

# State of Wisconsin



2013 Assembly Bill 562

Date of enactment: **March 27, 2014**

Date of publication\*: **March 28, 2014**

## 2013 WISCONSIN ACT 166

AN ACT *to repeal* 16.70 (11m), 41.57 (5) (title), 79.043 (title), 111.81 (15), 111.91 (2) (g) and 560.08 (title); *to renumber* 16.75 (8) (a) 1. and 2., 41.57 (5) (intro.), (c) and (d), 93.42 (1), 111.83 (7) (b) and 111.85 (5) (b); *to consolidate, renumber and amend* 25.49 (intro.) and (1); *to amend* 5.05 (10), 6.45 (1), 11.06 (1) (jm), 13.94 (4) (a) 1., 15.145 (5) (intro.), 16.301 (intro.), 16.50 (3) (b), 16.75 (10e) (b), 16.85 (1), 16.854 (2) (intro.), 20.505 (1) (gr), 23.0917 (6m) (d), 62.50 (13), 66.0506 (1), 71.28 (1dm) (k), 103.50 (2m) (b) 1., 111.70 (1) (j), 111.70 (4) (cg) 6. am., 111.815 (1), 111.815 (2), 111.825 (3), 111.825 (4), 125.34 (2), 146.38 (3) (dm), 165.76 (1) (g), 175.49 (3) (a) 2., 196.203 (1g) (c), 230.09 (2) (g), 230.34 (1) (ar), 238.345 (1) (a), 238.395 (1) (i), 238.395 (2) (e) 3., 238.399 (3) (d), 256.01 (7) and (8), 287.11 (2m) (a) 2., 904.16 (1) (b), 938.35 (1m), 948.605 (2) (b) 3. and 961.41 (3g) (c) of the statutes; and *to affect* 2011 Wisconsin Act 10, sections 157 and 158, 2011 Wisconsin Act 21, section 39, 2011 Wisconsin Act 23, section 60, 2011 Wisconsin Act 32, section 44p, 2011 Wisconsin Act 32, section 1400, 2011 Wisconsin Act 32, section 1506m, 2011 Wisconsin Act 32, section 2081, 2011 Wisconsin Act 32, section 2875p, 2011 Wisconsin Act 32, section 3136, 2011 Wisconsin Act 32, section 3454m and 2011 Wisconsin Act 38, section 83; **relating to:** affecting various provisions of the statutes to make corrections and reconcile conflicts (Corrections Bill).

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

**SECTION 1.** 5.05 (10) of the statutes is amended to read:

**5.05 (10) STATE ELECTION ADMINISTRATION PLAN.** With the assistance of the election administration council and approval of the joint committee on finance as provided in this subsection, the board shall adopt and modify as necessary a state plan that meets the requirements of P.L. 107–252 to enable participation by this state in federal financial assistance programs authorized under that law. The board shall adopt the plan and any modifications only after publishing a class I notice under ch. 985 or posting on the Internet a statement describing the proposed plan or modification and receiving public com-

ment thereon. After approval of the proposed plan or any modification of the plan by the board, the board shall submit the proposed plan or modification to the joint committee on finance for the approval of the committee. The board may adopt the proposed plan or modification only if the committee approves the proposed plan or modification.

**SECTION 2.** 6.45 (1) of the statutes is amended to read:

**6.45 (1)** After the deadline for revision of the registration list, the municipal clerk shall make copies of the list for election use. ~~The registration list and any supplemental lists which are prepared at polling places or other registration locations under s. 6.55, shall be open to public inspection. Under the regulations prescribed by the municipal clerk, any person may copy the registration list at the office of the clerk. A registration list maintained~~

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

at a polling place may be examined by any person who is observing the proceedings under s. 7.41 when such use does not interfere with the conduct of the election.

**SECTION 3.** 11.06 (1) (jm) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

11.06 (1) (jm) A copy of any separate schedule prepared or received pursuant to an escrow agreement under s. 11.16 (5). A candidate or personal campaign committee receiving contributions under such an agreement and attaching a separate schedule under this paragraph may indicate the percentage of the total contributions received, and disbursements made without itemization, except that amounts received from any contributor pursuant to the agreement who makes any separate contribution to the candidate or personal campaign committee during the calendar year of receipt as indicated in the schedule shall be aggregated and itemized if required under par. (a) or (b).

