



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



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**CONFERENCE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 11**

March 9, 2011 – Offered by COMMITTEE OF CONFERENCE ON JANUARY 2011 SPECIAL
SESSION ASSEMBLY BILL 11.

1 **AN ACT relating to:** state finances, collective bargaining for public employees,
2 compensation and fringe benefits of public employees, the state civil service
3 system, the Medical Assistance program.

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

4 **SECTION 1.** 7.33 (1) (c) of the statutes 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 2.** 7.33 (4) of the statutes is amended to read:

9 7.33 (4) Except as otherwise provided in this subsection, each local
10 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
11 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 **SECTION 3.** 13.111 (2) of the statutes is amended to read:

9 13.111 (2) DUTIES. The joint committee on employment relations shall perform
10 the functions assigned to it under ~~subchs. subch. V and VI~~ of ch. 111, subch. II of ch.
11 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, and 20.923 ~~and 40.05 (1) (b)~~.

12 **SECTION 4.** 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is
13 amended to read:

14 13.172 (1) In this section, “agency” means an office, department, 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, that
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
19 ch. ~~52~~, 231, 233, 234, 238, or 279.

20 **SECTION 5.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
21 is amended to read:

22 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
23 facility that is constructed for the benefit of or use of the state, any state agency,
24 board, commission or department, the University of Wisconsin Hospitals and Clinics
25 Authority, the Fox River Navigational System Authority, ~~the Wisconsin Quality~~

1 ~~Home Care Authority~~, the Wisconsin Economic Development Corporation, or any
2 local professional baseball park district created under subch. III of ch. 229 if the
3 construction is undertaken by the department of administration on behalf of the
4 district, shall be in compliance with all applicable state laws, rules, codes and
5 regulations but the construction is not subject to the ordinances or regulations of the
6 municipality in which the construction takes place except zoning, including without
7 limitation because of enumeration ordinances or regulations relating to materials
8 used, permits, supervision of construction or installation, payment of permit fees, or
9 other restrictions.

10 **SECTION 6.** 13.488 (1) (m) of the statutes is amended to read:

11 13.488 (1) (m) The duty to ~~compute~~ determine and make payments to the
12 United States required under ~~26 USC 148 (f) so that public debt, revenue obligations~~
13 ~~and operating notes issued pursuant to ch. 18 will not be treated as arbitrage bonds~~
14 ~~for the purpose of exclusion from gross income under 26 USC 103 (b) (2) so as to avoid~~
15 an adverse effect on any exclusion of interest from gross income for federal income
16 tax purposes on public debt, revenue obligations, and operating notes issued
17 pursuant to ch. 18, master lease obligations issued pursuant to s. 16.76, and
18 appropriation obligations issued pursuant to s. 16.527 and to make any payments to
19 advisors that assist in making the determination. If the proceeds of an obligation are
20 utilized for an activity that is financed from program revenue, the building
21 commission shall make the ~~payment~~ payments required under this paragraph from
22 that revenue, to the extent it is available.

23 **SECTION 7.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
24 amended to read:

1 13.62 (2) "Agency" means any board, commission, department, office, society,
2 institution of higher education, council, or committee in the state government, or any
3 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
4 233, 234, 237, 238, or 279, except that the term does not include a council or
5 committee of the legislature.

6 **SECTION 8.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 7,
7 is amended to read:

8 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
9 credentialing board, commission, independent agency, council or office in the
10 executive branch of state government; all bodies created by the legislature in the
11 legislative or judicial branch of state government; any public body corporate and
12 politic created by the legislature including specifically ~~the Wisconsin Quality Home~~
13 ~~Care Authority~~, the Fox River Navigational System Authority, the Lower Fox River
14 Remediation Authority, ~~and~~ the Wisconsin Aerospace Authority, and the Wisconsin
15 Economic Development Corporation, a professional baseball park district, a local
16 professional football stadium district, a local cultural arts district and a long-term
17 care district under s. 46.2895; every Wisconsin works agency under subch. III of ch.
18 49; every provider of medical assistance under subch. IV of ch. 49; technical college
19 district boards; every county department under s. 51.42 or 51.437; every nonprofit
20 corporation or cooperative or unincorporated cooperative association to which
21 moneys are specifically appropriated by state law; and every corporation, institution,
22 association or other organization which receives more than 50% of its annual budget
23 from appropriations made by state law, including subgrantee or subcontractor
24 recipients of such funds.

1 **SECTION 9.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act 7,
2 is amended to read:

3 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
4 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
5 shall be strictly nonpartisan and shall at all times observe the confidential nature
6 of the research requests received by it; however, with the prior approval of the
7 requester in each instance, the bureau may duplicate the results of its research for
8 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
9 designated employees shall at all times, with or without notice, have access to all
10 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
11 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
12 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
13 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
14 Navigational System Authority, and to any books, records, or other documents
15 maintained by such agencies or authorities and relating to their expenditures,
16 revenues, operations, and structure.

17 **SECTION 10.** 15.07 (1) (a) 6. of the statutes is repealed.

18 **SECTION 11.** 15.07 (4) of the statutes is amended to read:

19 **15.07 (4) QUORUM.** A majority of the membership of a board constitutes a
20 quorum to do business and, unless a more restrictive provision is adopted by the
21 board, a majority of a quorum may act in any matter within the jurisdiction of the
22 board. This subsection does not apply to actions of the government accountability
23 board, ~~the University of Wisconsin Hospitals and Clinics Board~~, or the school district
24 boundary appeal board as provided in ss. 5.05 (1e), ~~15.96 (2)~~, and 117.05 (2) (a).

25 **SECTION 12.** 15.96 of the statutes is repealed.

1 **SECTION 13.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 16.002 (2) “Departments” means constitutional offices, departments, and
4 independent agencies and includes all societies, associations, and other agencies of
5 state government for which appropriations are made by law, but not including
6 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 232,
7 233, 234, 235, 237, 238, or 279.

8 **SECTION 14.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is
9 amended to read:

10 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
11 department as the secretary designates may enter into the offices of state agencies
12 and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and
13 under chs. ~~52~~, 231, 233, 234, 237, 238, and 279, and may examine their books and
14 accounts and any other matter that in the secretary’s judgment should be examined
15 and may interrogate the agency’s employees publicly or privately relative thereto.

16 **SECTION 15.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is
17 amended to read:

18 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
19 authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and under
20 chs. ~~52~~, 231, 233, 234, 237, 238, and 279, and their officers and employees, shall
21 cooperate with the secretary and shall comply with every request of the secretary
22 relating to his or her functions.

23 **SECTION 16.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
24 7, is amended to read:

1 16.004 (12) (a) In this subsection, “state agency” means an association,
2 authority, board, department, commission, independent agency, institution, office,
3 society, or other body in state government created or authorized to be created by the
4 constitution or any law, including the legislature, the office of the governor, and the
5 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
6 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
7 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
8 ~~Care Authority~~, the Wisconsin Economic Development Corporation, and the Fox
9 River Navigational System Authority.

10 **SECTION 17.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
11 is amended to read:

12 16.045 (1) (a) “Agency” means an office, department, independent agency,
13 institution of higher education, association, society, or other body in state
14 government created or authorized to be created by the constitution or any law, that
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
17 ch. 149 or in ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

18 **SECTION 18.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act 7,
19 is amended to read:

20 16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but
21 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
22 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the
23 Wisconsin Economic Development Corporation, and the Health Insurance
24 Risk-Sharing Plan Authority.

1 **SECTION 19.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 16.41 (4) In this section, “authority” means a body created under subch. II of
4 ch. 114 or subch. III of ch. 149 or under ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

5 **SECTION 20.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 7,
6 is amended to read:

7 16.417 (1) (b) “Authority” means a body created under subch. II of ch. 114 or
8 ch. ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

9 **SECTION 21.** 16.50 (3) (b) of the statutes is amended to read:

10 16.50 (3) (b) No change in the number of full-time equivalent positions
11 authorized through the biennial budget process or other legislative act may be made
12 without the approval of the joint committee on finance, except for position changes
13 made by the governor under s. 16.505 (1) (c) or (2), ~~by the University of Wisconsin~~
14 ~~Hospitals and Clinics Board under s. 16.505 (2n)~~, or by the board of regents of the
15 University of Wisconsin System under s. 16.505 (2m) or (2p).

16 **SECTION 22.** 16.50 (3) (e) of the statutes is amended to read:

17 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
18 the pay ranges prescribed in the compensation plan or as provided in a collective
19 bargaining agreement under subch. V ~~or VI~~ of ch. 111.

20 **SECTION 23.** 16.505 (1) (intro.) of the statutes is amended to read:

21 16.505 (1) (intro.) Except as provided in subs. (2), (2m), ~~(2n)~~, and (2p), no
22 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
23 created or abolished unless authorized by one of the following:

24 **SECTION 24.** 16.505 (2n) of the statutes is repealed.

1 **SECTION 25.** 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 amended to read:

3 **16.52 (7) PETTY CASH ACCOUNT.** With the approval of the secretary, each agency
4 that is authorized to maintain a contingent fund under s. 20.920 may establish a
5 petty cash account from its contingent fund. The procedure for operation and
6 maintenance of petty cash accounts and the character of expenditures therefrom
7 shall be prescribed by the secretary. In this subsection, “agency” means an office,
8 department, independent agency, institution of higher education, association,
9 society, or other body in state government created or authorized to be created by the
10 constitution or any law, that is entitled to expend moneys appropriated by law,
11 including the legislature and the courts, but not including an authority created in
12 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

13 **SECTION 26.** 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 7,
14 is amended to read:

15 **16.528 (1) (a)** “Agency” means an office, department, independent agency,
16 institution of higher education, association, society, or other body in state
17 government created or authorized to be created by the constitution or any law, that
18 is entitled to expend moneys appropriated by law, including the legislature and the
19 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
20 ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

21 **SECTION 27.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
22 amended to read:

23 **16.53 (2) IMPROPER INVOICES.** If an agency receives an improperly completed
24 invoice, the agency shall notify the sender of the invoice within 10 working days after
25 it receives the invoice of the reason it is improperly completed. In this subsection,

1 “agency” means an office, department, independent agency, institution of higher
2 education, association, society, or other body in state government created or
3 authorized to be created by the constitution or any law, that is entitled to expend
4 moneys appropriated by law, including the legislature and the courts, but not
5 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
6 ~~52~~, 231, 233, 234, 237, 238, or 279.

7 **SECTION 28.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
8 7, is amended to read:

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

15 **SECTION 29.** 16.70 (2) of the statutes is amended to read:

16 16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.
17 III of ch. 149 or under ch. ~~52~~, 231, 232, 233, 234, 235, 237, or 279.

18 **SECTION 30.** 16.705 (3) of the statutes is repealed.

19 **SECTION 31.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act 7, is
20 amended to read:

21 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
24 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the
25 Wisconsin Economic Development Corporation, and the Bradley Center Sports and

1 Entertainment Corporation shall include in all contracts executed by them a
2 provision obligating the contractor not to discriminate against any employee or
3 applicant for employment because of age, race, religion, color, handicap, sex, physical
4 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
5 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
6 orientation, obligating the contractor to take affirmative action to ensure equal
7 employment opportunities.

8 **SECTION 32.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
9 amended to read:

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

1 applicants for employment, notices to be provided by the contracting officer setting
2 forth the provisions of the nondiscrimination clause”.

3 **SECTION 33.** 16.765 (4) of the statutes is amended to read:

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

10 **SECTION 34.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act 7, is
11 amended to read:

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

1 Development Corporation, and the Bradley Center Sports and Entertainment
2 Corporation for improving and making more effective the nondiscrimination and
3 affirmative action provisions of contracts. The department shall promulgate such
4 rules as may be necessary for the performance of its functions under this section.

5 **SECTION 35.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act 7, is
6 amended to read:

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

17 **SECTION 36.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
18 Act 7, is amended to read:

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

1 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
2 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
3 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
4 ~~Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center
5 Sports and Entertainment Corporation shall:

6 **SECTION 37.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act 7,
7 is amended to read:

8 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
9 further violations of this section and to report its corrective action to the contracting
10 agency, 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, or the Bradley Center Sports and Entertainment
15 Corporation.

16 **SECTION 38.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is
17 amended to read:

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

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

13 **SECTION 39.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act 7, is
14 amended to read:

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

1 **SECTION 40.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act 7, is
2 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 **SECTION 41.** 19.42 (10) (s) of the statutes is repealed.

19 **SECTION 42.** 19.42 (13) (o) of the statutes is repealed.

20 **SECTION 43.** 19.82 (1) of the statutes is amended to read:

21 19.82 (1) “Governmental body” means a state or local agency, board,
22 commission, committee, council, department or public body corporate and politic
23 created by constitution, statute, ordinance, rule or order; a governmental or
24 quasi-governmental corporation except for the Bradley center sports and
25 entertainment corporation; a local exposition district under subch. II of ch. 229; a

1 long-term care district under s. 46.2895; or a formally constituted subunit of any of
2 the foregoing, but excludes any such body or committee or subunit of such body which
3 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
4 or V, or VI of ch. 111.

5 **SECTION 44.** 19.85 (3) of the statutes is amended to read:

6 19.85 (3) Nothing in this subchapter shall be construed to authorize a
7 governmental body to consider at a meeting in closed session the final ratification or
8 approval of a collective bargaining agreement under subch. I, IV, or V, or VI of ch. 111
9 which has been negotiated by such body or on its behalf.

10 **SECTION 45.** 19.86 of the statutes is amended to read:

11 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
12 19.82 (1), where notice has been given by either party to a collective bargaining
13 agreement under subch. I, IV, or V, or VI of ch. 111 to reopen such agreement at its
14 expiration date, the employer shall give notice of such contract reopening as provided
15 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
16 by the employer's chief officer or such person's designee.

17 **SECTION 46.** 20.425 (1) (a) of the statutes is amended to read:

18 20.425 (1) (a) *General program operations.* The amounts in the schedule for
19 the purposes provided in subchs. I, IV, and V, and VI of ch. 111 and s. 230.45 (1).

20 **SECTION 47.** 20.425 (1) (i) of the statutes is amended to read:

21 20.425 (1) (i) *Fees, collective bargaining training, publications, and appeals.*
22 The amounts in the schedule for the performance of fact-finding, mediation, and
23 arbitration functions, for the provision of copies of transcripts, for the cost of
24 operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94 (3), for the
25 preparation of publications, transcripts, reports, and other copied material, and for

1 costs related to conducting appeals under s. 230.45. All moneys received under ss.
2 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all
3 moneys received from arbitrators and arbitration panel members, and individuals
4 who are interested in serving in such positions, and from individuals and
5 organizations who participate in other collective bargaining training programs
6 conducted by the commission, and all moneys received from the sale of publications,
7 transcripts, reports, and other copied material shall be credited to this appropriation
8 account.

9 **SECTION 48.** 20.495 of the statutes is repealed.

10 **SECTION 49.** 20.545 (1) (k) of the statutes is amended to read:

11 20.545 (1) (k) *General program operations.* The amounts in the schedule to
12 administer state employment relations functions and the civil service system under
13 ~~subchs. subch. V and VI~~ of ch. 111 and ch. 230, to pay awards under s. 230.48, and
14 to defray the expenses of the state employees suggestion board. All moneys received
15 from state agencies for materials and services provided by the office of state
16 employment relations shall be credited to this appropriation.

17 **SECTION 50.** 20.545 (1) (km) of the statutes is amended to read:

18 20.545 (1) (km) *Collective bargaining grievance arbitrations.* The amounts in
19 the schedule for the payment of the state's share of costs related to collective
20 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~
21 ~~bargaining grievance arbitrations under s. 111.993~~. All moneys received from state
22 agencies for the purpose of reimbursing the state's share of the costs related to
23 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
24 training related to grievance arbitrations, ~~and all moneys received from institutions,~~
25 ~~as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs~~

1 related to grievance arbitrations under s. ~~111.993~~ and to reimburse the state's share
2 of costs for training related to grievance arbitrations shall be credited to this
3 appropriation account.

4 **SECTION 51.** 20.865 (1) (ci) of the statutes is amended to read:

5 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*
6 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related
7 adjustments approved by the joint committee on employment relations under s.
8 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)
9 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit
10 for which a representative is certified under subch. V ~~or VI~~ of ch. 111, as determined
11 under s. 20.928, other than adjustments funded under par. (cj).

12 **SECTION 52.** 20.865 (1) (cm) of the statutes is repealed.

