



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0934/1  
CMH&PJK:nwn:ph

**ASSEMBLY AMENDMENT 105,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 75**

June 11, 2009 – Offered by Representatives KRAMER and VUKMIR.

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

2 **1.** Page 1188, line 24: delete “and (mc)” and substitute “, (mc), and (n)”.

3 **2.** Page 1196, line 24: delete that line and substitute:

4 “**SECTION 2235k.** 111.70 (4) (cm) 8s. of the statutes is renumbered 111.70 (4)  
5 (cm) 8s. a.

6 **SECTION 2235n.** 111.70 (4) (cm) 8s. b. of the statutes is created to read:

7 111.70 (4) (cm) 8s. b. If a school district unilaterally changes its employees’  
8 health care coverage plan provider under par. (n), any costs savings realized because  
9 of the change may not be included when determining the fringe benefit savings under  
10 subd. 8s. a.

11 **SECTION 2236.** 111.70 (4) (cm) 8s. of the statutes, as affected by 2009 Wisconsin  
12 Act .... (this act), is repealed.”.

1           **3.** Page 1198, line 11: after that line insert:

2           “**SECTION 2239g.** 111.70 (4) (mc) 4. of the statutes is created to read:

3           111.70 (4) (mc) 4. The employer’s selection of a health care coverage plan if the  
4           municipal employer offers to enroll the employees in a health care coverage plan  
5           under s. 40.51 (7) or in a health care coverage plan that is substantially similar to  
6           a plan offered under s. 40.51 (7). The commission shall use the criteria in rules  
7           promulgated by the commissioner of insurance under s. 601.41 (11) to determine if  
8           health care coverage plans are substantially similar.

9           **SECTION 2239j.** 111.70 (4) (n) of the statutes is created to read:

10           111.70 (4) (n) *Municipal employer-initiated change in health care coverage*  
11           *plan provider.* Notwithstanding the terms of a collective bargaining agreement, a  
12           municipal employer may unilaterally change its employees’ health care coverage  
13           plan provider without the consent of any affected employee in the collective  
14           bargaining unit if the benefits provided by the new health care coverage plan  
15           provider are substantially similar to those provided by the former health care  
16           coverage plan provider and if either the persons who provide health care coverage  
17           under the new plan are the same as under the former plan or cost savings will result  
18           from changing the health care coverage plan provider. Any such unilateral change  
19           in health care coverage plan provider is not a violation of a collective bargaining  
20           agreement or a prohibited practice under sub. (3) (a) and, for purposes of a qualified  
21           economic offer, satisfies the requirement to maintain fringe benefits under sub. (1)  
22           (nc).

23           **SECTION 2239k.** 111.70 (4) (n) of the statutes, as created by 2009 Wisconsin Act  
24           .... (this act), is amended to read:

1           111.70 (4) (n) *Municipal employer-initiated change in health care coverage*  
2 *plan provider.* Notwithstanding the terms of a collective bargaining agreement, a  
3 municipal employer may unilaterally change its employees’ health care coverage  
4 plan provider without the consent of any affected employee in the collective  
5 bargaining unit if the benefits provided by the new health care coverage plan  
6 provider are substantially similar to those provided by the former health care  
7 coverage plan provider and if either the persons who provide health care coverage  
8 under the new plan are the same as under the former plan or cost savings will result  
9 from changing the health care coverage plan provider. Any such unilateral change  
10 in health care coverage plan provider is not a violation of a collective bargaining  
11 agreement or a prohibited practice under sub. (3) (a) and, for purposes of a qualified  
12 economic offer, satisfies the requirement to maintain fringe benefits under sub. (1)  
13 (ne).”.

14           **4.** Page 1593, line 10: after that line insert:

15           “**SECTION 3136c.** 601.41 (11) of the statutes is created to read:

16           601.41 (11) SUBSTANTIALLY SIMILAR HEALTH CARE COVERAGE PLAN. The  
17 commissioner shall promulgate rules that set out a standardized summary of  
18 benefits provided under health care coverage plans, including plans offered under  
19 s. 40.51 (7), for use in determining whether a health care coverage plan is  
20 substantially similar to a plan offered under s. 40.51 (7).”.

21           **5.** Page 1864, line 11: after that line insert:

22           “(3u) HEALTH CARE COVERAGE PROVIDERS. The treatment of section 111.70 (1) (a)  
23 (as it relates to change in health care coverage plan providers) and (4) (mc) 4. of the  
24 statutes, the renumbering of section 111.70 (4) (cm) 8s. of the statutes, and the

1 creation of section 111.70 (4) (cm) 8s. b. and (n) of the statutes first apply to collective  
2 bargaining agreements entered into, extended, modified, or renewed, whichever  
3 occurs first, on the effective date of this subsection.”.

4 **6.** Page 1888, line 11: delete “, 8p., and 8s.” and substitute “and 8p.”.

5 **7.** Page 1888, line 12: after “5s.” insert “and 8s.”.

6 **8.** Page 1888, line 12: after “of the statutes,” insert “the amendment of section  
111.70 (4) (n) of the statutes,”.

7 (END)