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

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

**SECTION 5.** 15.145 (5) (intro.) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

15.145 (5) COUNCIL ON OFFENDER REENTRY. (intro.) There is created a council on offender reentry which is attached to the department of corrections under s. 15.03, which shall have the duties, responsibilities, and powers set forth under s. 301.095. The council shall consist of 22 21 members, and the appointed members shall serve for 2-year terms and may be appointed for a maximum of 2 consecutive terms. The chairperson of the council shall be the secretary of corrections or the reentry director, as decided by the secretary of corrections. The chairperson

may appoint subcommittees and the council shall meet no less frequently than 4 times per year at a date and location to be determined by the chairperson. Members of the council shall include the secretary of corrections, or his or her designee; the secretary of workforce development, or his or her designee; the secretary of health services, or his or her designee; the secretary of children and families, or his or her designee; the secretary of transportation, or his or her designee; the attorney general, or his or her designee; the chairperson of the parole commission, or his or her designee; the state superintendent of public instruction; the reentry director as appointed by the secretary of corrections; a current or former judge, as appointed by the director of state courts; an individual who has been previously convicted of, and incarcerated for, a crime in Wisconsin, as appointed by the secretary of corrections; and the following persons, as appointed by the governor:

**SECTION 6.** 16.301 (intro.) of the statutes, as affected by 2011 Wisconsin Act 32, section 3450m, is amended to read:

**16.301 Definitions.** (intro.) In this subchapter ss. 16.301 to 16.315:

**SECTION 7.** 16.50 (3) (b) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

16.50 (3) (b) No change in the number of full-time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c), (2),<sub>2</sub> or (2j),<sub>2</sub> by the investment board under s. 16.505 (2g), or by the board of regents of the University of Wisconsin System under s. 16.505 (2m) or (2p).

**SECTION 8.** The treatment of 16.505 (1) (intro.) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 16.505 (1) (intro.) reads:

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

**SECTION 9.** 16.70 (11m) of the statutes is repealed.

**SECTION 10.** 16.75 (8) (a) 1. and 2. of the statutes are renumbered 16.75 (8) (am) and (bm).

**SECTION 11.** 16.75 (10e) (b) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

16.75 (10e) (b) If s. 16.855 (10s) (a) provides an applicable standard for the type of agency energy consuming equipment being purchased and the purchase will cost more than \$5,000 per unit the department, any other designated purchasing agent under s. 16.71 (1), any agency making purchases under s. 16.74, and any authority may not purchase that type of energy consuming equipment unless the specifications for the equipment meet the applicable standards. If there is an applicable

standard under s. 16.855 (10s) (a), but the energy consuming equipment meeting that standard is not reasonably available, the department, purchasing agent, agency, or authority shall ensure, for purchases over \$5,000 per unit, that the energy consuming equipment that is purchased maximizes energy efficiency to the extent technically and economically feasible. The department, purchasing agent, agency, or authority shall not determine that energy consuming equipment that meets the applicable standard under s. 16.855 (10s) (a) either is not reasonably available on the basis of cost alone or is not cost-effective unless the difference in the cost of the purchase and installation of the equipment that meets the standard and the equipment that would otherwise be installed is greater than the difference in the cost of operating the equipment that meets the standard and the equipment that would otherwise be installed over the anticipated life of the equipment.

**SECTION 12.** 16.85 (1) of the statutes, as affected by 2011 Wisconsin Act 32, section 267, is amended to read:

16.85 (1) To take charge of and supervise all engineering or architectural services or construction work, as defined in s. 16.87 (1) (a), performed by, or for, the state, or any department, board, institution, commission, or officer of the state, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except work to be performed for the University of Wisconsin System with respect to a building, structure, or facility involving a cost of less than \$500,000 that is funded entirely with the proceeds of gifts or grants made to the system, and except the engineering, architectural, and construction work of the department of transportation; and the engineering service performed by the department of safety and professional services, department of revenue, public service commission, department of health services, and other departments, boards, and commissions when the service is not related to the maintenance, and construction and planning, of the physical properties of the state.