13 **SECTION 53.** 20.865 (1) (ic) of the statutes is amended to read:

14 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
15 *academic pay adjustments.* From the appropriate program revenue and program
16 revenue-service accounts, a sum sufficient to supplement the appropriations to the
17 University of Wisconsin System to pay the cost of pay and related adjustments
18 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
19 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
20 230.08 (2) (d) who are not included within a collective bargaining unit for which a
21 representative is certified under subch. V ~~or VI~~ of ch. 111, as determined under s.
22 20.928, other than adjustments funded under par. (cj).

23 **SECTION 54.** 20.865 (1) (im) of the statutes is repealed.

24 **SECTION 55.** 20.865 (1) (si) of the statutes is amended to read:

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

9 **SECTION 56.** 20.865 (1) (sm) of the statutes is repealed.

10 **SECTION 57.** 20.917 (3) (b) of the statutes is amended to read:

11 20.917 (3) (b) This subsection applies to employees in all positions in the civil
12 service, including those employees in positions included in collective bargaining
13 units under subch. V or VI of ch. 111, whether or not the employees are covered by
14 a collective bargaining agreement.

15 **SECTION 58.** 20.921 (1) (a) 2. of the statutes is amended to read:

16 20.921 (1) (a) 2. ~~Payment~~ If the state employee is a public safety employee
17 under s. 111.81 (15r), payment of dues to employee organizations.

18 **SECTION 59.** 20.921 (1) (b) of the statutes is amended to read:

19 20.921 (1) (b) Except as provided in ~~ss. 111.06 (1) (e) and s. 111.84 (1) (f)~~, the
20 request under par. (a) shall be made to the state agency or to the University of
21 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
22 directions and information prescribed by each state agency or by the authority. The
23 request may be withdrawn or the amount paid to the payee may be changed by
24 notifying the state agency or the authority to that effect, but no such withdrawal or
25 change shall affect a payroll certification already prepared.

1 **SECTION 60.** 20.923 (6) (intro.) of the statutes is amended to read:

2 20.923 **(6)** SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
3 following positions may be set by the appointing authority, subject to restrictions
4 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
5 where the salaries are a subject of bargaining with a certified representative of a
6 collective bargaining unit under s. 111.91 ~~or 111.998~~:

7 **SECTION 61.** 20.923 (8) of the statutes is amended to read:

8 20.923 **(8)** DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3)
9 (b), 15.04 (2), 230.04 (16), and 551.601 (1) shall be set by the appointing authority.
10 The salary shall not exceed the maximum of the salary range one range below the
11 salary range of the executive salary group to which the department or agency head
12 is assigned. The positions of assistant secretary of state, assistant state treasurer
13 and associate director of the historical society shall be treated as unclassified
14 deputies for pay purposes under this subsection.

15 **SECTION 62.** 20.928 (1) of the statutes is amended to read:

16 20.928 **(1)** Each state agency head shall certify to the department of
17 administration, at such time and in such manner as the secretary of administration
18 prescribes, the sum of money needed by the state agency from the appropriations
19 under s. 20.865 (1) (c), (ci), ~~(em)~~, (cj), (d), (i), (ic), ~~(im)~~, (j), (s), (si), ~~(sm)~~, and (t). Upon
20 receipt of the certifications together with such additional information as the
21 secretary of administration prescribes, the secretary shall determine the amounts
22 required from the respective appropriations to supplement state agency budgets.

23 **SECTION 63.** 36.09 (1) (j) of the statutes is amended to read:

24 36.09 **(1)** (j) Except where such matters are a subject of bargaining with a
25 certified representative of a collective bargaining unit under s. 111.91 ~~or 111.998~~, the

1 board shall establish salaries for persons not in the classified staff prior to July 1 of
2 each year for the next fiscal year, and shall designate the effective dates for payment
3 of the new salaries. In the first year of the biennium, payments of the salaries
4 established for the preceding year shall be continued until the biennial budget bill
5 is enacted. If the budget is enacted after July 1, payments shall be made following
6 enactment of the budget to satisfy the obligations incurred on the effective dates, as
7 designated by the board, for the new salaries, subject only to the appropriation of
8 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
9 authority of the board to establish salaries for new appointments. The board may
10 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
11 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
12 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
13 increase to correct salary inequities under par. (h), to fund job reclassifications or
14 promotions, or to recognize competitive factors. The board may not increase the
15 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
16 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
17 board authorizes the salary increase to correct a salary inequity or to recognize
18 competitive factors. The board may not increase the salary of any position identified
19 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
20 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
21 the increase is approved by the office of state employment relations. The granting
22 of salary increases to recognize competitive factors does not obligate inclusion of the
23 annualized amount of the increases in the appropriations under s. 20.285 (1) for
24 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
25 report to the joint committee on finance and the secretary of administration and

1 director of the office of state employment relations concerning the amounts of any
2 salary increases granted to recognize competitive factors, and the institutions at
3 which they are granted, for the 12-month period ending on the preceding June 30.

4 **SECTION 64.** 36.25 (13g) (c) of the statutes is repealed.

5 **SECTION 65.** 40.02 (25) (b) 2. of the statutes is amended to read:

6 40.02 (25) (b) 2. Any person employed as a teaching assistant or graduate
7 assistant and other employees-in-training as are designated by the board of regents
8 of the university, who are employed on at least a one-third full-time basis.

9 **SECTION 66.** 40.02 (25) (b) 8. of the statutes is amended to read:

10 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
11 under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or
12 under s. 230.12 or 233.10.

13 **SECTION 67.** 40.02 (27) of the statutes is amended to read:

14 40.02 (27) “Employee required contribution” means the contribution made by
15 an employee under s. 40.05 (1) (a) 1. to 4. ~~or for an employee under s. 40.05 (1) (b).~~

16 **SECTION 68.** 40.03 (6) (c) of the statutes is amended to read:

17 40.03 (6) (c) Shall not enter into any agreements to modify or expand group
18 insurance coverage in a manner which conflicts with this chapter or rules of the
19 department or materially affects the level of premiums required to be paid by the
20 state or its employees, or the level of benefits to be provided, under any group
21 insurance coverage. This restriction shall not be construed to prevent modifications
22 required by law, prohibit the group insurance board from modifying the standard
23 plan to establish a more cost effective benefit plan design or providing optional
24 insurance coverages as alternatives to the standard insurance coverage when any
25 excess of required premium over the premium for the standard coverage is paid by

1 the employee, prohibit the group insurance board from encouraging participation in
2 wellness or disease management programs, or prohibit the group insurance board
3 from providing other plans as authorized under par. (b).

4 **SECTION 69.** 40.05 (1) (a) (intro.) of the statutes is amended to read:

5 40.05 (1) (a) (intro.) ~~Except as provided in~~ Subject to par. (b) and sub. (2n):

6 **SECTION 70.** 40.05 (1) (a) 1. of the statutes is amended to read:

7 40.05 (1) (a) 1. For each participating employee not otherwise specified, ~~5% of~~
8 ~~each payment of earnings~~ an amount equal to one-half of all actuarially required
9 contributions, as approved by the board under s. 40.03 (1) (e).

10 **SECTION 71.** 40.05 (1) (a) 2. of the statutes is amended to read:

11 40.05 (1) (a) 2. For each participating employee whose formula rate is
12 determined under s. 40.23 (2m) (e) 2., ~~5.5% of each payment of earnings~~ an amount
13 equal to one-half of all actuarially required contributions, as approved by the board
14 under s. 40.03 (1) (e).

15 **SECTION 72.** 40.05 (1) (a) 3. of the statutes is amended to read:

16 40.05 (1) (a) 3. For each participating employee whose formula rate is
17 determined under s. 40.23 (2m) (e) 3., ~~6% of each payment of earnings~~ the percentage
18 of earnings paid by a participating employee under subd. 1.

19 **SECTION 73.** 40.05 (1) (a) 4. of the statutes is amended to read:

20 40.05 (1) (a) 4. For each participating employee whose formula rate is
21 determined under s. 40.23 (2m) (e) 4., ~~8% of each payment of earnings~~ the percentage
22 of earnings paid by a participating employee under subd. 1.

23 **SECTION 74.** 40.05 (1) (b) of the statutes is repealed and recreated to read:

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

4 **SECTION 75.** 40.05 (2m) of the statutes is repealed.

5 **SECTION 76.** 40.05 (2n) of the statutes is repealed.

6 **SECTION 77.** 40.05 (4) (ag) of the statutes is repealed and recreated to read:

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

10 1. For insured part-time employees other than employees specified in s. 40.02
11 (25) (b) 2., including those in project positions as defined in s. 230.27 (1), who are
12 appointed to work less than 1,566 hours per year, an amount determined annually
13 by the director of the office of state employment relations.

14 2. For eligible employees not specified in subd. 1. and s. 40.02 (25) (b) 2., an
15 amount not more than 88 percent of the average premium cost of plans offered in the
16 tier with the lowest employee premium cost under s. 40.51 (6). Annually, the director
17 of the office of state employment relations shall establish the amount that the
18 employer is required to pay under this subdivision.

19 **SECTION 78.** 40.05 (4) (ar) of the statutes is repealed.

20 **SECTION 79.** 40.05 (4) (b) of the statutes is amended to read:

21 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
22 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.
23 I, V, ~~or VI~~ of ch. 111 of any eligible employee shall, at the time of death, upon
24 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
25 or upon termination of creditable service and qualifying as an eligible employee

1 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
2 he or she received while employed by the state, to credits for payment of health
3 insurance premiums on behalf of the employee or the employee's surviving insured
4 dependents. Any supplemental compensation that is paid to a state employee who
5 is classified under the state classified civil service as a teacher, teacher supervisor,
6 or education director for the employee's completion of educational courses that have
7 been approved by the employee's employer is considered as part of the employee's
8 basic pay for purposes of this paragraph. The full premium for any eligible employee
9 who is insured at the time of retirement, or for the surviving insured dependents of
10 an eligible employee who is deceased, shall be deducted from the credits until the
11 credits are exhausted and paid from the account under s. 40.04 (10), and then
12 deducted from annuity payments, if the annuity is sufficient. The department shall
13 provide for the direct payment of premiums by the insured to the insurer if the
14 premium to be withheld exceeds the annuity payment. Upon conversion of an
15 employee's unused sick leave to credits under this paragraph or par. (bf), the
16 employee or, if the employee is deceased, the employee's surviving insured
17 dependents may initiate deductions from those credits or may elect to delay
18 initiation of deductions from those credits, but only if the employee or surviving
19 insured dependents are covered by a comparable health insurance plan or policy
20 during the period beginning on the date of the conversion and ending on the date on
21 which the employee or surviving insured dependents later elect to initiate
22 deductions from those credits. If an employee or an employee's surviving insured
23 dependents elect to delay initiation of deductions from those credits, an employee or
24 the employee's surviving insured dependents may only later elect to initiate
25 deductions from those credits during the annual enrollment period under par. (be).

1 A health insurance plan or policy is considered comparable if it provides hospital and
2 medical benefits that are substantially equivalent to the standard health insurance
3 plan established under s. 40.52 (1).

4 **SECTION 80.** 40.05 (4) (bw) of the statutes is amended to read:

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

16 **SECTION 81.** 40.05 (4) (c) of the statutes is amended to read:

17 40.05 (4) (c) The employer shall contribute toward the payment of premiums
18 for the plan established under s. 40.52 (3) ~~not more than the percentage of premium~~
19 ~~paid by the employer for health insurance coverage under par. (ag) 2~~ the amount
20 established under s. 40.52 (3).

21 **SECTION 82.** 40.05 (4g) (a) 4. of the statutes is amended to read:

22 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
23 or 230.35 (3), under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111
24 or under rules promulgated by the director of the office of state employment relations

1 or is eligible for reemployment with the state under s. 321.64 after completion of his
2 or her service in the U.S. armed forces.

3 **SECTION 83.** 40.05 (5) (intro.) of the statutes is amended to read:

4 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
5 continuation insurance provided under subch. V the employee shall pay the amount
6 remaining after the employer has contributed the following or, if different, the
7 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~
8 of ch. 111 or s. 230.12 or 233.10:

9 **SECTION 84.** 40.05 (5) (b) 4. of the statutes is amended to read:

10 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
11 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I,
12 V, ~~or VI~~ of ch. 111.

13 **SECTION 85.** 40.05 (6) (a) of the statutes is amended to read:

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

22 **SECTION 86.** 40.23 (2m) (e) 2. of the statutes is amended to read:

23 40.23 (2m) (e) 2. For each participant for creditable service as an elected official
24 or as an executive participating employee that is performed before January 1, 2000,
25 2.165%; for such creditable service that is performed on or after January 1, 2000, but

1 before the effective date of this subdivision ... [LRB inserts date], 2%; and for such
2 creditable service that is performed on or after the effective date of this subdivision
3 ... [LRB inserts date], 1.6%.

4 **SECTION 87.** 40.32 (1) of the statutes is amended to read:

5 40.32 (1) The sum of all contributions allocated to a participant's account under
6 each defined contribution plan sponsored by the employer, including all employer
7 contributions and picked-up contributions credited with interest at the effective rate
8 under ss. 40.04 (4) (a) and (5) (b) and 40.05 (2) (g) and all employee contributions
9 made under ss. 40.02 (17) and 40.05 (1) and ~~(2m)~~, may not in any calendar year
10 exceed the maximum contribution limitation established under section 415 (c) of the
11 Internal Revenue Code.

12 **SECTION 88.** 40.51 (7) of the statutes is amended to read:

13 40.51 (7) Any employer, other than the state, may offer to all of its employees
14 a health care coverage plan through a program offered by the group insurance board.
15 Notwithstanding sub. (2) and ss. 40.05 (4) and 40.52 (1), the department may by rule
16 establish different eligibility standards or contribution requirements for such
17 employees and employers and may by rule limit the categories of employers, other
18 than the state, which may be included as participating employers under this
19 subchapter. Beginning on January 1, 2012, except as otherwise provided in a
20 collective bargaining agreement under subch. IV of ch. 111, an employer may not
21 offer a health care coverage plan to its employees under this subsection if the
22 employer pays more than 88 percent of the average premium cost of plans offered in
23 any tier with the lowest employee premium cost under this subsection.

24 **SECTION 89.** 40.52 (3) of the statutes is amended to read:

1 40.52 (3) The group insurance board, after consulting with the board of regents
2 of the University of Wisconsin System, shall establish the terms of a health insurance
3 plan for graduate assistants, for teaching assistants, and for employees-in-training
4 designated by the board of regents, who are employed on at least a one-third
5 full-time basis and for teachers who are employed on at least a one-third full-time
6 basis by the University of Wisconsin System with an expected duration of
7 employment of at least 6 months but less than one year. Annually, the director of the
8 office of state employment relations shall establish the amount that the employer is
9 required to pay in premium costs under this subsection.

10 **SECTION 90.** 40.62 (2) of the statutes is amended to read:

11 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
12 of the department, any collective bargaining agreement under subch. I, V, ~~or~~ VI of
13 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,
14 757.02 (5) and 978.12 (3).

15 **SECTION 91.** 40.80 (3) of the statutes is amended to read:

16 40.80 (3) Any action taken under this section shall apply to employees covered
17 by a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

18 **SECTION 92.** 40.81 (3) of the statutes is amended to read:

19 40.81 (3) Any action taken under this section shall apply to employees covered
20 by a collective bargaining agreement under subch. IV, or V, ~~or~~ VI of ch. 111.

21 **SECTION 93.** 40.95 (1) (a) 2. of the statutes is amended to read:

22 40.95 (1) (a) 2. The employee has his or her compensation established in a
23 collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

24 **SECTION 94.** 46.284 (4) (m) of the statutes is repealed.

25 **SECTION 95.** 46.2895 (8) (a) 1. of the statutes is amended to read:

1 46.2895 (8) (a) 1. If the long-term care district offers employment to any
2 individual who was previously employed by a county, which participated in creating
3 the district and at the time of the offer had not withdrawn or been removed from the
4 district under sub. (14), and who while employed by the county performed duties
5 relating to the same or a substantially similar function for which the individual is
6 offered employment by the district and whose wages, ~~hours and conditions of~~
7 ~~employment~~ were established in a collective bargaining agreement with the county
8 under subch. IV of ch. 111 that is in effect on the date that the individual commences
9 employment with the district, with respect to that individual, abide by the terms of
10 the collective bargaining agreement concerning the individual's wages and, if
11 applicable, ~~vacation allowance, sick leave accumulation, sick leave bank, holiday~~
12 ~~allowance, funeral leave allowance, personal day allowance, or paid time off~~
13 ~~allowance~~ until the time of the expiration of that collective bargaining agreement or
14 adoption of a collective bargaining agreement with the district under subch. IV of ch.
15 111 covering the individual as an employee of the district, whichever occurs first.

