit under s. 111.825 (2g) and provide the list of home care providers to the
8 department at the department's request.

9 (6) Notify home care providers providing home care services of any procedures
10 for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department
11 or the authority.

12 (7) Provide orientation activities and skills training for home care providers.

13 (8) Provide training and support for consumers hiring a home care provider
14 regarding the duties and responsibilities of employers and skills needed to be
15 effective employers.

16 (9) Inform consumers of the experience and qualifications of home care
17 providers on the registry and home care providers identified by consumers of home
18 care services for employment.

19 (10) Develop and operate a system of backup and respite referrals to home care
20 providers and a 24-hour per day call service for consumers of home care services.

21 (11) Report annually to the governor on the number of home care providers on
22 the registry and the number of home care providers providing services under the
23 authority.

24 (12) Conduct activities to improve the supply and quality of home care
25 providers.