**SECTION 13.** 16.854 (2) (intro.) of the statutes is amended to read:

16.854 (2) (intro.) Subject to the requirements of s. 16.82 (7), the department may, upon request of any local professional baseball park district, if the district has entered into a lease agreement with the department under s. 16.82 (7), take charge of and supervise engineering or architectural services or construction work, as defined in s. 16.87 (1) (a), performed by, or for, the district for compensation to be agreed upon between the department and the district. In connection with such services or work, the department may furnish engineering, architectural, project management and other building construction services

whenever requisitions therefor are presented to the department by the district. If the district has entered into a lease agreement with the department under s. 16.82 (7), the department may also assist the district, upon request of the district, in letting contracts for engineering, architectural or construction work authorized by law and in supervising the work done thereunder. The department may award any such contract for any combination or division of work it designates and may consider any factors in awarding a contract including price, time for completion of work and the qualifications and past performance of a contractor. In awarding contracts under this section for the construction of baseball park facilities, as defined in s. 229.65 (1), the department shall ensure that any person who is awarded a contract agrees, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 25% of the employees hired because of the contract will be minority group members and at least 5% of the employees hired because of the contract will be women. It shall also be a goal of the department to ensure that at least 25% of the aggregate dollar value of contracts awarded for the construction of such facilities in the following areas are awarded to minority businesses and at least 5% of the aggregate dollar value of contracts awarded for the construction of such facilities in the following areas are awarded to women's businesses:

**SECTION 14.** 20.505 (1) (gr) of the statutes, as affected by 2011 Wisconsin Act 32, section 406, is amended to read:

20.505 (1) (gr) *Disabled veteran-owned, woman-owned, and minority business certification fees.* All moneys received from fees collected under s. 16.283 (3) (c) for the costs of certifying disabled veteran-owned businesses under s. 16.283; all moneys received from fees collected under s. 16.285 (1) (bm), for the costs of certifying woman-owned businesses under s. ~~6.285~~ 16.285; and all moneys received from fees collected under s. 16.287 (2) (dm) for the costs of certifying minority businesses under s. 16.287.

**SECTION 15.** The treatment of 20.923 (8) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 20.923 (8) reads:

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

**SECTION 16.** 23.0917 (6m) (d) of the statutes is amended to read:

23.0917 (6m) (d) The procedures under ~~pars. par. (a) and (b)~~ apply to any land acquisition under sub. (5m).

**SECTION 17.** 25.49 (intro.) and (1) of the statutes, as affected by 2011 Wisconsin Act 32, are consolidated, renumbered 25.49 and amended to read:

**25.49 Economic development fund.** There is established a separate nonlapsible trust fund designated as the economic development fund, to consist of: ~~(1) The~~ the surcharge imposed under subch. VII of ch. 77.

**SECTION 18.** The treatment of 36.09 (1) (j) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 7-1-15, s. 36.09 (1) (j) reads:

(j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employees under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the secretary of administration and director of the office of state employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

**SECTION 19.** The treatment of 40.05 (4) (b) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 40.05 (4) (b) reads:

(b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 238.04 (8), and 757.02 (5) and subch. V of ch. 111 of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate he or she received while employed by the state, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents.

Any supplemental compensation that is paid to a state employee who is classified under the state classified civil service as a teacher, teacher supervisor, or education director for the employee's completion of educational courses that have been approved by the employee's employer is considered as part of the employee's basic pay for purposes of this paragraph. The full premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of an eligible employee who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Upon conversion of an employee's unused sick leave to credits under this paragraph or par. (bf), the employee or, if the employee is deceased, the employee's surviving insured dependents may initiate deductions from those credits or may elect to delay initiation of deductions from those credits, but only if the employee or surviving insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the date on which the employee or surviving insured dependents later elect to initiate deductions from those credits. If an employee or an employee's surviving insured dependents elect to delay initiation of deductions from those credits, an employee or the employee's surviving insured dependents may only later elect to initiate deductions from those credits during the annual enrollment period under par. (be). A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

**SECTION 20.** The treatment of 40.05 (5) (b) 4. of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 40.05 (5) (b) 4. reads:

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

**SECTION 21.** The treatment of 40.62 (2) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 40.62 (2) reads:

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

**SECTION 22.** 41.57 (5) (title) of the statutes, as affected by 2011 Wisconsin Act 32, is repealed.

**SECTION 23.** 41.57 (5) (intro.), (c) and (d) of the statutes, as affected by 2011 Wisconsin Act 32, sections 1224, 1227 and 1228, are renumbered 41.57 (intro.), (1) and (2).