16 **SECTION 96.** 46.2898 of the statutes is repealed.

17 **SECTION 97.** 46.48 (9m) of the statutes is repealed.

18 **SECTION 98.** 49.175 (1) (zh) of the statutes is amended to read:

19 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
20 moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation
21 account under s. 20.835 (2) (kf) for the earned income tax credit, \$6,664,200 in fiscal
22 year 2009-10 and ~~\$6,664,200~~ \$43,664,200 in fiscal year 2010-2011.

23 **SECTION 99.** 49.45 (2m) of the statutes is created to read:

24 49.45 (2m) **AUTHORIZATION FOR MODIFICATIONS TO PROGRAMS; STUDY.** (a) In this
25 subsection, "Medical Assistance program" includes any program operated under this

1 subchapter, demonstration program operated under 42 USC 1315, and program
2 operated under a waiver of federal law relating to medical assistance that is granted
3 by the federal department of health and human services.

4 (b) The department shall study potential changes to the Medical Assistance
5 state plan and to waivers of federal law relating to medical assistance obtained from
6 the federal department of health and human services for all of the following
7 purposes:

8 1. Increasing the cost effectiveness and efficiency of care and the care delivery
9 system for Medical Assistance programs.

10 2. Limiting switching from private health insurance to Medical Assistance
11 programs.

12 3. Ensuring the long-term viability and sustainability of Medical Assistance
13 programs.

14 4. Advancing the accuracy and reliability of eligibility for Medical Assistance
15 programs and claims determinations and payments.

16 5. Improving the health status of individuals who receive benefits under a
17 Medical Assistance program.

18 6. Aligning Medical Assistance program benefit recipient and service provider
19 incentives with health care outcomes.

20 7. Supporting responsibility and choice of medical assistance recipients.

21 (c) If the department determines, as a result of the study under par. (b), that
22 revision of existing statutes or rules would be necessary to advance a purpose
23 described in par. (b) 1. to 7., the department may promulgate rules that do any of the
24 following related to Medical Assistance programs:

1 1. Require cost sharing from program benefit recipients up to the maximum
2 allowed by federal law or a waiver of federal law.

3 2. Authorize providers to deny care or services if a program benefit recipient
4 is unable to share costs, to the extent allowed by federal law or waiver.

5 3. Modify existing benefits or establish various benefit packages and offer
6 different packages to different groups of recipients.

7 4. Revise provider reimbursement models for particular services.

8 5. Mandate that program benefit recipients enroll in managed care.

9 6. Restrict or eliminate presumptive eligibility.

10 7. To the extent permitted by federal law, impose restrictions on providing
11 benefits to individuals who are not citizens of the United States.

12 8. Set standards for establishing and verifying eligibility requirements.

13 9. Develop standards and methodologies to assure accurate eligibility
14 determinations and redetermine continuing eligibility.

15 10. Reduce income levels for purposes of determining eligibility to the extent
16 allowed by federal law or waiver and subject to the limitations under par. (e) 2.

17 (e) 1. The department shall submit an amendment to the state Medical
18 Assistance plan or request a waiver of federal laws related to medical assistance, if
19 necessary, to the extent necessary to implement any rule promulgated under par. (c).
20 If the federal department of health and human services does not allow the
21 amendment or does not grant the waiver, the department may not put the rule into
22 effect or implement the action described in the rule.

23 2. The department shall request a waiver from the secretary of the federal
24 department of health and human services to permit the department to have in effect
25 eligibility standards, methodologies, and procedures under the state Medical

1 Assistance plan or waivers of federal laws related to medical assistance that are more
2 restrictive than those in place on March 23, 2010. If the waiver request does not
3 receive federal approval before December 31, 2011, the department shall reduce
4 income levels on July 1, 2012, for the purposes of determining eligibility to 133
5 percent of the federal poverty line for adults who are not pregnant and not disabled,
6 to the extent permitted under 42 USC 1396a (gg), if the department follows the
7 procedures under 42 USC 1396a (gg) (3).

8 **SECTION 100.** 49.45 (2m) of the statutes, as created by 2011 Wisconsin Act ...
9 (this act), is repealed.

10 **SECTION 101.** 49.45 (3) (n) of the statutes is created to read:

11 49.45 (3) (n) This subsection does not apply if the department promulgates a
12 rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

13 **SECTION 102.** 49.45 (3) (n) of the statutes, as created by 2011 Wisconsin Act ...
14 (this act), is repealed.

15 **SECTION 103.** 49.45 (6m) (n) of the statutes is created to read:

16 49.45 (6m) (n) This subsection does not apply if the department promulgates
17 a rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

18 **SECTION 104.** 49.45 (6m) (n) of the statutes, as created by 2011 Wisconsin Act
19 (this act), is repealed.

20 **SECTION 105.** 49.45 (8) (b) of the statutes is amended to read:

21 49.45 (8) (b) ~~Reimbursement~~ Unless otherwise provided by the department by
22 rule promulgated under sub. (2m) (c), reimbursement under s. 20.435 (4) (b), (o), and
23 (w) for home health services provided by a certified home health agency or
24 independent nurse shall be made at the home health agency's or nurse's usual and

1 customary fee per patient care visit, subject to a maximum allowable fee per patient
2 care visit that is established under par. (c).

3 **SECTION 106.** 49.45 (8) (b) of the statutes, as affected by 2011 Wisconsin Act
4 (this act), is amended to read:

5 49.45 (8) (b) ~~Unless otherwise provided by the department by rule promulgated~~
6 ~~under sub. (2m) (c), reimbursement~~ Reimbursement under s. 20.435 (4) (b), (o), and
7 (w) for home health services provided by a certified home health agency or
8 independent nurse shall be made at the home health agency's or nurse's usual and
9 customary fee per patient care visit, subject to a maximum allowable fee per patient
10 care visit that is established under par. (c).

11 **SECTION 107.** 49.45 (8) (c) of the statutes is amended to read:

12 49.45 (8) (c) The department shall establish a maximum statewide allowable
13 fee per patient care visit, for each type of visit with respect to provider, that may be
14 no greater than the cost per patient care visit, as determined by the department from
15 cost reports of home health agencies, adjusted for costs related to case management,
16 care coordination, travel, record keeping and supervision, unless otherwise provided
17 by the department by rule promulgated under sub. (2m) (c).

18 **SECTION 108.** 49.45 (8) (c) of the statutes, as affected by 2011 Wisconsin Act
19 (this act), is amended to read:

20 49.45 (8) (c) The department shall establish a maximum statewide allowable
21 fee per patient care visit, for each type of visit with respect to provider, that may be
22 no greater than the cost per patient care visit, as determined by the department from
23 cost reports of home health agencies, adjusted for costs related to case management,
24 care coordination, travel, record keeping and supervision, ~~unless otherwise provided~~
25 ~~by the department by rule promulgated under sub. (2m) (c).~~

1 **SECTION 109.** 49.45 (8r) of the statutes is amended to read:

2 49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. ~~The~~ Unless
3 otherwise provided by the department by rule promulgated under sub. (2m) (c), the
4 rate of payment for obstetric and gynecological care provided in primary care
5 shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical
6 assistance who reside in primary care shortage areas, that is equal to 125% of the
7 rates paid under this section to primary care physicians in primary care shortage
8 areas, shall be paid to all certified primary care providers who provide obstetric or
9 gynecological care to those recipients.

10 **SECTION 110.** 49.45 (8r) of the statutes, as affected by 2011 Wisconsin Act ...
11 (this act), is amended to read:

12 49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. ~~Unless~~
13 ~~otherwise provided by the department by rule promulgated under sub. (2m) (c), the~~
14 The rate of payment for obstetric and gynecological care provided in primary care
15 shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical
16 assistance who reside in primary care shortage areas, that is equal to 125% of the
17 rates paid under this section to primary care physicians in primary care shortage
18 areas, shall be paid to all certified primary care providers who provide obstetric or
19 gynecological care to those recipients.

20 **SECTION 111.** 49.45 (8v) of the statutes is amended to read:

21 49.45 **(8v)** INCENTIVE-BASED PHARMACY PAYMENT SYSTEM. The department shall
22 establish a system of payment to pharmacies for legend and over-the-counter drugs
23 provided to recipients of medical assistance that has financial incentives for
24 pharmacists who perform services that result in savings to the medical assistance
25 program. Under this system, the department shall establish a schedule of fees that

1 is designed to ensure that any incentive payments made are equal to or less than the
2 documented savings unless otherwise provided by the department by rule
3 promulgated under sub. (2m) (c). The department may discontinue the system
4 established under this subsection if the department determines, after performance
5 of a study, that payments to pharmacists under the system exceed the documented
6 savings under the system.

7 **SECTION 112.** 49.45 (8v) of the statutes, as affected by 2011 Wisconsin Act ...
8 (this act), is amended to read:

9 49.45 (8v) INCENTIVE-BASED PHARMACY PAYMENT SYSTEM. The department shall
10 establish a system of payment to pharmacies for legend and over-the-counter drugs
11 provided to recipients of medical assistance that has financial incentives for
12 pharmacists who perform services that result in savings to the medical assistance
13 program. Under this system, the department shall establish a schedule of fees that
14 is designed to ensure that any incentive payments made are equal to or less than the
15 documented savings ~~unless otherwise provided by the department by rule~~
16 ~~promulgated under sub. (2m) (c)~~. The department may discontinue the system
17 established under this subsection if the department determines, after performance
18 of a study, that payments to pharmacists under the system exceed the documented
19 savings under the system.

20 **SECTION 113.** 49.45 (18) (ac) of the statutes is amended to read:

21 49.45 (18) (ac) Except as provided in pars. (am) to (d), and subject to par. (ag),
22 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
23 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
24 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
25 under s. 49.46 (2). The service provider shall collect the specified or allowable

1 copayment, coinsurance, or deductible, unless the service provider determines that
2 the cost of collecting the copayment, coinsurance, or deductible exceeds the amount
3 to be collected. The department shall reduce payments to each provider by the
4 amount of the specified or allowable copayment, coinsurance, or deductible. No
5 Unless otherwise provided by the department by rule promulgated under sub. (2m)
6 (c), no provider may deny care or services because the recipient is unable to share
7 costs, but an inability to share costs specified in this subsection does not relieve the
8 recipient of liability for these costs.

9 **SECTION 114.** 49.45 (18) (ac) of the statutes, as affected by 2011 Wisconsin Act
10 (this act), is amended to read:

11 49.45 (18) (ac) Except as provided in pars. (am) to (d), and subject to par. (ag),
12 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
13 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
14 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
15 under s. 49.46 (2). The service provider shall collect the specified or allowable
16 copayment, coinsurance, or deductible, unless the service provider determines that
17 the cost of collecting the copayment, coinsurance, or deductible exceeds the amount
18 to be collected. The department shall reduce payments to each provider by the
19 amount of the specified or allowable copayment, coinsurance, or deductible. ~~Unless~~
20 ~~otherwise provided by the department by rule promulgated under sub. (2m) (c), no~~
21 No provider may deny care or services because the recipient is unable to share costs,
22 but an inability to share costs specified in this subsection does not relieve the
23 recipient of liability for these costs.

24 **SECTION 115.** 49.45 (18) (ag) (intro.) of the statutes is amended to read:

1 49.45 (18) (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject
2 to par. (d), a recipient specified in par. (ac) shall pay all of the following, unless
3 otherwise provided by the department by rule promulgated under sub. (2m) (c):

4 **SECTION 116.** 49.45 (18) (ag) (intro.) of the statutes, as affected by 2011
5 Wisconsin Act (this act), is amended to read:

6 49.45 (18) (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject
7 to par. (d), a recipient specified in par. (ac) shall pay all of the following, ~~unless~~
8 ~~otherwise provided by the department by rule promulgated under sub. (2m) (c):~~

9 **SECTION 117.** 49.45 (18) (b) (intro.) of the statutes is amended to read:

10 49.45 (18) (b) (intro.) ~~The~~ Unless otherwise provided by the department by rule
11 promulgated under sub. (2m) (c), the following services are not subject to recipient
12 cost sharing under this subsection:

13 **SECTION 118.** 49.45 (18) (b) (intro.) of the statutes, as affected by 2011
14 Wisconsin Act (this act), is amended to read:

15 49.45 (18) (b) (intro.) ~~Unless otherwise provided by the department by rule~~
16 ~~promulgated under sub. (2m) (c), the~~ The following services are not subject to
17 recipient cost sharing under this subsection:

18 **SECTION 119.** 49.45 (18) (d) of the statutes is amended to read:

19 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
20 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
21 is liable under this subsection for more than \$12 per month for prescription drugs
22 received, unless otherwise provided by the department by rule promulgated under
23 sub. (2m) (c).

24 **SECTION 120.** 49.45 (18) (d) of the statutes, as affected by 2011 Wisconsin Act
25 (this act), is amended to read:

1 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
2 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
3 is liable under this subsection for more than \$12 per month for prescription drugs
4 received, ~~unless otherwise provided by the department by rule promulgated under~~
5 ~~sub. (2m) (e).~~

6 **SECTION 121.** 49.45 (23) (a) of the statutes is amended to read:

7 49.45 (23) (a) The department shall request a waiver from the secretary of the
8 federal department of health and human services to permit the department to
9 conduct a demonstration project to provide health care coverage for basic primary
10 and preventive care to adults who are under the age of 65, who have family incomes
11 not to exceed 200 percent of the poverty line, and who are not otherwise eligible for
12 medical assistance under this subchapter, the Badger Care health care program
13 under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department
14 promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the
15 extent that it conflicts with the rule.

16 **SECTION 122.** 49.45 (23) (a) of the statutes, as affected by 2011 Wisconsin Act
17 (this act), is amended to read:

18 49.45 (23) (a) The department shall request a waiver from the secretary of the
19 federal department of health and human services to permit the department to
20 conduct a demonstration project to provide health care coverage for basic primary
21 and preventive care to adults who are under the age of 65, who have family incomes
22 not to exceed 200 percent of the poverty line, and who are not otherwise eligible for
23 medical assistance under this subchapter, the Badger Care health care program
24 under s. 49.665, or Medicare under 42 USC 1395 et seq. ~~If the department~~

1 ~~promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the~~
2 ~~extent that it conflicts with the rule.~~

3 **SECTION 123.** 49.45 (23) (b) of the statutes is amended to read:

4 49.45 (23) (b) If the waiver is granted and in effect, the department may
5 promulgate rules defining the health care benefit plan, including more specific
6 eligibility requirements and cost-sharing requirements. ~~Cost~~ Unless otherwise
7 provided by the department by rule promulgated under sub. (2m) (c), cost sharing
8 may include an annual enrollment fee, which may not exceed \$75 per year.
9 Notwithstanding s. 227.24 (3), the plan details under this subsection may be
10 promulgated as an emergency rule under s. 227.24 without a finding of emergency.
11 If the waiver is granted and in effect, the demonstration project under this subsection
12 shall begin on January 1, 2009, or on the effective date of the waiver, whichever is
13 later.

14 **SECTION 124.** 49.45 (23) (b) of the statutes, as affected by 2011 Wisconsin Act
15 (this act), is amended to read:

16 49.45 (23) (b) If the waiver is granted and in effect, the department may
17 promulgate rules defining the health care benefit plan, including more specific
18 eligibility requirements and cost-sharing requirements. ~~Unless otherwise provided~~
19 ~~by the department by rule promulgated under sub. (2m) (c), cost~~ Cost sharing may
20 include an annual enrollment fee, which may not exceed \$75 per year.
21 Notwithstanding s. 227.24 (3), the plan details under this subsection may be
22 promulgated as an emergency rule under s. 227.24 without a finding of emergency.
23 If the waiver is granted and in effect, the demonstration project under this subsection
24 shall begin on January 1, 2009, or on the effective date of the waiver, whichever is
25 later.

1 **SECTION 125.** 49.45 (24g) (c) of the statutes is amended to read:

2 49.45 **(24g)** (c) The department's proposal under par. (a) shall specify increases
3 in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or
4 2., and shall provide for payment of a monthly per-patient care coordination fee to
5 those providers. The department shall set the increases in reimbursement rates and
6 the monthly per-patient care coordination fee so that together they provide
7 sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The
8 proposal shall specify effective dates for the increases in reimbursement rates and
9 the monthly per-patient care coordination fee that are no sooner than July 1, 2011.
10 If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not
11 apply to the extent that it conflicts with the rule.

12 **SECTION 126.** 49.45 (24g) (c) of the statutes, as affected by 2011 Wisconsin Act
13 (this act), is amended to read:

14 49.45 **(24g)** (c) The department's proposal under par. (a) shall specify increases
15 in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or
16 2., and shall provide for payment of a monthly per-patient care coordination fee to
17 those providers. The department shall set the increases in reimbursement rates and
18 the monthly per-patient care coordination fee so that together they provide
19 sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The
20 proposal shall specify effective dates for the increases in reimbursement rates and
21 the monthly per-patient care coordination fee that are no sooner than July 1, 2011.
22 ~~If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not~~
23 ~~apply to the extent that it conflicts with the rule.~~

24 **SECTION 127.** 49.45 (24r) (a) of the statutes is amended to read:

1 49.45 (24r) (a) The department shall implement any waiver granted by the
2 secretary of the federal department of health and human services to permit the
3 department to conduct a demonstration project to provide family planning, as
4 defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages
5 of 15 and 44 whose family income does not exceed 200% of the poverty line for a family
6 the size of the woman's family. If the department promulgates a rule under sub. (2m)
7 (c) 10., this paragraph does not apply to the extent it conflicts with the rule.

8 **SECTION 128.** 49.45 (24r) (a) of the statutes, as affected by 2011 Wisconsin Act
9 (this act), is amended to read:

10 49.45 (24r) (a) The department shall implement any waiver granted by the
11 secretary of the federal department of health and human services to permit the
12 department to conduct a demonstration project to provide family planning, as
13 defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages
14 of 15 and 44 whose family income does not exceed 200% of the poverty line for a family
15 the size of the woman's family. ~~If the department promulgates a rule under sub. (2m)~~
16 ~~(c) 10., this paragraph does not apply to the extent it conflicts with the rule.~~

17 **SECTION 129.** 49.45 (24r) (b) of the statutes is amended to read:

18 49.45 (24r) (b) The department may request an amended waiver from the
19 secretary to permit the department to conduct a demonstration project to provide
20 family planning to any man between the ages of 15 and 44 whose family income does
21 not exceed 200 percent of the poverty line for a family the size of the man's family.
22 If the amended waiver is granted, the department may implement the waiver. If the
23 department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply
24 to the extent it conflicts with the rule.

1 **SECTION 130.** 49.45 (24r) (b) of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 **49.45 (24r)** (b) The department may request an amended waiver from the
4 secretary to permit the department to conduct a demonstration project to provide
5 family planning to any man between the ages of 15 and 44 whose family income does
6 not exceed 200 percent of the poverty line for a family the size of the man's family.
7 If the amended waiver is granted, the department may implement the waiver. ~~If the~~
8 ~~department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply~~
9 ~~to the extent it conflicts with the rule.~~

10 **SECTION 131.** 49.45 (25g) (c) of the statutes is amended to read:

11 **49.45 (25g)** (c) The department's proposal under par. (b) shall specify increases
12 in reimbursement rates for providers that satisfy the conditions under par. (b), and
13 shall provide for payment of a monthly per-patient care coordination fee to those
14 providers. The department shall set the increases in reimbursement rates and the
15 monthly per-patient care coordination fee so that together they provide sufficient
16 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
17 specify effective dates for the increases in reimbursement rates and the monthly
18 per-patient care coordination fee that are no sooner than January 1, 2011. The
19 increases in reimbursement rates and monthly per-patient care coordination fees
20 that are not provided by the federal government shall be paid from the appropriation
21 under. s. 20.435 (1) (am). If the department promulgates a rule under sub. (2m) (c)
22 4., this paragraph does not apply to the extent it conflicts with the rule.

23 **SECTION 132.** 49.45 (25g) (c) of the statutes, as affected by 2011 Wisconsin Act
24 (this act), is amended to read:

1 49.45 (25g) (c) The department's proposal under par. (b) shall specify increases
2 in reimbursement rates for providers that satisfy the conditions under par. (b), and
3 shall provide for payment of a monthly per-patient care coordination fee to those
4 providers. The department shall set the increases in reimbursement rates and the
5 monthly per-patient care coordination fee so that together they provide sufficient
6 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
7 specify effective dates for the increases in reimbursement rates and the monthly
8 per-patient care coordination fee that are no sooner than January 1, 2011. The
9 increases in reimbursement rates and monthly per-patient care coordination fees
10 that are not provided by the federal government shall be paid from the appropriation
11 under s. 20.435 (1) (am). ~~If the department promulgates a rule under sub. (2m) (c)~~
12 ~~4., this paragraph does not apply to the extent it conflicts with the rule.~~

13 **SECTION 133.** 49.45 (27) of the statutes is amended to read:

14 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
15 lawfully admitted for permanent residence or otherwise permanently residing in the
16 United States under color of law may not receive medical assistance benefits except
17 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise
18 provided by the department by rule promulgated under sub. (2m) (c).

19 **SECTION 134.** 49.45 (27) of the statutes, as affected by 2011 Wisconsin Act ...
20 (this act), is amended to read:

21 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
22 lawfully admitted for permanent residence or otherwise permanently residing in the
23 United States under color of law may not receive medical assistance benefits except
24 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), ~~unless otherwise~~
25 ~~provided by the department by rule promulgated under sub. (2m) (c).~~

1 **SECTION 135.** 49.45 (39) (b) 1. of the statutes is amended to read:

2 49.45 **(39)** (b) 1. 'Payment for school medical services.' If a school district or a
3 cooperative educational service agency elects to provide school medical services and
4 meets all requirements under par. (c), the department shall reimburse the school
5 district or the cooperative educational service agency for 60% of the federal share of
6 allowable charges for the school medical services that it provides, unless otherwise
7 provided by the department by rule promulgated under sub. (2m) (c), and, as
8 specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for
9 the Blind and Visually Impaired or the Wisconsin Educational Services Program for
10 the Deaf and Hard of Hearing elects to provide school medical services and meets all
11 requirements under par. (c), the department shall reimburse the department of
12 public instruction for 60% of the federal share of allowable charges for the school
13 medical services that the Wisconsin Center for the Blind and Visually Impaired or
14 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
15 provides, unless otherwise provided by the department by rule promulgated under
16 sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. A school
17 district, cooperative educational service agency, the Wisconsin Center for the Blind
18 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
19 and Hard of Hearing may submit, and the department shall allow, claims for common
20 carrier transportation costs as a school medical service unless the department
21 receives notice from the federal health care financing administration that, under a
22 change in federal policy, the claims are not allowed. If the department receives the
23 notice, a school district, cooperative educational service agency, the Wisconsin
24 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
25 Program for the Deaf and Hard of Hearing may submit, and the department shall

1 allow, unreimbursed claims for common carrier transportation costs incurred before
2 the date of the change in federal policy. The department shall promulgate rules
3 establishing a methodology for making reimbursements under this paragraph. All
4 other expenses for the school medical services provided by a school district or a
5 cooperative educational service agency shall be paid for by the school district or the
6 cooperative educational service agency with funds received from state or local taxes.
7 The school district, the Wisconsin Center for the Blind and Visually Impaired, the
8 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the
9 cooperative educational service agency shall comply with all requirements of the
10 federal department of health and human services for receiving federal financial
11 participation.

12 **SECTION 136.** 49.45 (39) (b) 1. of the statutes, as affected by 2011 Wisconsin Act
13 (this act), is amended to read:

14 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
15 cooperative educational service agency elects to provide school medical services and
16 meets all requirements under par. (c), the department shall reimburse the school
17 district or the cooperative educational service agency for 60% of the federal share of
18 allowable charges for the school medical services that it provides, ~~unless otherwise~~
19 ~~provided by the department by rule promulgated under sub. (2m) (e),~~ and, as
20 specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for
21 the Blind and Visually Impaired or the Wisconsin Educational Services Program for
22 the Deaf and Hard of Hearing elects to provide school medical services and meets all
23 requirements under par. (c), the department shall reimburse the department of
24 public instruction for 60% of the federal share of allowable charges for the school
25 medical services that the Wisconsin Center for the Blind and Visually Impaired or

1 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
2 provides, ~~unless otherwise provided by the department by rule promulgated under~~
3 ~~sub. (2m) (e)~~, and, as specified in subd. 2., for allowable administrative costs. A school
4 district, cooperative educational service agency, the Wisconsin Center for the Blind
5 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
6 and Hard of Hearing may submit, and the department shall allow, claims for common
7 carrier transportation costs as a school medical service unless the department
8 receives notice from the federal health care financing administration that, under a
9 change in federal policy, the claims are not allowed. If the department receives the
10 notice, a school district, cooperative educational service agency, the Wisconsin
11 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
12 Program for the Deaf and Hard of Hearing may submit, and the department shall
13 allow, unreimbursed claims for common carrier transportation costs incurred before
14 the date of the change in federal policy. The department shall promulgate rules
15 establishing a methodology for making reimbursements under this paragraph. All
16 other expenses for the school medical services provided by a school district or a
17 cooperative educational service agency shall be paid for by the school district or the
18 cooperative educational service agency with funds received from state or local taxes.
19 The school district, the Wisconsin Center for the Blind and Visually Impaired, the
20 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the
21 cooperative educational service agency shall comply with all requirements of the
22 federal department of health and human services for receiving federal financial
23 participation.

24 **SECTION 137.** 49.46 (1) (n) of the statutes is created to read:

1 49.46 (1) (n) If the department promulgates a rule under s. 49.45 (2m) (c) 8.,
2 9., or 10., this subsection does not apply to the extent that it conflicts with the rule.

3 **SECTION 138.** 49.46 (1) (n) of the statutes, as created by 2011 Wisconsin Act ...
4 (this act), is repealed.

5 **SECTION 139.** 49.46 (2) (a) (intro.) of the statutes is amended to read:

6 49.46 (2) (a) (intro.) Except as provided in par. (be) and unless otherwise
7 provided by the department by rule promulgated under s. 49.45 (2m) (c), the
8 department shall audit and pay allowable charges to certified providers for medical
9 assistance on behalf of recipients for the following federally mandated benefits:

10 **SECTION 140.** 49.46 (2) (a) (intro.) of the statutes, as affected by 2011 Wisconsin
11 Act ... (this act), is amended to read:

12 49.46 (2) (a) (intro.) Except as provided in par. (be) ~~and unless otherwise~~
13 ~~provided by the department by rule promulgated under s. 49.45 (2m) (c)~~, the
14 department shall audit and pay allowable charges to certified providers for medical
15 assistance on behalf of recipients for the following federally mandated benefits:

16 **SECTION 141.** 49.46 (2) (b) (intro.) of the statutes is amended to read:

17 49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) and unless
18 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),
19 the department shall audit and pay allowable charges to certified providers for
20 medical assistance on behalf of recipients for the following services:

21 **SECTION 142.** 49.46 (2) (b) (intro.) of the statutes, as affected by 2011 Wisconsin
22 Act ... (this act), is amended to read:

23 49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) ~~and unless~~
24 ~~otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c)~~,

1 the department shall audit and pay allowable charges to certified providers for
2 medical assistance on behalf of recipients for the following services:

3 **SECTION 143.** 49.465 (2) (intro.) of the statutes is amended to read:

4 49.465 (2) (intro.) ~~A- Unless otherwise provided by the department by rule~~
5 promulgated under s. 49.45 (2m) (c), a pregnant woman is eligible for medical
6 assistance benefits, as provided under sub. (3), during the period beginning on the
7 day on which a qualified provider determines, on the basis of preliminary
8 information, that the woman's family income does not exceed the highest level for
9 eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as
10 follows:

11 **SECTION 144.** 49.465 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
12 Act (this act), is amended to read:

13 49.465 (2) (intro.) ~~Unless otherwise provided by the department by rule~~
14 ~~promulgated under s. 49.45 (2m) (c),~~ a A pregnant woman is eligible for medical
15 assistance benefits, as provided under sub. (3), during the period beginning on the
16 day on which a qualified provider determines, on the basis of preliminary
17 information, that the woman's family income does not exceed the highest level for
18 eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as
19 follows:

20 **SECTION 145.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

21 49.47 (4) (a) (intro.) ~~Any~~ Unless otherwise provided by the department by rule
22 under s. 49.45 (2m) (c), any individual who meets the limitations on income and
23 resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be
24 eligible for medical assistance under this section if such individual is:

1 **SECTION 146.** 49.47 (4) (a) (intro.) of the statutes, as affected by 2011 Wisconsin
2 Act (this act), is amended to read:

3 49.47 (4) (a) (intro.) ~~Unless otherwise provided by the department by rule~~
4 ~~under s. 49.45 (2m) (e), any~~ Any individual who meets the limitations on income and
5 resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be
6 eligible for medical assistance under this section if such individual is:

7 **SECTION 147.** 49.47 (5) (intro.) of the statutes is amended to read:

8 49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make
9 additional investigation of eligibility at any of the following times:

10 **SECTION 148.** 49.47 (5) (a) of the statutes is amended to read:

11 49.47 (5) (a) When there is reasonable ground for belief that an applicant may
12 not be eligible or that the beneficiary may have received benefits to which the
13 beneficiary is not entitled; ~~or,~~

14 **SECTION 149.** 49.47 (5) (c) of the statutes is created to read:

15 49.47 (5) (c) Any time determined by the department by rule promulgated
16 under s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility,
17 except that if federal law allows a reevaluation of eligibility more frequently than
18 every 12 months and if there is no conflicting provision of state law, the department
19 is not required to promulgate a rule to reevaluate eligibility under this section.

20 **SECTION 150.** 49.47 (5) (c) of the statutes, as created by 2011 Wisconsin Act
21 (this act), is repealed.

22 **SECTION 151.** 49.47 (6) (a) (intro.) of the statutes is amended to read:

23 49.47 (6) (a) (intro.) ~~The~~ Unless otherwise provided by the department by rule
24 promulgated under s. 49.45 (2m) (c), the department shall audit and pay charges to
25 certified providers for medical assistance on behalf of the following:

1 **SECTION 152.** 49.47 (6) (a) (intro.) of the statutes, as affected by 2011 Wisconsin
2 Act (this act), is amended to read:

3 49.47 **(6)** (a) (intro.) ~~Unless otherwise provided by the department by rule~~
4 ~~promulgated under s. 49.45 (2m) (c), the~~ The department shall audit and pay charges
5 to certified providers for medical assistance on behalf of the following:

6 **SECTION 153.** 49.471 (13) of the statutes is created to read:

7 49.471 **(13)** APPLICABILITY. If the department promulgates a rule under s. 49.45
8 (2m) (c), subs. (4), (5), (6), (7), (8), (10), and (11) do not apply to the extent that those
9 subsections conflict with the rule.

10 **SECTION 154.** 49.471 (13) of the statutes, as created by 2011 Wisconsin Act
11 (this act), is repealed.

12 **SECTION 155.** 49.472 (3) (intro.) of the statutes is amended to read:

13 49.472 **(3)** ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless
14 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),
15 an individual is eligible for and shall receive medical assistance under this section
16 if all of the following conditions are met:

17 **SECTION 156.** 49.472 (3) (intro.) of the statutes, as affected by 2011 Wisconsin
18 Act (this act), is amended to read:

19 49.472 **(3)** ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) ~~and unless~~
20 ~~otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),~~
21 an individual is eligible for and shall receive medical assistance under this section
22 if all of the following conditions are met:

23 **SECTION 157.** 49.472 (4) (b) (intro.) of the statutes is amended to read:

24 49.472 **(4)** (b) (intro.) The department may waive monthly premiums that are
25 calculated to be below \$10 per month. ~~The~~ Unless otherwise provided by the

1 department by rule promulgated under s. 49.45 (2m) (c), the department may not
2 assess a monthly premium for any individual whose income level, after adding the
3 individual's earned income and unearned income, is below 150% of the poverty line.

4 **SECTION 158.** 49.472 (4) (b) (intro.) of the statutes, as affected by 2011
5 Wisconsin Act (this act), is amended to read:

6 49.472 (4) (b) (intro.) The department may waive monthly premiums that are
7 calculated to be below \$10 per month. ~~Unless otherwise provided by the department~~
8 ~~by rule promulgated under s. 49.45 (2m) (c), the~~ The department may not assess a
9 monthly premium for any individual whose income level, after adding the
10 individual's earned income and unearned income, is below 150% of the poverty line.