**SECTION 24.** 62.50 (13) of the statutes is amended to read:

62.50 (13) NOTICE OF DISCHARGE OR SUSPENSION; APPEALS. The chief discharging or suspending for a period exceeding 5 days any member of the force shall

give written notice of the discharge or suspension to the member and, at the same time that the notice is given, and shall also give the member any exculpatory evidence in the chief's possession related to the discharge or suspension. The chief shall also immediately report the notice of the discharge or suspension to the secretary of the board of fire and police commissioners together with a complaint setting forth the reasons for the discharge or suspension and the name of the complainant if other than the chief. Within 10 days after the date of service of the notice of a discharge or suspension order the members so discharged or suspended may appeal from the order of discharge or suspension or discipline to the board of fire and police commissioners, by filing with the board a notice of appeal in the following or similar form:

To the honorable board of fire and police commissioners:

Please take notice that I appeal from the order or decision of the chief of the .... department, discharging (or suspending) me from service, which order of discharge (or suspension) was made on the .... day of ....., .... (year).

**SECTION 25.** 66.0506 (1) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

66.0506 (1) In this section, "local governmental unit" means any city, village, town, county, metropolitan sewerage district, long-term care district, ~~transit authority under s. 59.58 (7) or 66.1039~~, local cultural arts district under subch. V of ch. 229, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state.

**SECTION 26.** 71.28 (1dm) (k) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

71.28 (1dm) (k) If a person who is entitled under s. 238.395 (3) (a) 4. or s. 560.795 (3) (a) 4., 2009 stats., to claim tax benefits or certified under s. 238.395 (5), ~~239.398~~ 238.398 (3), or 238.3995 (4) or s. 560.795 (5), 2009 stats., s. 560.798 (3), 2009 stats., or s. 560.7995 (4), 2009 stats., ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over to any taxable year following the year during which operations cease any unused credits from the taxable year during which operations cease or from previous taxable years.

**SECTION 27.** 79.043 (title) of the statutes is repealed.

**SECTION 28.** 93.42 (1) of the statutes, as affected by 2011 Wisconsin Act 32, is renumbered 93.42.

**SECTION 29.** 103.50 (2m) (b) 1. of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

103.50 (2m) (b) 1. The laborer, worker, mechanic or truck driver is employed to go to the source of mineral aggregate such as sand, gravel or stone and deliver that mineral aggregate to the site of a project that is subject to this section by depositing the material directly in final place, from the transporting ~~the~~ vehicle or through spreaders from the transporting vehicle.

**SECTION 30.** 111.70 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 10, is amended to read:

111.70 (1) (j) "Municipal employer" means any city, county, village, town, metropolitan sewerage district, school district, long-term care district, ~~transit authority under s. 59.58 (7) or 66.1039~~, local cultural arts district created under subch. V of ch. 229, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state, that engages the services of an employee and includes any person acting on behalf of a municipal employer within the scope of the person's authority, express or implied.

**SECTION 31.** 111.70 (4) (cg) 6. am. of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

111.70 (4) (cg) 6. am. Upon receipt of a petition under subd. 6. a. to initiate arbitration, the commission shall determine, with or without a formal hearing, whether arbitration should be commenced. If in determining whether an impasse exists the commission finds that the procedures under this paragraph have not been complied with and compliance would tend to result in a settlement, it may order compliance before ordering arbitration. The validity of any arbitration award or collective bargaining agreement is not affected by failure to comply with the procedures. Prior to the close of the investigation each party shall submit in writing to the commission its single final offer containing its final proposals on all issues in dispute that are subject to interest arbitration under this subdivision. If a party fails to submit a single, ultimate final offer, the commission shall use the last written position of the party. Such final offers may include only mandatory subjects of bargaining, except that a permissive subject of bargaining may be included by a party if the other party does not object and is then treated as a mandatory subject. At that time, the parties shall submit to the commission a stipulation, in writing, with respect to all matters that they agree to include in the new or amended collective bargaining agreement. The commission, after determining that arbitration should be commenced, shall issue an order requiring arbitration and immediately submit to the parties a list of 7 arbitrators. The parties shall alternately strike names from the list until one name is left and that person shall be appointed arbitrator. The petitioning party shall notify the commission in writing of the identity of the arbitrator. The commission shall then formally appoint the arbitrator and submit to him or her the final offers of the parties. The final offers are public documents and the commission shall make them available. In lieu of a single arbitrator and upon request of both parties, the commission shall appoint a tripartite arbitration panel consisting of one member selected by each of the parties and a neutral person designated by the commission who shall serve as a chairperson. An arbitration panel has the same powers and duties provided in this section as any other appointed arbitrator, and all arbitra-

tion decisions by a panel shall be determined by majority vote. In lieu of selection of the arbitrator by the parties and upon request of both parties, the commission shall establish a procedure for randomly selecting names of arbitrators. Under the procedure, the commission shall submit a list of 7 arbitrators to the parties. Each party shall strike one name from the list. From the remaining 5 names, the commission shall randomly appoint an arbitrator. Unless both parties to an arbitration proceeding otherwise agree in writing, every individual whose name is submitted by the commission for appointment as an arbitrator must be a resident of this state at the time of submission and every individual who is designated as an arbitration panel chairperson must be a resident of this state at the time of designation.