11 **SECTION 159.** 49.473 (2) (intro.) of the statutes is amended to read:

12 49.473 (2) (intro.) ~~A~~ Unless otherwise provided by the department by rule
13 promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as
14 provided under sub. (5) if, after applying to the department or a county department,
15 the department or a county department determines that she meets all of the
16 following requirements:

17 **SECTION 160.** 49.473 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
18 Act (this act), is amended to read:

19 49.473 (2) (intro.) ~~Unless otherwise provided by the department by rule~~
20 ~~promulgated under s. 49.45 (2m) (c), a~~ A woman is eligible for medical assistance as
21 provided under sub. (5) if, after applying to the department or a county department,
22 the department or a county department determines that she meets all of the
23 following requirements:

24 **SECTION 161.** 49.473 (5) of the statutes is amended to read:

1 49.473 (5) The department shall audit and pay, from the appropriation
2 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is
3 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
4 meets the requirements under sub. (2) for all benefits and services specified under
5 s. 49.46 (2), unless otherwise provided by the department by rule promulgated under
6 s. 49.45 (2m) (c).

7 **SECTION 162.** 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act ...
8 (this act), is amended to read:

9 49.473 (5) The department shall audit and pay, from the appropriation
10 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is
11 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
12 meets the requirements under sub. (2) for all benefits and services specified under
13 s. 49.46 (2), ~~unless otherwise provided by the department by rule promulgated under~~
14 ~~s. 49.45 (2m) (c).~~

15 **SECTION 163.** 49.825 (3) (b) 4. of the statutes is repealed.

16 **SECTION 164.** 49.826 (3) (b) 4. of the statutes is repealed.

17 **SECTION 165.** Chapter 52 of the statutes is repealed.

18 **SECTION 166.** 59.875 of the statutes is created to read:

19 **59.875 Payment of contributions in an employee retirement system of**
20 **populous counties.** (1) In this section, “county” means any county having a
21 population of 500,000 or more.

22 (2) Beginning on the effective date of this subsection ... [LRB inserts date], in
23 any employee retirement system of a county, except as otherwise provided in a
24 collective bargaining agreement entered into under subch. IV of ch. 111, employees
25 shall pay half of all actuarially required contributions for funding benefits under the

1 retirement system. The employer may not pay on behalf of an employee any of the
2 employee's share of the actuarially required contributions.

3 **SECTION 167.** 62.623 of the statutes is created to read:

4 **62.623 Payment of contributions in an employee retirement system of**
5 **a 1st class city.** Beginning on the effective date of this section [LRB inserts date],
6 in any employee retirement system of a 1st class city, except as otherwise provided
7 in a collective bargaining agreement entered into under subch. IV of ch. 111,
8 employees shall pay all employee required contributions for funding benefits under
9 the retirement system. The employer may not pay on behalf of an employee any of
10 the employee's share of the required contributions.

11 **SECTION 168.** 66.0506 of the statutes is created to read:

12 **66.0506 Referendum; increase in employee wages.** (1) In this section,
13 "local governmental unit" means any city, village, town, county, metropolitan
14 sewerage district, long-term care district, transit authority under s. 59.58 (7) or
15 66.1039, local cultural arts district under subch. V of ch. 229, or any other political
16 subdivision of the state, or instrumentality of one or more political subdivisions of
17 the state.

18 (2) If any local governmental unit wishes to increase the total base wages of
19 its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that
20 exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local
21 governmental unit shall adopt a resolution to that effect. The resolution shall specify
22 the amount by which the proposed total base wages increase will exceed the limit
23 under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved
24 in a referendum called for that purpose. The referendum shall occur in November
25 for collective bargaining agreements that begin the following January 1. The results

1 of a referendum apply to the total base wages only in the next collective bargaining
2 agreement.

3 (3) The referendum question shall be substantially as follows: "Shall the ...
4 [general municipal employees] in the [local governmental unit] receive a total
5 increase in wages from \$....[current total base wages] to \$....[proposed total base
6 wages], which is a percentage wage increase that is [x] percent higher than the
7 percent of the consumer price index increase, for a total percentage increase in wages
8 of [x]?"

9 **SECTION 169.** 66.0508 of the statutes is created to read:

10 **66.0508 Collective bargaining.** (1) In this section, "local governmental
11 unit" has the meaning given in s. 66.0506 (1).

12 (1m) Except as provided under subch. IV of ch. 111, no local governmental unit
13 may collectively bargain with its employees.

14 (2) If a local governmental unit has in effect on the effective date of this
15 subsection [LRB inserts date], an ordinance or resolution that is inconsistent with
16 sub. (1m), the ordinance or resolution does not apply and may not be enforced.

17 (3) Each local governmental unit that is collectively bargaining with its
18 employees shall determine the maximum total base wages expenditure that is
19 subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer
20 price index change using the same method the department of revenue uses under s.
21 73.03 (68).

22 **SECTION 170.** 66.0509 (1m) of the statutes is created to read:

23 66.0509 (1m) (a) A local governmental unit, as defined in s. 66.0131 (1) (a), that
24 does not have a civil service system on the effective date of this subsection [LRB

1 inserts date], shall establish a grievance system not later than the first day of the 4th
2 month beginning after the effective date of this subsection [LRB inserts date].

3 (b) To comply with the grievance system that is required under par. (a), a local
4 governmental unit may establish either a civil service system under any provision
5 authorized by law, to the greatest extent practicable, if no specific provision for the
6 creation of a civil service system applies to that local governmental unit, or establish
7 a grievance procedure as described under par. (d).

8 (c) Any civil service system that is established under any provision of law, and
9 any grievance procedure that is created under this subsection, shall contain at least
10 all of the following provisions:

- 11 1. A grievance procedure that addresses employee terminations.
- 12 2. Employee discipline.
- 13 3. Workplace safety.

14 (d) If a local governmental unit creates a grievance procedure under this
15 subsection, the procedure shall contain at least all of the following elements:

- 16 1. A written document specifying the process that a grievant and an employer
17 must follow.
- 18 2. A hearing before an impartial hearing officer.
- 19 3. An appeal process in which the highest level of appeal is the governing body
20 of the local governmental unit.

21 (e) If an employee of a local governmental unit is covered by a civil service
22 system on the effective date of this subsection [LRB inserts date], and if that
23 system contains provisions that address the provisions specified in par. (c), the
24 provisions that apply to the employee under his or her existing civil service system
25 continue to apply to that employee.

1 **SECTION 171.** 66.0518 of the statutes is created to read:

2 **66.0518 Defined benefit pension plans.** A local governmental unit, as
3 defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its
4 employees unless the plan requires the employees to pay half of all actuarially
5 required contributions for funding benefits under the plan and prohibits the local
6 governmental unit from paying on behalf of an employee any of the employee’s share
7 of the actuarially required contributions.

8 **SECTION 172.** 66.1104 (1) (a) of the statutes is amended to read:

9 66.1104 (1) (a) “Authority” means a body created under s. 66.1201, 66.1333, or
10 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232,
11 233, 234, 235, 237, or 279.

12 **SECTION 173.** 66.1105 (2) (k) of the statutes is renumbered 66.1105 (2) (k) 1. and
13 amended to read:

14 66.1105 (2) (k) 1. “Tax incremental district” means a contiguous geographic
15 area within a city defined and created by resolution of the local legislative body,
16 consisting solely of whole units of property as are assessed for general property tax
17 purposes, other than railroad rights-of-way, rivers or highways. Railroad
18 rights-of-way, rivers or highways may be included in a tax incremental district only
19 if they are continuously bounded on either side, or on both sides, by whole units of
20 property as are assessed for general property tax purposes which are in the tax
21 incremental district. “Tax incremental district” does not include any area identified
22 as a wetland on a map under s. 23.32, except for an area identified on such a map that
23 has been converted in compliance with state law so that it is no longer a wetland and
24 except as provided in subd. 2.

25 **SECTION 174.** 66.1105 (2) (k) 2. of the statutes is created to read:

1 66.1105 (2) (k) 2. For an area that is identified as a wetland on a map under
2 s. 23.32 and that is within the boundaries of a tax incremental district or is part of
3 a tax incremental district parcel, the area shall be considered part of the tax
4 incremental district for determining the applicability of exemptions from or
5 compliance with water quality standards that are applicable to wetlands.

6 **SECTION 175.** 70.11 (41s) of the statutes is repealed.

7 **SECTION 176.** 71.05 (6) (b) 47. of the statutes, as created by 2011 Wisconsin Act
8 5, is amended to read:

9 71.05 (6) (b) 47. An amount equal to the increase in the number of full-time
10 equivalent employees employed by the taxpayer in this state during the taxable year,
11 multiplied by \$4,000 for a business with gross receipts of no greater than \$5,000,000
12 in the taxable year or \$2,000 for a business with gross receipts greater than
13 \$5,000,000 in the taxable year. For purposes of this subdivision, the increase in the
14 number of full-time equivalent employees employed by the taxpayer in this state
15 during the taxable year is determined by subtracting from the number of full-time
16 equivalent employees employed by the taxpayer in this state during the taxable year,
17 as determined by computing the average employee count from the taxpayer's
18 quarterly unemployment insurance reports or other information as required by the
19 department for the taxable year, the number of full-time equivalent employees
20 employed by the taxpayer in this state during the immediately preceding taxable
21 year, as determined by computing the average employee count from the taxpayer's
22 quarterly unemployment insurance reports or other information as required by the
23 department for the immediately preceding taxable year. No person may claim a
24 deduction under this subdivision if the person may claim a ~~credit~~ deduction under
25 this subchapter based on the person relocating the person's business from another

1 state to this state and in an amount equal to the person's tax liability. The
2 department shall promulgate rules to administer this subdivision.

3 **SECTION 177.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act
4 7, is amended to read:

5 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
6 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
7 Authority, of the ~~Wisconsin Quality Home Care Authority~~, of the Fox River
8 Navigational System Authority, of the Wisconsin Economic Development
9 Corporation, and of the Wisconsin Aerospace Authority.

10 **SECTION 178.** 73.03 (68) of the statutes is created to read:

11 73.03 (68) At the request of the Wisconsin Employment Relations Commission,
12 as provided under s. 111.91 (3q), to determine the average annual percentage change
13 in the U.S. consumer price index for all urban consumers, U.S. city average, as
14 determined by the federal department of labor, for the 12 months immediately
15 preceding the request from the Wisconsin Employment Relations Commission.

16 **SECTION 179.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act
17 7, is amended to read:

18 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
20 Insurance Risk-Sharing Plan Authority, the ~~Wisconsin Quality Home Care~~
21 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
22 Navigational System Authority.

23 **SECTION 180.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act
24 7, is amended to read:

1 100.45 (1) (dm) “State agency” means any office, department, agency,
2 institution of higher education, association, society or other body in state
3 government created or authorized to be created by the constitution or any law which
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
6 Center Sports and Entertainment Corporation, the University of Wisconsin
7 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
8 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~
9 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
10 Navigational System Authority.

11 **SECTION 181.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
12 7, is amended to read:

13 101.177 (1) (d) “State agency” means any office, department, agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
18 Center Sports and Entertainment Corporation, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
20 ~~Quality Home Care Authority~~, the Wisconsin Economic Development Corporation,
21 and the Wisconsin Health and Educational Facilities Authority, but excluding the
22 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
23 Remediation Authority.

24 **SECTION 182.** 109.03 (1) (b) of the statutes is amended to read:

1 109.03 (1) (b) School district and private school employees who voluntarily
2 request payment over a 12-month period for personal services performed during the
3 school year, unless such, with respect to private school employees, the employees are
4 covered under a valid collective bargaining agreement which precludes this method
5 of payment.

6 **SECTION 183.** 111.02 (1) of the statutes is amended to read:

7 111.02 (1) ~~The term “all-union~~ “All-union agreement” ~~shall mean~~ means an
8 agreement between an employer ~~other than the University of Wisconsin Hospitals~~
9 ~~and Clinics Authority~~ and the representative of the employer’s employees in a
10 collective bargaining unit whereby all or any of the employees in such unit are
11 required to be members of a single labor organization.

12 **SECTION 184.** 111.02 (2) of the statutes is amended to read:

13 111.02 (2) “Collective bargaining” ~~is the negotiating~~ means the negotiation by
14 an employer and a majority of the employer’s employees in a collective bargaining
15 unit, or their representatives, concerning representation or terms and conditions of
16 employment of such employees, ~~except as provided under ss. 111.05 (5) and 111.17~~
17 ~~(2)~~, in a mutually genuine effort to reach an agreement with reference to the subject
18 under negotiation.

19 **SECTION 185.** 111.02 (3) of the statutes is amended to read:

20 111.02 (3) “Collective bargaining unit” means all of the employees of one
21 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~
22 ~~except that where a majority of the employees engaged in a single craft, division,~~
23 ~~department or plant have voted by secret ballot as provided in s. 111.05 (2) to~~
24 ~~constitute such group a separate bargaining unit they shall be so considered, but, in~~
25 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to

1 111.19, the commission may find, where agreeable to all parties affected in any way
2 thereby, an industry, trade or business comprising more than one employer in an
3 association in any geographical area to be a “collective bargaining unit”. A collective
4 bargaining unit thus established by the commission shall be subject to all rights by
5 termination or modification given by ss. 111.01 to 111.19 in reference to collective
6 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
7 collective bargaining units may bargain collectively through the same
8 representative where a majority of the employees in each separate unit have voted
9 by secret ballot as provided in s. 111.05 (2) so to do.

10 **SECTION 186.** 111.02 (6) (am) of the statutes is repealed.

11 **SECTION 187.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,
12 renumbered 111.02 (7) (a) and amended to read:

13 111.02 (7) (a) “Employer” means a person who engages the services of an
14 employee, and includes all of the following: ~~1. A~~ a person acting on behalf of an
15 employer within the scope of his or her authority, express or implied.

16 **SECTION 188.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

17 **SECTION 189.** 111.02 (7) (b) 1. of the statutes is amended to read:

18 111.02 (7) (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
19 subdivision thereof.

20 **SECTION 190.** 111.02 (7m) of the statutes is repealed.

21 **SECTION 191.** 111.02 (9m) of the statutes is repealed.

22 **SECTION 192.** 111.02 (10m) of the statutes is repealed.

23 **SECTION 193.** 111.05 (2) of the statutes is amended to read:

24 111.05 (2) ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a
25 question arises concerning the determination of a collective bargaining unit as

1 defined in ~~s. 111.02 (3)~~, it shall be determined by secret ballot, and the commission,
2 upon request, shall cause the ballot to be taken in such manner as to show separately
3 the wishes of the employees in any craft, division, department or plant as to the
4 determination of the collective bargaining unit.

5 **SECTION 194.** 111.05 (3g) of the statutes is repealed.

6 **SECTION 195.** 111.05 (5) of the statutes is repealed.

7 **SECTION 196.** 111.05 (6) of the statutes is repealed.

8 **SECTION 197.** 111.05 (7) of the statutes is repealed.

9 **SECTION 198.** 111.06 (1) (c) 1. of the statutes is amended to read:

10 111.06 (1) (c) 1. To encourage or discourage membership in any labor
11 organization, employee agency, committee, association or representation plan by
12 discrimination in regard to hiring, tenure or other terms or conditions of employment
13 except in a collective bargaining unit where an all-union, ~~fair-share or maintenance~~
14 ~~of membership~~ agreement is in effect. ~~An employer is not prohibited from entering~~
15 ~~into an all-union agreement with the voluntarily recognized representative of the~~
16 ~~employees in a collective bargaining unit, where at least a majority of such employees~~
17 ~~voting have voted affirmatively, by secret ballot, in favor of such all-union agreement~~
18 ~~in a referendum conducted by the commission, except that where the bargaining~~
19 ~~representative has been certified by either the commission or the national labor~~
20 ~~relations board as the result of a representation election, no referendum is required~~
21 ~~to authorize the entry into such an all-union agreement. Such authorization of an~~
22 ~~all-union agreement shall be deemed to continue thereafter, subject to the right of~~
23 ~~either party to the all-union agreement to petition the commission to conduct a new~~
24 ~~referendum on the subject. Upon receipt of such petition, the commission shall~~
25 ~~determine whether there is reasonable ground to believe that the employees~~

1 concerned have changed their attitude toward the all-union agreement and upon so
2 finding the commission shall conduct a referendum. If the continuance of the
3 all-union agreement is supported on any such referendum by a vote at least equal
4 to that provided in this subdivision for its initial authorization, it may be continued
5 in force thereafter, subject to the right to petition for a further vote by the procedure
6 set forth in this subdivision. If the continuance of the all-union agreement is not
7 thus supported on any such referendum, it is deemed terminated at the termination
8 of the contract of which it is then a part or at the end of one year from the date of the
9 announcement by the commission of the result of the referendum, whichever is
10 earlier. The commission shall declare any all-union agreement terminated
11 whenever it finds that the labor organization involved has unreasonably refused to
12 receive as a member any employee of such employer, and each such all-union
13 agreement shall be made subject to this duty of the commission. Any person
14 interested may come before the commission as provided in s. 111.07 and ask the
15 performance of this duty. Any all-union agreement in effect on October 4, 1975,
16 made in accordance with the law in effect at the time it is made is valid.

17 **SECTION 199.** 111.06 (1) (d) of the statutes is amended to read:

18 111.06 (1) (d) To refuse to bargain collectively with the representative of a
19 majority of the employer's employees in any collective bargaining unit with respect
20 to representation or terms and conditions of employment, except as provided under
21 ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with
22 the commission a petition requesting a determination as to majority representation,
23 the employer shall not be deemed to have refused to bargain until an election has
24 been held and the result thereof has been certified to the employer by the
25 commission.

1 **SECTION 200.** 111.06 (1) (i) of the statutes is amended to read:

2 111.06 (1) (i) To deduct labor organization dues or assessments from an
3 employee’s earnings, unless the employer has been presented with an individual
4 order therefor, signed by the employee personally, and terminable at the end of any
5 year of its life by the employee giving at least thirty days’ written notice of such
6 termination unless there is an all-union, fair-share or maintenance of membership
7 agreement in effect. The employer shall give notice to the labor organization of
8 receipt of such notice of termination.

9 **SECTION 201.** 111.06 (1) (m) of the statutes is repealed.

10 **SECTION 202.** 111.06 (2) (i) of the statutes is amended to read:

11 111.06 (2) (i) To fail to give the notice of intention to engage in a strike provided
12 in s. 111.115 (2) ~~or~~ (3).

13 **SECTION 203.** 111.075 of the statutes is repealed.

14 **SECTION 204.** 111.115 (title) of the statutes is amended to read:

15 **111.115 (title) Notice of certain proposed lockouts or strikes.**

16 **SECTION 205.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,
17 renumbered 111.115 (1) and amended to read:

18 111.115 (1) In this subsection: ~~(b) “Strike”~~ section, “strike” includes any
19 concerted stoppage of work by employees, and any concerted slowdown or other
20 concerted interruption of operations or services by employees, or any concerted
21 refusal of employees to work or perform their usual duties as employees, for the
22 purpose of enforcing demands upon an employer.

23 **SECTION 206.** 111.115 (1) (a) of the statutes is repealed.

24 **SECTION 207.** 111.115 (2) of the statutes is repealed.

1 **SECTION 208.** 111.17 (intro.) and (1) of the statutes are consolidated,
2 renumbered 111.17 and amended to read:

3 **111.17 Conflict of provisions; effect.** Wherever the application of the
4 provisions of other statutes or laws conflict with the application of the provisions of
5 this subchapter, this subchapter shall prevail, except that: ~~(1) In~~ in any situation
6 where the provisions of this subchapter cannot be validly enforced the provisions of
7 such other statutes or laws shall apply.

8 **SECTION 209.** 111.17 (2) of the statutes is repealed.

9 **SECTION 210.** 111.70 (1) (a) of the statutes is amended to read:

10 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
11 obligation of a municipal employer, through its officers and agents, and the
12 representative of its municipal employees in a collective bargaining unit, to meet and
13 confer at reasonable times, in good faith, with the intention of reaching an
14 agreement, or to resolve questions arising under such an agreement, with respect to
15 wages, hours, and conditions of employment for public safety employees and with
16 respect to wages for general municipal employees, and with respect to a requirement
17 of the municipal employer for a municipal employee to perform law enforcement and
18 fire fighting services under s. 61.66 ~~and for a school district with respect to any~~
19 ~~matter under sub. (4) (o), and for a school district with respect to any matter under~~
20 ~~sub. (4) (n), except as provided in subs. (3m), (3p), and sub. (4) (m) (mb) and (mc) and~~
21 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
22 respect to any proposal to diminish or abridge the rights guaranteed to ~~municipal~~
23 any public safety employees under ch. 164. Collective bargaining includes the
24 reduction of any agreement reached to a written and signed document.

1 (3) (d) The duty to bargain, ~~however,~~ does not compel either party to agree to
2 a proposal or require the making of a concession. Collective bargaining includes the
3 ~~reduction of any agreement reached to a written and signed document. The~~

4 (4) (p) Permissive subjects of collective bargaining: public safety employees. A
5 municipal employer ~~shall~~ is not be required to bargain with public safety employees
6 on subjects reserved to management and direction of the governmental unit except
7 insofar as the manner of exercise of such functions affects the wages, hours, and
8 conditions of employment of the ~~municipal~~ public safety employees in a collective
9 bargaining unit. ~~In creating this subchapter the legislature recognizes that the~~
10 ~~municipal employer must exercise its powers and responsibilities to act for the~~
11 ~~government and good order of the jurisdiction which it serves, its commercial benefit~~
12 ~~and the health, safety, and welfare of the public to assure orderly operations and~~
13 ~~functions within its jurisdiction, subject to those rights secured to municipal~~
14 ~~employees by the constitutions of this state and of the United States and by this~~
15 ~~subchapter.~~

16 **SECTION 211.** 111.70 (1) (b) of the statutes is amended to read:

17 111.70 (1) (b) “Collective bargaining unit” means a unit consisting of municipal
18 employees ~~who are school district employees or of municipal employees who are not~~
19 ~~school district employees that is determined by the commission~~ under sub. (4) (d) 2.
20 a. to be appropriate for the purpose of collective bargaining.

21 **SECTION 212.** 111.70 (1) (cm) of the statutes is created to read:

22 111.70 (1) (cm) “Consumer price index change” means the average annual
23 percentage change in the consumer price index for all urban consumers, U.S. city
24 average, as determined by the federal department of labor, for the 12 months
25 immediately preceding the current date.

1 **SECTION 213.** 111.70 (1) (f) of the statutes is amended to read:

2 111.70 (1) (f) “Fair-share agreement” means an agreement between a
3 municipal employer and a labor organization that represents public safety
4 employees under which all or any of the public safety employees in the collective
5 bargaining unit are required to pay their proportionate share of the cost of the
6 collective bargaining process and contract administration measured by the amount
7 of dues uniformly required of all members. ~~Such an agreement shall contain a~~
8 ~~provision requiring the employer to deduct the amount of dues as certified by the~~
9 ~~labor organization from the earnings of the employees affected by said agreement~~
10 ~~and to pay the amount so deducted to the labor organization.~~

11 **SECTION 214.** 111.70 (1) (fm) of the statutes is created to read:

12 111.70 (1) (fm) “General municipal employee” means a municipal employee
13 who is not a public safety employee.

14 **SECTION 215.** 111.70 (1) (j) of the statutes is amended to read:

15 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
16 metropolitan sewerage district, school district, long-term care district, transit
17 authority under s. 59.58 (7) or 66.1039, local cultural arts district created under
18 subch. V of ch. 229, or any other political subdivision of the state, or instrumentality
19 of one or more political subdivisions of the state, that engages the services of an
20 employee and includes any person acting on behalf of a municipal employer within
21 the scope of the person’s authority, express or implied, ~~but specifically does not~~
22 ~~include a local cultural arts district created under subch. V of ch. 229.~~

23 **SECTION 216.** 111.70 (1) (mm) of the statutes is created to read:

1 111.70 (1) (mm) “Public safety employee” means any municipal employee who
2 is employed in a position that, on the effective date of this paragraph [LRB inserts
3 date], is classified as a protective occupation participant under any of the following:

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

5 2. A provision that is comparable to a provision under subd. 1. that is in a county
6 or city retirement system.

7 **SECTION 217.** 111.70 (1) (n) of the statutes is amended to read:

8 111.70 (1) (n) “Referendum” means a proceeding conducted by the commission
9 in which public safety employees in a collective bargaining unit may cast a secret
10 ballot on the question of authorizing a labor organization and the employer to
11 continue a fair-share agreement. ~~Unless a majority of the eligible employees vote~~
12 ~~in favor of the fair-share agreement, it shall be deemed terminated and that portion~~
13 ~~of the collective bargaining agreement deemed null and void~~ that covers public safety
14 employees.

15 **SECTION 218.** 111.70 (1) (nm) of the statutes is amended to read:

16 111.70 (1) (nm) “Strike” includes any strike or other concerted stoppage of work
17 by municipal employees, and any concerted slowdown or other concerted
18 interruption of operations or services by municipal employees, or any concerted
19 refusal to work or perform their usual duties as municipal employees, for the purpose
20 of enforcing demands upon a municipal employer. ~~Such conduct by municipal~~
21 ~~employees which is not authorized or condoned by a labor organization constitutes~~
22 ~~a “strike”, but does not subject such labor organization to the penalties under this~~
23 ~~subchapter. This paragraph does not apply to collective bargaining units composed~~
24 ~~of municipal employees who are engaged in law enforcement or fire fighting~~
25 ~~functions.~~

1 **SECTION 219.** 111.70 (2) of the statutes is amended to read:

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

1 municipal employer in the bargaining unit involved, and such agreement shall be
2 made is subject to this duty of the commission. Any of the parties to such agreement
3 or any ~~municipal~~ public safety employee covered ~~thereby~~ by the agreement may come
4 before the commission, as provided in s. 111.07, and ask the performance of this duty.

5 **SECTION 220.** 111.70 (3) (a) 3. of the statutes is amended to read:

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

10 **SECTION 221.** 111.70 (3) (a) 4. of the statutes is amended to read:

11 111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a
12 majority of its employees in an appropriate collective bargaining unit. Such refusal
13 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
14 including those provided for by statute, with individuals in the collective bargaining
15 unit while collective bargaining, mediation, or fact-finding concerning the terms and
16 conditions of a new collective bargaining agreement is in progress, unless such
17 individual contracts contain express language providing that the contract is subject
18 to amendment by a subsequent collective bargaining agreement. Where the
19 employer has a good faith doubt as to whether a labor organization claiming the
20 support of a majority of its employees in an appropriate bargaining unit does in fact
21 have that support, it may file with the commission a petition requesting an election
22 to that claim. An employer shall not be deemed to have refused to bargain until an
23 election has been held and the results thereof certified to the employer by the
24 commission. The violation shall include, though not be limited thereby, to the refusal
25 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~

1 ~~any collective bargaining agreement covering municipal employees who are not~~
2 ~~school district employees shall not exceed 3 years, and the term of any collective~~
3 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

4 **SECTION 222.** 111.70 (3) (a) 5. of the statutes is amended to read:

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

14 **SECTION 223.** 111.70 (3) (a) 6. of the statutes is amended to read:

15 111.70 (3) (a) 6. To deduct labor organization dues from ~~an employee's or~~
16 ~~supervisor's~~ the earnings of a public safety employee, unless the municipal employer
17 has been presented with an individual order therefor, signed by the municipal public
18 safety employee personally, and terminable by at least the end of any year of its life
19 or earlier by the municipal public safety employee giving at least 30 days' written
20 notice of such termination to the municipal employer and to the representative
21 organization, except where there is when a fair-share agreement is in effect.

22 **SECTION 224.** 111.70 (3) (a) 7. of the statutes is repealed.

23 **SECTION 225.** 111.70 (3) (a) 9. of the statutes is amended to read:

24 111.70 (3) (a) 9. After If the collective bargaining unit contains a public safety
25 employee, after a collective bargaining agreement expires and before another

1 collective bargaining agreement takes effect, to fail to follow any fair-share
2 agreement in the expired collective bargaining agreement.

3 **SECTION 226.** 111.70 (3) (b) 6. of the statutes is repealed.

4 **SECTION 227.** 111.70 (3g) of the statutes is created to read:

5 111.70 (3g) WAGE DEDUCTION PROHIBITION. A municipal employer may not
6 deduct labor organization dues from the earnings of a general municipal employee
7 or supervisor.

8 **SECTION 228.** 111.70 (3m) of the statutes is repealed.

9 **SECTION 229.** 111.70 (3p) of the statutes is repealed.

10 **SECTION 230.** 111.70 (4) (intro.) of the statutes is amended to read:

11 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct
12 any election under this subsection by secret ballot and shall be governed by adhere
13 to the following provisions relating to bargaining in municipal employment in
14 addition to other powers and duties provided in this subchapter:

15 **SECTION 231.** 111.70 (4) (c) (title) of the statutes is amended to read:

16 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*
17 *and fire fighting personnel public safety employees.*

18 **SECTION 232.** 111.70 (4) (c) 1. of the statutes is amended to read:

19 111.70 (4) (c) 1. 'Mediation.' The commission may function as a mediator in
20 labor disputes involving a collective bargaining unit containing a public safety
21 employee. Such mediation may be carried on by a person designated to act by the
22 commission upon request of one or both of the parties or upon initiation of the
23 commission. The function of the mediator ~~shall be~~ is to encourage voluntary
24 settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

25 **SECTION 233.** 111.70 (4) (c) 2. of the statutes is amended to read:

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

6 b. A collective bargaining agreement involving a collective bargaining unit
7 containing a public safety employee may, notwithstanding s. 62.13 (5), contain
8 dispute resolution procedures, including arbitration, that address the suspension,
9 reduction in rank, suspension and reduction in rank, or removal of such personnel.
10 If the procedures include arbitration, the arbitration hearing shall be public and the
11 decision of the arbitrator shall be issued within 180 days of the conclusion of the
12 hearing.

13 **SECTION 234.** 111.70 (4) (c) 3. of the statutes is amended to read:

14 111.70 (4) (c) 3. 'Fact-finding.' If Unless s. 111.77 applies, if a dispute involving
15 a collective bargaining unit containing a public safety employee has not been settled
16 after a reasonable period of negotiation and after the settlement procedures, if any,
17 established by the parties have been exhausted, and the parties are deadlocked with
18 respect to any dispute between them arising in the collective bargaining process,
19 either party, or the parties jointly, may petition the commission, in writing, to initiate
20 fact-finding, ~~as provided hereafter,~~ and to make recommendations to resolve the
21 deadlock, as follows:

22 a. Upon receipt of ~~a~~ the petition to initiate fact-finding, the commission shall
23 make an investigation with or without a formal hearing, to determine whether a
24 deadlock in fact exists. After its investigation the commission shall certify the
25 results thereof. If the commission decides that fact-finding should be initiated, it

1 shall appoint a qualified, disinterested person or 3-member panel, when jointly
2 requested by the parties, to function as a fact finder.

3 b. The fact finder appointed under subd. 3. a. may establish dates and place of
4 hearings which shall be where feasible, and shall conduct the hearings pursuant to
5 rules established by the commission. Upon request, the commission shall issue
6 subpoenas for hearings conducted by the fact finder. The fact finder may administer
7 oaths. Upon completion of the hearing, the fact finder shall make written findings
8 of fact and recommendations for solution of the dispute and shall cause the same to
9 be served on the parties and the commission. Cost of fact-finding proceedings shall
10 be divided equally between the parties. At the time the fact finder submits a
11 statement of his or her costs to the parties, the fact finder shall submit a copy thereof
12 of the statement to the commission at its Madison office.

13 c. ~~Nothing herein shall be construed as prohibiting in this subdivision prohibits~~
14 any fact finder appointed under subd. 3. a. from endeavoring to mediate the dispute,
15 in which the fact finder is involved, at any time prior to the issuance of the fact
16 finder's recommendations.

17 d. Within 30 days of the receipt of the fact finder's recommendations under
18 subd. 3. b., or within the time period mutually agreed upon by the parties, each party
19 shall advise give notice to the other party, in writing as to its acceptance or rejection,
20 in whole or in part, of the fact finder's recommendations and, ~~at the same time,~~
21 transmit a copy of such the notice to the commission at its Madison office.

22 **SECTION 235.** 111.70 (4) (c) 4. of the statutes is repealed.

23 **SECTION 236.** 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended
24 to read:

1 111.70 (4) (cm) (title) *Methods for peaceful settlement of disputes; other*
2 *personnel general municipal employees*. 1. 'Notice of commencement of contract
3 negotiations.' For the purpose of advising the commission of the commencement of
4 contract negotiations involving a collective bargaining unit containing general
5 municipal employees, whenever either party requests the other to reopen
6 negotiations under a binding collective bargaining agreement, or the parties
7 otherwise commence negotiations if no such agreement exists, the party requesting
8 negotiations shall immediately notify the commission in writing. Upon failure of the
9 requesting party to provide such notice, the other party may so notify the
10 commission. The notice shall specify the expiration date of the existing collective
11 bargaining agreement, if any, and shall set forth any additional information the
12 commission may require on a form provided by the commission.