**SECTION 32.** 111.81 (15) of the statutes is repealed.

**SECTION 33.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining ~~unit~~ units specified in s. 111.825 (1r), ~~and~~ (1t), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor of the University of Wisconsin-Madison is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the charter school established by contract under s. 118.40 (2r) (cm) is responsible for the employer functions under this subchapter.

**SECTION 34.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

111.815 (2) The director of the office shall, together with the appointing authorities or their representatives, represent the state in its responsibility as an employer under this subchapter except with respect to negotiations in the collective bargaining ~~unit~~ units specified in s. 111.825 (1r), ~~and~~ (1t). The director of the office shall

establish and maintain, wherever practicable, consistent employment relations policies and practices throughout the state service.

**SECTION 35.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

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

**SECTION 36.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

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

**SECTION 37.** 111.83 (7) (b) of the statutes, as created by 2011 Wisconsin Act 32, is renumbered 111.83 (7).

**SECTION 38.** The treatment of 111.84 (2) (c) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 7-1-15, s. 111.84 (2) (c) reads:

(c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (ar) to (f) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

**SECTION 39.** 111.85 (5) (b) of the statutes, as created by 2011 Wisconsin Act 32, is renumbered 111.85 (5).

**SECTION 40.** 111.91 (2) (g) of the statutes is repealed.

**SECTION 41.** The treatment of 111.92 (1) (a) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 7-1-15, s. 111.92 (1) (a) 1. reads:

1. Any tentative agreement reached between the office and any labor organization representing a collective bargaining unit specified in s. 111.825 (1) or (2) (d) or (e) shall, after official ratification by the labor organization, be submitted by the office to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval.

**SECTION 42.** The treatment of 111.93 (3) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, effective 7-1-15, s. 111.93 (3) (a) reads:

(a) If a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit under s. 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the University of Wisconsin–Madison and the board of regents of the University of Wisconsin System, related to wages, fringe benefits, hours, and conditions of employment whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

**SECTION 43.** 125.34 (2) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

125.34 (2) Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (e) and (g), and 125.30 (4), no fermented malt beverages may be sold, transported, or delivered to a retailer unless, prior to such sale, transport, or delivery, the fermented malt beverages are first unloaded at, physically at rest at, and only then distributed from a wholesaler's warehouse premises covered by both a wholesaler's permit issued under s. 125.28 and an alcohol beverage warehouse permit issued under s. 125.19, which premises shall be in this state. This ~~paragraph~~ subsection does not apply to a wholesaler issued a wholesaler's permit under s. 125.28 (1) (b) with respect to fermented malt beverages transported and delivered from a warehouse in an adjoining state unless the wholesaler's warehouse in the adjoining state is located on premises in the adjoining state used for the manufacture of fermented malt beverages.

**SECTION 44.** 146.38 (3) (dm) of the statutes is amended to read:

146.38 (3) (dm) With regard to an action under s. 895.441, to a court of record after issuance of a subpoena; and

**SECTION 45.** 165.76 (1) (g) of the statutes is amended to read:

165.76 (1) (g) Has been required by a court under s. 51.20 (13) (cr), 938.34 (~~15m~~) (15), 971.17 (1m) (a), 973.047, or 980.063 to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

**SECTION 46.** 175.49 (3) (a) 2. of the statutes, as created by 2011 Wisconsin Act 35, is amended to read:

175.49 (3) (a) 2. The former federal law enforcement officer has been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under subd. 1.,

that are established by the state or, if the state does not establish standards, by any law enforcement agency in the state.

**SECTION 47.** 196.203 (1g) (c) of the statutes, as affected by 2011 Wisconsin Act 22, is amended to read:

196.203 (1g) (c) An alternative telecommunications utility that is a local government telecommunications utility is subject to s. 196.204 (~~5~~).