13 2. 'Presentation of initial proposals; open meetings.' The meetings between
14 parties to a collective bargaining agreement or proposed collective bargaining
15 agreement under this subchapter ~~which~~ that involve a collective bargaining unit
16 containing a general municipal employee and that are held for the purpose of
17 presenting initial bargaining proposals, along with supporting rationale, shall be
18 open to the public. Each party shall submit its initial bargaining proposals to the
19 other party in writing. Failure to comply with this subdivision is not cause to
20 invalidate a collective bargaining agreement under this subchapter.

21 3. 'Mediation.' The commission or its designee shall function as mediator in
22 labor disputes involving general municipal employees upon request of one or both of
23 the parties, or upon initiation of the commission. The function of the mediator shall
24 be to encourage voluntary settlement by the parties. No mediator has the power of
25 compulsion.

1 4. ‘Grievance arbitration.’ Parties to a dispute pertaining to the meaning or
2 application of the terms of a written collective bargaining agreement involving a
3 collective bargaining unit containing a general municipal employee may agree in
4 writing to have the commission or any other appropriate agency serve as arbitrator
5 or may designate any other competent, impartial and disinterested person to so
6 serve.

7 **SECTION 237.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

8 **SECTION 238.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

9 111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for
10 the initial collective bargaining agreement between the parties ~~and except as the~~
11 ~~parties otherwise agree~~, every collective bargaining agreement covering general
12 ~~municipal employees subject to this paragraph~~ shall be for a term of 2 years, but in
13 ~~no case may a collective bargaining agreement for any collective bargaining unit~~
14 ~~consisting of municipal employees subject to this paragraph other than school~~
15 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~
16 ~~agreement for any collective bargaining unit consisting of school district employees~~
17 ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be
18 extended. No arbitration award may contain a provision for reopening of
19 ~~negotiations during the term of a collective bargaining agreement, covering general~~
20 municipal employees may be reopened for negotiations unless both parties agree to
21 ~~such a provision~~ reopen the collective bargaining agreement. The requirement for
22 agreement by both parties does not apply to a provision for reopening of negotiations
23 with respect to any portion of an agreement that is declared invalid by a court or
24 administrative agency or rendered invalid by the enactment of a law or promulgation
25 of a federal regulation.

1 **SECTION 239.** 111.70 (4) (cm) 9. of the statutes is repealed.

2 **SECTION 240.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

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

1 unit. The commission shall place the professional employees who are assigned to
2 perform any services at a charter school, as defined in s. 115.001 (1), in a separate
3 collective bargaining unit from a unit that includes any other professional employees
4 whenever at least 30% of those professional employees request an election to be held
5 to determine that issue and a majority of the professional employees at the charter
6 school who cast votes in the election decide to be represented in a separate collective
7 bargaining unit. Upon the expiration of any collective bargaining agreement in
8 force, the commission shall combine into a single collective bargaining unit 2 or more
9 collective bargaining units consisting of school district employees if a majority of the
10 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~
11 ~~under this subsection shall be by secret ballot.~~

12 **SECTION 241.** 111.70 (4) (d) 3. of the statutes is amended to read:

13 111.70 (4) (d) 3. a. Whenever, in a particular case, a question arises concerning
14 representation or appropriate unit, calling for a vote, the commission shall certify the
15 results in writing to the municipal employer and the labor organization involved and
16 to any other interested parties.

17 c. Any ballot used in a representation proceeding under this subdivision shall
18 include the names of all persons having an interest in representing or the results.
19 The ballot should be so designed as to permit a vote against representation by any
20 candidate named on the ballot. The findings of the commission, on which a
21 certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

22 **SECTION 242.** 111.70 (4) (d) 3. b. of the statutes is created to read:

23 111.70 (4) (d) 3. b. Annually, the commission shall conduct an election to certify
24 the representative of the collective bargaining unit that contains a general municipal
25 employee. The election shall occur no later than December 1 for a collective

1 bargaining unit containing school district employees and no later than May 1 for a
2 collective bargaining unit containing general municipal employees who are not
3 school district employees. The commission shall certify any representative that
4 receives at least 51 percent of the votes of all of the general municipal employees in
5 the collective bargaining unit. If no representative receives at least 51 percent of the
6 votes of all of the general municipal employees in the collective bargaining unit, at
7 the expiration of the collective bargaining agreement, the commission shall decertify
8 the current representative and the general municipal employees shall be
9 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under
10 this subd. 3. b., the affected general municipal employees may not be included in a
11 substantially similar collective bargaining unit for 12 months from the date of
12 decertification.

13 **SECTION 243.** 111.70 (4) (L) of the statutes is amended to read:

14 111.70 (4) (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and~~
15 ~~6. e., nothing~~ Nothing contained in this subchapter constitutes a grant of the right
16 to strike by any municipal employee or labor organization, and such strikes are
17 hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an~~
18 ~~injunction has been issued against such strike under sub. (7m).~~

19 **SECTION 244.** 111.70 (4) (m) of the statutes is repealed.

20 **SECTION 245.** 111.70 (4) (mb) of the statutes is created to read:

21 111.70 (4) (mb) *Prohibited subjects of bargaining; general municipal employees.*
22 The municipal employer is prohibited from bargaining collectively with a collective
23 bargaining unit containing a general municipal employee with respect to any of the
24 following:

1 1. Any factor or condition of employment except wages, which includes only
2 total base wages and excludes any other compensation, which includes, but is not
3 limited to, overtime, premium pay, merit pay, performance pay, supplemental
4 compensation, pay schedules, and automatic pay progressions.

5 2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any
6 proposal that does any of the following:

7 a. If there is an increase in the consumer price index change, provides for total
8 base wages for authorized positions in the proposed collective bargaining agreement
9 that exceeds the total base wages for authorized positions 180 days before the
10 expiration of the previous collective bargaining agreement by a greater percentage
11 than the consumer price index change.

12 b. If there is a decrease in the consumer price index change, provides for total
13 base wages for authorized positions in the proposed collective bargaining agreement
14 that exceeds the total base wages for authorized positions 180 days before the
15 expiration of the previous collective bargaining agreement decreased by a
16 percentage of that expenditure that is equal to the decrease in the consumer price
17 index change.

18 **SECTION 246.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

19 111.70 (4) (mc) *Prohibited subjects of bargaining; public safety employees.*
20 (intro.) The municipal employer is prohibited from bargaining collectively with a
21 collective bargaining unit containing a public safety employee with respect to any of
22 the following:

23 **SECTION 247.** 111.70 (4) (mc) 4. of the statutes is repealed.

24 **SECTION 248.** 111.70 (4) (n) and (o) of the statutes are repealed.

25 **SECTION 249.** 111.70 (6) of the statutes is repealed.

1 **SECTION 250.** 111.70 (7) of the statutes is repealed.

2 **SECTION 251.** 111.70 (7m) (b) of the statutes is repealed.

3 **SECTION 252.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

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

13 **SECTION 253.** 111.70 (7m) (c) 3. of the statutes is repealed.

14 **SECTION 254.** 111.70 (7m) (e) and (f) of the statutes are repealed.

15 **SECTION 255.** 111.70 (8) (a) of the statutes is amended to read:

16 111.70 **(8)** (a) This section, except ~~subs. (1) (nm),~~ sub. (4) (cm) ~~and (7m),~~ applies
17 to law enforcement supervisors employed by a 1st class city. This section, except
18 ~~subs. (1) (nm),~~ sub. (4) (cm) and (jm) ~~and (7m),~~ applies to law enforcement supervisors
19 employed by a county having a population of 500,000 or more. For purposes of such
20 application, the ~~term~~ terms “municipal employee” ~~includes~~ and “public safety
21 employee” include such a supervisor.

22 **SECTION 256.** 111.71 (2) of the statutes is amended to read:

23 111.71 **(2)** The commission shall assess and collect a filing fee for filing a
24 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
25 The commission shall assess and collect a filing fee for filing a request that the

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

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

7 **SECTION 257.** 111.71 (4) of the statutes is repealed.

8 **SECTION 258.** 111.71 (5) of the statutes is repealed.

9 **SECTION 259.** 111.77 (intro.) of the statutes is amended to read:

10 **111.77 Settlement of disputes in ~~collective bargaining units composed~~**
11 **~~of law enforcement personnel and fire fighters.~~** (intro.) In fire departments
12 and city and county law enforcement agencies municipal Municipal employers and
13 employees public safety employees, as provided in sub. (8), have the duty to bargain
14 collectively in good faith including the duty to refrain from strikes or lockouts and
15 to comply with the procedures set forth below following:

16 **SECTION 260.** 111.77 (8) (a) of the statutes is amended to read:

17 111.77 (8) (a) This section applies to ~~law enforcement~~ public safety employees
18 who are supervisors employed by a county having a population of 500,000 or more.
19 For purposes of such application, the term “municipal employee” includes such a
20 supervisor.

21 **SECTION 261.** 111.80 of the statutes is repealed.

22 **SECTION 262.** 111.81 (1) of the statutes is amended to read:

23 111.81 (1) “Collective bargaining” means the performance of the mutual
24 obligation of the state as an employer, by its officers and agents, and the
25 representatives of its employees, to meet and confer at reasonable times, in good

1 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect
2 to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),
3 with respect to general employees, with the intention of reaching an agreement, or
4 to resolve questions arising under such an agreement. The duty to bargain, however,
5 does not compel either party to agree to a proposal or require the making of a
6 concession. Collective bargaining includes the reduction of any agreement reached
7 to a written and signed document.

8 **SECTION 263.** 111.81 (3h) of the statutes is repealed.

9 **SECTION 264.** 111.81 (3n) of the statutes is created to read:

10 111.81 (3n) “Consumer price index change” means the average annual
11 percentage change in the consumer price index for all urban consumers, U.S. city
12 average, as determined by the federal department of labor, for the 12 months
13 immediately preceding the current date.

14 **SECTION 265.** 111.81 (7) (g) of the statutes is repealed.

15 **SECTION 266.** 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

16 111.81 (7) (gm) Research assistants of the University of Wisconsin–Madison
17 and University of Wisconsin–Extension.

18 (h) Research assistants of the University of Wisconsin–Milwaukee.

19 (i) Research assistants of the Universities of Wisconsin–Eau Claire, Green Bay,
20 La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout,
21 Superior, and Whitewater.

22 **SECTION 267.** 111.81 (9) of the statutes is amended to read:

23 111.81 (9) “Fair–share agreement” means an agreement between the employer
24 and a labor organization representing public safety employees ~~or supervisors~~
25 ~~specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or~~

1 supervisors in a collective bargaining unit are required to pay their proportionate
2 share of the cost of the collective bargaining process and contract administration
3 measured by the amount of dues uniformly required of all members.

4 **SECTION 268.** 111.81 (9g) of the statutes is created to read:

5 111.81 (9g) "General employee" means an employee who is not a public safety
6 employee.

7 **SECTION 269.** 111.81 (9k) of the statutes is repealed.

8 **SECTION 270.** 111.81 (12) (intro.) of the statutes is amended to read:

9 111.81 (12) (intro.) "Labor organization" means any employee organization
10 whose purpose is to represent employees in collective bargaining with the employer,
11 or its agents, on matters ~~pertaining to terms and conditions of employment that are~~
12 subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but
13 the term shall not include any organization:

14 **SECTION 271.** 111.81 (12m) of the statutes is amended to read:

15 111.81 (12m) "Maintenance of membership agreement" means an agreement
16 between the employer and a labor organization representing public safety employees
17 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety
18 employees ~~or supervisors~~ whose dues are being deducted from earnings under s.
19 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
20 have dues deducted for the duration of the agreement, and that dues shall be
21 deducted from the earnings of all public safety employees ~~or supervisors~~ who are
22 hired on or after the effective date of the agreement.

23 **SECTION 272.** 111.81 (15r) of the statutes is created to read:

24 111.81 (15r) "Public safety employee" means any individual under s. 40.02 (48)
25 (am) 7. or 8.

1 **SECTION 273.** 111.81 (16) of the statutes is amended to read:

2 111.81 (16) "Referendum" means a proceeding conducted by the commission in
3 which public safety employees, ~~or supervisors specified in s. 111.825 (5)~~, in a
4 collective bargaining unit may cast a secret ballot on the question of directing the
5 labor organization and the employer to enter into a fair-share or maintenance of
6 membership agreement or to terminate such an agreement.

7 **SECTION 274.** 111.815 (1) of the statutes is amended to read:

8 111.815 (1) In the furtherance of this subchapter, the state shall be considered
9 as a single employer and employment relations policies and practices throughout the
10 state service shall be as consistent as practicable. The office shall negotiate and
11 administer collective bargaining agreements ~~except that the department of health~~
12 ~~services, subject to the approval of the federal centers for medicare and medicaid~~
13 ~~services to use collective bargaining as the method of setting rates for~~
14 ~~reimbursement of home care providers, shall negotiate and administer collective~~
15 ~~bargaining agreements entered into with the collective bargaining unit specified in~~
16 ~~s. 111.825 (2g).~~ To coordinate the employer position in the negotiation of agreements,
17 ~~the office, or the department of health services with regard to collective bargaining~~
18 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~
19 ~~(2g),~~ shall maintain close liaison with the legislature relative to the negotiation of
20 agreements and the fiscal ramifications of those agreements. Except with respect
21 to the collective bargaining units unit specified in s. 111.825 (1m), (2) (f), and (2g),
22 the office is responsible for the employer functions of the executive branch under this
23 subchapter, and shall coordinate its collective bargaining activities with operating
24 state agencies on matters of agency concern. The legislative branch shall act upon
25 those portions of tentative agreements negotiated by the office that require

1 legislative action. ~~With respect to the collective bargaining units specified in s.~~
2 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~
3 ~~for the employer functions under this subchapter. With respect to the collective~~
4 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter
5 school established by contract under s. 118.40 (2r) (cm) is responsible for the
6 employer functions under this subchapter. ~~With respect to the collective bargaining~~
7 ~~unit specified in s. 111.825 (2g), the department of health services is responsible for~~
8 ~~the employer functions of the executive branch under this subchapter.~~

9 **SECTION 275.** 111.815 (2) of the statutes is amended to read:

10 111.815 (2) ~~In the furtherance of the policy under s. 111.80 (4), the~~ The director
11 of the office shall, together with the appointing authorities or their representatives,
12 represent the state in its responsibility as an employer under this subchapter except
13 with respect to negotiations in the collective bargaining units unit specified in s.
14 111.825 ~~(1m), (2) (f), and (2g)~~. The director of the office shall establish and maintain,
15 wherever practicable, consistent employment relations policies and practices
16 throughout the state service.

17 **SECTION 276.** 111.82 of the statutes is amended to read:

18 **111.82 Rights of employees.** Employees shall have the right of
19 self-organization and the right to form, join, or assist labor organizations, to bargain
20 collectively through representatives of their own choosing under this subchapter,
21 and to engage in lawful, concerted activities for the purpose of collective bargaining
22 or other mutual aid or protection. Employees shall also have the right to refrain from
23 any or all of such activities. A general employee has the right to refrain from paying
24 dues while remaining a member of a collective bargaining unit.

25 **SECTION 277.** 111.825 (1) (intro.) of the statutes is amended to read:

1 111.825 (1) (intro.) It is the legislative intent that in order to foster meaningful
2 collective bargaining, units must be structured in such a way as to avoid excessive
3 fragmentation whenever possible. In accordance with this policy, collective
4 bargaining units for employees in the classified service of the state, ~~except employees~~
5 ~~in the collective bargaining units specified in sub. (1m)~~, are structured on a statewide
6 basis with one collective bargaining unit for each of the following occupational
7 groups:

8 **SECTION 278.** 111.825 (1) (g) of the statutes is created to read:

9 111.825 (1) (g) Public safety employees.

10 **SECTION 279.** 111.825 (1m) of the statutes is repealed.

11 **SECTION 280.** 111.825 (2g) of the statutes is repealed.

12 **SECTION 281.** 111.825 (3) of the statutes is amended to read:

13 111.825 (3) The commission shall assign employees to the appropriate
14 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and~~ (2g).

15 **SECTION 282.** 111.825 (4) of the statutes is amended to read:

16 111.825 (4) Any labor organization may petition for recognition as the exclusive
17 representative of a collective bargaining unit specified in sub. (1), ~~(1m)~~, or (2), ~~or~~ (2g)
18 in accordance with the election procedures set forth in s. 111.83, provided the petition
19 is accompanied by a 30% showing of interest in the form of signed authorization
20 cards. Each additional labor organization seeking to appear on the ballot shall file
21 petitions within 60 days of the date of filing of the original petition and prove,
22 through signed authorization cards, that at least 10% of the employees in the
23 collective bargaining unit want it to be their representative.