**SECTION 48.** The treatment of 230.08 (4) (a) of the statutes by 2011 Wisconsin Act 10 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 230.08 (4) (a) reads:

(a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society, and any other managerial position determined by an appointing authority. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, government accountability board, investment board, public defender board and technical college system board and "commission" means the employment relations commission and the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

**SECTION 49.** 230.09 (2) (g) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

230.09 (2) (g) When filling a new or vacant position, if the director determines that the classification for a position is different than that provided for by the legislature as established by law or in budget determinations, or as authorized by the joint committee on finance under s. 13.10, or as specified by the governor creating positions under s. 16.505 (1) (c) or (2) ~~or~~, or is different than that of the previous incumbent, the director shall notify the administrator and the secretary of administration. The administrator shall withhold action on the selection and certification process for filling the position. The secretary of administration shall review the position to determine that sufficient funds exist for the position and that the duties and responsibilities of the proposed position reflect the intent of the legislature as established by law or in budget determinations, the intent of the joint committee on finance acting under s. 13.10, the intent of the governor creating positions under s. 16.505 (1) (c) or (2) ~~or~~. The administrator may not proceed with the selection and certification process until the secretary of administration has authorized the position to be filled.

**SECTION 50.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Acts 10 and 32, is amended to read:

230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney for a continuous period of 12 months or more (~~or~~).

**SECTION 51.** 238.345 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 32, section 3426, is amended to read:

238.345 (1) (a) The designation of an area as a development zone shall be effective for 240 months, beginning on the day the department corporation notifies the local governing body under s. 238.325 (3) of the designation.

**SECTION 52.** 238.395 (1) (i) of the statutes, as created by 2011 Wisconsin Act 37, section 2, is amended to read:

238.395 (1) (i) An area in the city of Beloit, the legal description of which is provided to the department corporation by the local governing body of the city of Beloit.

**SECTION 53.** 238.395 (2) (e) 3. of the statutes, as created by 2011 Wisconsin Act 37, section 5, is amended to read:

238.395 (2) (e) 3. The department corporation may extend the designation of an area under sub. (1) (i) as a development opportunity zone for an additional 60 months if the department corporation determines that an extension will support economic development within the city. If the department corporation grants an extension under this subdivision, the limit for tax benefits for the development opportunity zone under sub. (1) (i) is increased by \$5,000,000.

**SECTION 54.** 238.399 (3) (d) of the statutes, as created by 2011 Wisconsin Act 26, section 2, is amended to read:

238.399 (3) (d) Notwithstanding pars. (b) and (c), the department corporation shall designate as enterprise zones at least 3 areas comprising political subdivisions whose populations total less than 5,000 and at least 2 areas comprising political subdivisions whose populations total 5,000 or more but less than 30,000. In designating an enterprise zone under this paragraph, the department corporation may consider indicators of an area's economic need and the effect of designation on other economic development activities.

**SECTION 55.** 256.01 (7) and (8) of the statutes are amended to read:

256.01 (7) "Emergency medical technician — intermediate" means an individual who is licensed by the department as an emergency medical technician — intermediate under sub. s. 256.15 (5).

(8) "Emergency medical technician — paramedic" means an individual who is specially trained in emergency cardiac, trauma and other lifesaving or emergency procedures in a training program or course of instruction prescribed by the department and who is examined and licensed as an emergency medical technician — paramedic under sub. s. 256.15 (5).

**SECTION 56.** 287.11 (2m) (a) 2. of the statutes is amended to read:

287.11 (2m) (a) 2. "Cost of selling processed material" means the net cost, including any storage costs, of selling processed material to a broker, dealer, or manufacturing facility, plus any cost of transporting the

processed material from the waste processing facility to the destination specified by the broker, dealer, or manufacturing facility, less the portion of any state financial assistance received under s. 287.23 ~~or 287.25~~ attributable to the processed material.

**SECTION 57.** 560.08 (title) of the statutes is repealed.

**SECTION 58.** The treatment of 560.70 (7) (b) 2. of the statutes by 2011 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 37. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 238.30 (7) (b) 2., as renumbered from s. 560.70 (7) (b) 2. by 2011 Wis. Act 32, reads:

2. With respect to the development opportunity zones under s. 238.395 (1) (g), (h), and (i), "tax benefits" means the development zone credits under ss. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636 and the development zones capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

**SECTION 59.** The treatment of 560.795 (3) (a) 4. of the statutes by 2011 Wisconsin Act 32 is not repealed by 2011 Wisconsin Act 37. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 238.395 (3) (a) 4., as renumbered by 2011 Wis. Act 32, reads:

4. Any person that is conducting or that intends to conduct economic activity in a development opportunity zone under sub. (1) (e), (f), (g), (h), or (i) and that, in conjunction with the local governing body of the city in which the development opportunity zone is located, submits a project plan as described in par. (b) to the corporation shall be entitled to claim tax benefits while the area is designated as a development opportunity zone.

**SECTION 60.** The treatment of 560.799 (3) (a) of the statutes by 2011 Wisconsin Act 26 is not repealed by 2011 Wisconsin Act 32. Both treatments stand.

NOTE: There is no conflict of substance. As merged by the legislative reference bureau, s. 238.399 (3) (a), as renumbered from s. 560.799 (3) (a) by 2011 Wis. Act 32, reads:

(a) The corporation may designate not more than 20 enterprise zones.

**SECTION 61.** 904.16 (1) (b) of the statutes, as created by 2011 Wisconsin Act 2, is amended to read:

904.16 (1) (b) "Regulatory agency" means the department of ~~regulation and licensing~~ safety and professional services or the division within the department of health services that conducts quality assurance activities related to health care providers.

**SECTION 62.** 938.35 (1m) of the statutes is amended to read:

938.35 (1m) FUTURE CRIMINAL PROCEEDINGS BARRED. Disposition by the court assigned to exercise jurisdiction under this chapter and ch. 48 of any allegation under s. 938.12 or 938.13 (12) shall bar any future proceeding on the same matter in criminal court when the juvenile attains 17 years of age. This paragraph subsection does not affect proceedings in criminal court that have been transferred under s. 938.18.



**SECTION 63.** 948.605 (2) (b) 3. of the statutes is amended to read:

948.605 (2) (b) 3. That A person possessing a gun that is not loaded and is any of the following:

- a. Encased;
- b. In a locked firearms rack that is on a motor vehicle;

**SECTION 64.** 961.41 (3g) (c) of the statutes is amended to read:

961.41 (3g) (c) *Cocaine and cocaine base.* If a person possess possesses or attempts to possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine base, the person shall be fined not more than \$5,000 and may be imprisoned for not more than one year in the county jail upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender’s conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

**SECTION 65.** 2011 Wisconsin Act 10, sections 157 and 158 are amended by replacing “49.472 (4) (b) (intro.)” with “49.472 (4) (b)” in 4 places.

**SECTION 76. Renumbering and cross-reference changes under s. 13.92 (1) (bm) 2., stats.** Each statute listed in column A is renumbered to the statute number in column B, and cross-references to the renumbered statute are changed in the statutes listed in column C to agree with the renumbered statute, under section 13.92 (1) (bm) 2. of the statutes:

A Statute Renumbered	B New Statute Number	C Statutes in Which Cross-References are Changed
29.184 (9), as affected by 2011 Wisconsin Act 28, section 10	29.184 (9) (a)	none
44.57 (title)	41.57 (title)	none
71.05 (6) (b) 47., as created by 2011 Wisconsin Act 5	71.05 (6) (b) 47m.	none
165.25 (12), as created by 2011 Wisconsin Act 35	165.25 (12m)	175.60 (1) (f) 2.
227.138 (6) (a), as affected by 2011 Wisconsin Act 21, section 22	227.137 (6) (a)	none
560.081 (title) and (1)	238.127 (title) and (1)	none
560.13 (title)	238.13 (title)	none
560.795 (1) (i), as created by 2011 Wisconsin Act 37	238.395 (1) (i)	none

**SECTION 66.** 2011 Wisconsin Act 21, section 39 is amended by replacing “to which the proposed rule is referred” with “to which the proposed rule is referred”.

**SECTION 67.** 2011 Wisconsin Act 23, section 60 is amended by replacing “~~residence corroborating~~” with “~~residence, corroborating~~”.

**SECTION 68.** 2011 Wisconsin Act 32, section 44p is amended by replacing “(10) (c),” with “(10) (c).”

**SECTION 69.** 2011 Wisconsin Act 32, section 1400 is amended by replacing “2010-11” with “2010-2011”.

**SECTION 70.** 2011 Wisconsin Act 32, section 1506m is amended by replacing “county, multicounty” with “county, multicounty”.

**SECTION 71.** 2011 Wisconsin Act 32, section 2081 is amended by replacing “2009 stats.,” with “2009 stats.,”.

**SECTION 72.** 2011 Wisconsin Act 32, section 2875p is amended by replacing “sub. (5).” with “sub. (5).”.

**SECTION 73.** 2011 Wisconsin Act 32, section 3136 is amended by replacing “sub. (1), may” with “sub. (1), may”.

**SECTION 74.** 2011 Wisconsin Act 32, section 3454m is amended by replacing “16.305 (1) (intro.) and (c) (intro.) and (4), as renumbered, are amended” with “16.305 (1) (intro.) and (2) (c) (intro.) and (4), as renumbered, are amended”.

**SECTION 75.** 2011 Wisconsin Act 38, section 83 is amended by replacing “granting or revoking” with “granting, or revoking”.

560.795 (2) (b) 9., as created by 2011 Wisconsin Act 37	238.395 (2) (b) 9.	none
560.795 (2) (e) 3., as created by 2011 Wisconsin Act 37	238.395 (2) (e) 3.	none
560.799 (3) (d), as created by 2011 Wisconsin Act 26	238.399 (3) (d)	none
560.9806 (title)	16.306 (title)	none
943.13 (1e) (f), (g)	943.13 (1e) (cr), (cv)	none

**SECTION 77. Corrections of obvious typographical errors under s. 35.17, stats.** In the sections of the statutes listed in Column A, the text shown in Column B was changed to the text shown in column C to correct obvious typographical errors under s. 35.17 of the statutes:

<b>A</b> Statute Affected	<b>B</b> Erroneous text	<b>C</b> Corrected text
5.62 (1) (a), as affected by 2011 Wis. Act 32	5.655. 5. The	5.655. The
20.285 (1) (s), as affected by 2011 Wis. Act 32	From the r environmental	From the environmental
20.435 (4) (gr), as created by 2011 Wis. Act 32	maintenance program	maintenance programs
20.435 (7) (hc), as created by 2011 Wis. Act 32	the the	the
20.511 (1) (h), as affected by 2011 Wis. Act 32	records for supplies	records, for supplies
20.566 (1) (hp), 2009 stats.	(5j), (i)	(5j) (i)
23.0913 (2), as created by 2011 Wis. Act 32	the the	the
23.119 (1) (b), 2009 stats.	all terrain	all-terrain
29.171 (4) (b) (intro.), 2009 stats.	except as provide	except as provided
36.54 (2) (b), as affected by 2011 Wis. Act 32	(rc) the environmental	(rc), the environmental
71.07 (2dr) (a), as affected by 2011 Wis. Act 32	560.765 (3) 2009 stats.	560.765 (3), 2009 stats.
71.28 (1dm) (a) 1., as affected by 2011 Wis. Act 32	s. or 560.7995 (4), 2009 stats.	or s. 560.7995 (4), 2009 stats.
Chapter 77 (title), as affected by 2011 Wis. Act 32, section 2177m.	DRY CLEANING FEES;	DRY CLEANING FEES
100.45 (1) (dm), as affected by 2011 Wis. Act 10	society or other body	society, or other body

101.149 (6) (b), 2009 stats.	par. (5) (c)	sub. (5) (c)
111.70 (4) (cg) 7r. (intro.), as created by 2011 Wis. Act 32	under by this	under this
118.60 (4) (d) (intro.), as created by 2011 Wis. Act 32	and (4m) (a)	and sub. (4m) (a)
119.23 (4) (d) (intro.), as created by 2011 Wis. Act 32	and (4m) (a)	and sub. (4m) (a)
252.133 (2), 2009 stats.	the the	the
253.07 (4) (a), as affected by 2011 Wis. Act 32,	F In each	In each
281.36 (5) (intro.), 2009 stats.	an nonfederal	a nonfederal
285.59 (1) (b), as affected by 2011 Wis. Act 10	society or other body	society, or other body
343.16 (1) (b) (intro.), as affected by 2011 Wis. Act 32	343.12 (2) (h),,	343.12 (2) (h),
895.043 (6), as created by 2011 Wis. Act 2	under 30.50 (2)	under s. 30.50 (2)
908.03 (6m) (a) 1., 2009 stats.	Health	“Health
943.13 (1m) (c) 2., as created by 2011 Wis. Act 35	university of college	university or college

**SECTION 78. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 111.815 (1) and (2), 111.825 (3) and (4), 111.83 (7) (b), 111.85 (5) (b), and 230.34 (1) (ar) of the statutes takes effect on July 1, 2015.

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