24 **SECTION 283.** 111.825 (4m) of the statutes is repealed.

25 **SECTION 284.** 111.825 (5) of the statutes is amended to read:

1 111.825 (5) Although supervisors are not considered employees for purposes
2 of this subchapter, the commission may consider a petition for a statewide collective
3 bargaining unit of professional supervisors or a statewide unit of nonprofessional
4 supervisors in the classified service, but the representative of supervisors may not
5 be affiliated with any labor organization representing employees. For purposes of
6 this subsection, affiliation does not include membership in a national, state, county
7 or municipal federation of national or international labor organizations. The
8 certified representative of supervisors who are not public safety employees may not
9 bargain collectively with respect to any matter other than wages and fringe benefits
10 as provided in s. 111.91 (3), and the certified representative of supervisors who are
11 public safety employees may not bargain collectively with respect to any matter other
12 than wages and fringe benefits as provided in s. 111.91 (1).

13 **SECTION 285.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

14 **SECTION 286.** 111.825 (6) (b) of the statutes is created to read:

15 111.825 (6) (b) The commission may assign only a public safety employee to the
16 collective bargaining unit under sub. (1) (g).

17 **SECTION 287.** 111.83 (1) of the statutes is amended to read:

18 111.83 (1) Except as provided in subs. sub. (5) and ~~(5m)~~, a representative
19 chosen for the purposes of collective bargaining by a majority of the employees voting
20 in a collective bargaining unit shall be the exclusive representative of all of the
21 employees in such unit for the purposes of collective bargaining. Any individual
22 employee, or any minority group of employees in any collective bargaining unit, may
23 present grievances to the employer in person, or through representatives of their own
24 choosing, and the employer shall confer with said employee or group of employees in
25 relation thereto if the majority representative has been afforded the opportunity to

1 be present at the conference. Any adjustment resulting from such a conference may
2 not be inconsistent with the conditions of employment established by the majority
3 representative and the employer.

4 **SECTION 288.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

5 **SECTION 289.** 111.83 (3) (b) of the statutes is created to read:

6 111.83 (3) (b) Annually, no later than December 1, the commission shall
7 conduct an election to certify the representative of a collective bargaining unit that
8 contains a general employee. There shall be included on the ballot the names of all
9 labor organizations having an interest in representing the general employees
10 participating in the election. The commission may exclude from the ballot one who,
11 at the time of the election, stands deprived of his or her rights under this subchapter
12 by reason of a prior adjudication of his or her having engaged in an unfair labor
13 practice. The commission shall certify any representative that receives at least 51
14 percent of the votes of all of the general employees in the collective bargaining unit.
15 If no representative receives at least 51 percent of the votes of all of the general
16 employees in the collective bargaining unit, at the expiration of the collective
17 bargaining agreement, the commission shall decertify the current representative
18 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if
19 a representative is decertified under this paragraph, the affected general employees
20 may not be included in a substantially similar collective bargaining unit for 12
21 months from the date of decertification. The commission's certification of the results
22 of any election is conclusive unless reviewed as provided by s. 111.07 (8).

23 **SECTION 290.** 111.83 (4) of the statutes is amended to read:

24 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which
25 the name of more than one proposed representative appears on the ballot and results

1 in no conclusion, the commission may, if requested by any party to the proceeding
2 within 30 days from the date of the certification of the results of the election, conduct
3 a runoff election. In that runoff election, the commission shall drop from the ballot
4 the name of the representative who received the least number of votes at the original
5 election. The commission shall drop from the ballot the privilege of voting against
6 any representative if the least number of votes cast at the first election was against
7 representation by any named representative.

8 **SECTION 291.** 111.83 (5m) of the statutes is repealed.

9 **SECTION 292.** 111.83 (7) of the statutes is repealed.

10 **SECTION 293.** 111.84 (1) (b) of the statutes is amended to read:

11 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
12 create, dominate or interfere with the formation or administration of any labor or
13 employee organization or contribute financial support to it. Except as provided in
14 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
15 retirement system under ch. 40 and no action by the employer that is authorized by
16 such a law constitutes a violation of this paragraph unless an applicable collective
17 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
18 specifically prohibits the change or action. No such change or action affects the
19 continuing duty to bargain collectively with a collective bargaining unit under s.
20 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent
21 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
22 reimburse an employee at his or her prevailing wage rate for the time spent during
23 the employee's regularly scheduled hours conferring with the employer's officers or
24 agents and for attendance at commission or court hearings necessary for the
25 administration of this subchapter. Professional supervisory or craft personnel may

1 maintain membership in professional or craft organizations; however, as members
2 of such organizations they shall be prohibited from those activities related to
3 collective bargaining in which the organizations may engage.

4 **SECTION 294.** 111.84 (1) (d) of the statutes is amended to read:

5 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91
6 (1) or (3), whichever is appropriate, with a representative of a majority of its
7 employees in an appropriate collective bargaining unit. Where the employer has a
8 good faith doubt as to whether a labor organization claiming the support of a majority
9 of its employees in appropriate collective bargaining unit does in fact have that
10 support, it may file with the commission a petition requesting an election as to that
11 claim. It is not deemed to have refused to bargain until an election has been held and
12 the results thereof certified to it by the commission. A violation of this paragraph
13 includes, but is not limited to, the refusal to execute a collective bargaining
14 agreement previously orally agreed upon.

15 **SECTION 295.** 111.84 (1) (f) of the statutes is amended to read:

16 111.84 (1) (f) To deduct labor organization dues from ~~an employee's~~ the
17 earnings of a public safety employee, unless the employer has been presented with
18 an individual order therefor, signed by the public safety employee personally, and
19 terminable by at least the end of any year of its life or earlier by the public safety
20 employee giving at least 30 but not more than 120 days' written notice of such
21 termination to the employer and to the representative labor organization, except if
22 there is a fair-share or maintenance of membership agreement in effect. The
23 employer shall give notice to the labor organization of receipt of such notice of
24 termination.

25 **SECTION 296.** 111.84 (2) (c) of the statutes is amended to read:

1 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
2 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the
3 employer which is the recognized or certified exclusive collective bargaining
4 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
5 bargaining unit or with the certified exclusive collective bargaining representative
6 of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (f) in an appropriate collective
7 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
8 refusal to execute a collective bargaining agreement previously orally agreed upon.

9 **SECTION 297.** 111.84 (3) of the statutes is amended to read:

10 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
11 on behalf of or in the interest of employers or employees, or in connection with or to
12 influence the outcome of any controversy as to employment relations, any act
13 prohibited by ~~subs.~~ sub. (1) ~~and or~~ or (2).

14 **SECTION 298.** 111.845 of the statutes is created to read:

15 **111.845 Wage deduction prohibition.** The employer may not deduct labor
16 organization dues from a general employee's earnings.

17 **SECTION 299.** 111.85 (1), (2) and (4) of the statutes are amended to read:

18 111.85 (1) (a) No fair-share or maintenance of membership agreement
19 covering public safety employees may become effective unless authorized by a
20 referendum. The commission shall order a referendum whenever it receives a
21 petition supported by proof that at least 30% of the public safety employees ~~or~~
22 ~~supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit desire that a
23 fair-share or maintenance of membership agreement be entered into between the
24 employer and a labor organization. A petition may specify that a referendum is

1 requested on a maintenance of membership agreement only, in which case the ballot
2 shall be limited to that question.

3 (b) For a fair-share agreement to be authorized, at least two-thirds of the
4 eligible public safety employees ~~or supervisors~~ voting in a referendum shall vote in
5 favor of the agreement. For a maintenance of membership agreement to be
6 authorized, at least a majority of the eligible public safety employees ~~or supervisors~~
7 voting in a referendum shall vote in favor of the agreement. In a referendum on a
8 fair-share agreement, if less than two-thirds but more than one-half of the eligible
9 public safety employees ~~or supervisors~~ vote in favor of the agreement, a maintenance
10 of membership agreement is authorized.

11 (c) If a fair-share or maintenance of membership agreement is authorized in
12 a referendum, the employer shall enter into such an agreement with the labor
13 organization named on the ballot in the referendum. Each fair-share or
14 maintenance of membership agreement shall contain a provision requiring the
15 employer to deduct the amount of dues as certified by the labor organization from the
16 earnings of the public safety employees ~~or supervisors~~ affected by the agreement and
17 to pay the amount so deducted to the labor organization. Unless the parties agree
18 to an earlier date, the agreement shall take effect 60 days after certification by the
19 commission that the referendum vote authorized the agreement. The employer shall
20 be held harmless against any claims, demands, suits and other forms of liability
21 made by public safety employees ~~or supervisors~~ or local labor organizations which
22 may arise for actions taken by the employer in compliance with this section. All such
23 lawful claims, demands, suits and other forms of liability are the responsibility of the
24 labor organization entering into the agreement.

1 (d) Under each fair-share or maintenance of membership agreement, ~~an a~~
2 public safety employee ~~or supervisor~~ who has religious convictions against dues
3 payments to a labor organization based on teachings or tenets of a church or religious
4 body of which he or she is a member shall, on request to the labor organization, have
5 his or her dues paid to a charity mutually agreed upon by the public safety employee
6 ~~or supervisor~~ and the labor organization. Any dispute concerning this paragraph
7 may be submitted to the commission for adjudication.

8 (2) (a) Once authorized, a fair-share or maintenance of membership
9 agreement covering public safety employees shall continue in effect, subject to the
10 right of the employer or labor organization concerned to petition the commission to
11 conduct a new referendum. Such petition must be supported by proof that at least
12 30% of the public safety employees ~~or supervisors~~ in the collective bargaining unit
13 desire that the fair-share or maintenance of membership agreement be
14 discontinued. Upon so finding, the commission shall conduct a new referendum. If
15 the continuance of the fair-share or maintenance of membership agreement is
16 approved in the referendum by at least the percentage of eligible voting public safety
17 employees ~~or supervisors~~ required for its initial authorization, it shall be continued
18 in effect, subject to the right of the employer or labor organization to later initiate a
19 further vote following the procedure prescribed in this subsection. If the
20 continuation of the agreement is not supported in any referendum, it is deemed
21 terminated at the termination of the collective bargaining agreement, or one year
22 from the date of the certification of the result of the referendum, whichever is earlier.

23 (b) The commission shall declare any fair-share or maintenance of
24 membership agreement suspended upon such conditions and for such time as the
25 commission decides whenever it finds that the labor organization involved has

1 refused on the basis of race, color, sexual orientation or creed to receive as a member
2 any public safety employee ~~or supervisor~~ in the collective bargaining unit involved,
3 and the agreement shall be made subject to the findings and orders of the
4 commission. Any of the parties to the agreement, or any public safety employee ~~or~~
5 ~~supervisor~~ covered thereby, may come before the commission, as provided in s.
6 111.07, and petition the commission to make such a finding.

7 (4) The commission may, under rules adopted for that purpose, appoint as its
8 agent an official of a state agency whose public safety employees are entitled to vote
9 in a referendum to conduct a referendum provided for herein.

10 **SECTION 300.** 111.85 (5) of the statutes is repealed.

11 **SECTION 301.** 111.90 (2) of the statutes is amended to read:

12 111.90 (2) ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state
13 agency; hire, promote, transfer, assign or retain employees in positions within the
14 agency; and in that regard establish reasonable work rules.

15 **SECTION 302.** 111.905 of the statutes is repealed.

16 **SECTION 303.** 111.91 (1) (a) of the statutes is amended to read:

17 111.91 (1) (a) Except as provided in pars. (b) to ~~(e)~~ (d), with regard to a collective
18 bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to
19 the point of impasse are wage rates, consistent with sub. (2), the assignment and
20 reassignment of classifications to pay ranges, determination of an incumbent's pay
21 status resulting from position reallocation or reclassification, and pay adjustments
22 upon temporary assignment of classified public safety employees to duties of a higher
23 classification or downward reallocations of a classified public safety employee's
24 position; fringe benefits consistent with sub. (2); hours and conditions of
25 employment.

1 **SECTION 304.** 111.91 (1) (am) of the statutes is repealed.

2 **SECTION 305.** 111.91 (1) (b) of the statutes is amended to read:

3 111.91 (1) (b) The employer ~~shall not be~~ is not required to bargain with a
4 collective bargaining unit under s. 111.825 (1) (g) on management rights under s.
5 111.90, except that procedures for the adjustment or settlement of grievances or
6 disputes arising out of any type of disciplinary action referred to in s. 111.90 (3) shall
7 be a subject of bargaining.

8 **SECTION 306.** 111.91 (1) (c) of the statutes is amended to read:

9 111.91 (1) (c) The employer is prohibited from bargaining with a collective
10 bargaining unit under s. 111.825 (1) (g) on matters contained in sub. (2).

11 **SECTION 307.** 111.91 (1) (cg) of the statutes is repealed.

12 **SECTION 308.** 111.91 (1) (cm) of the statutes is amended to read:

13 111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)
14 and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40
15 and all actions of the employer that are authorized under any such law which apply
16 to nonrepresented individuals employed by the state shall apply to similarly situated
17 public safety employees, unless otherwise specifically provided in a collective
18 bargaining agreement that applies to ~~those~~ the public safety employees.

19 **SECTION 309.** 111.91 (1) (d) of the statutes is amended to read:

20 111.91 (1) (d) ~~Demands~~ In the case of a collective bargaining unit under s.
21 111.825 (1) (g), demands relating to retirement and group insurance shall be
22 submitted to the employer at least one year prior to commencement of negotiations.

23 **SECTION 310.** 111.91 (1) (e) of the statutes is repealed.

24 **SECTION 311.** 111.91 (2) (intro.) of the statutes is amended to read:

1 111.91 (2) (intro.) The employer is prohibited from bargaining ~~on~~ with a
2 collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

3 **SECTION 312.** 111.91 (2) (gu) of the statutes is amended to read:

4 111.91 (2) (gu) The right of an a public safety employee, who is an employee,
5 as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician,
6 first responder, or ambulance driver for a volunteer fire department or fire company,
7 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined
8 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

9 **SECTION 313.** 111.91 (2c) of the statutes is repealed.

10 **SECTION 314.** 111.91 (3) of the statutes is created to read:

11 111.91 (3) The employer is prohibited from bargaining with a collective
12 bargaining unit containing a general employee with respect to any of the following:

13 (a) Any factor or condition of employment except wages, which includes only
14 total base wages and excludes any other compensation, which includes, but is not
15 limited to, overtime, premium pay, merit pay, performance pay, supplemental
16 compensation, pay schedules, and automatic pay progressions.

17 (b) Unless the electors in a statewide referendum approve a total base wages
18 increase that exceeds the total base wages expenditure described in this paragraph,
19 any proposal that does any of the following:

20 1. If there is an increase in the consumer price index change, provides for total
21 base wages for authorized positions in the proposed collective bargaining agreement
22 that exceeds the total base wages for authorized positions 180 days before the
23 expiration of the previous collective bargaining agreement by a greater percentage
24 than the consumer price index change.

1 2. If there is a decrease in the consumer price index change, provides for total
2 base wages for authorized positions in the proposed collective bargaining agreement
3 that exceeds the total base wages for authorized positions 180 days before the
4 expiration of the previous collective bargaining agreement decreased by a
5 percentage of that expenditure that is equal to the decrease in the consumer price
6 index change.

7 **SECTION 315.** 111.91 (3q) of the statutes is created to read:

8 111.91 **(3q)** For purposes of determining compliance with sub. (3), the
9 commission shall provide, upon request, to the employer or to any representative of
10 a collective bargaining unit containing a general employee, the consumer price index
11 change during any 12-month period. The commission may get the information from
12 the department of revenue.

13 **SECTION 316.** 111.92 (1) (a) of the statutes is amended to read:

14 111.92 **(1)** (a) Any tentative agreement reached between the office, ~~or, as~~
15 ~~provided in s. 111.815 (1), the department of health services, acting for the state, and~~
16 any labor organization representing a collective bargaining unit specified in s.
17 111.825 (1), or (2) (a) to (e), ~~or (2g)~~ shall, after official ratification by the labor
18 organization, be submitted by the office ~~or department of health services~~ to the joint
19 committee on employment relations, which shall hold a public hearing before
20 determining its approval or disapproval. If the committee approves the tentative
21 agreement, it shall introduce in a bill or companion bills, to be put on the calendar
22 or referred to the appropriate scheduling committee of each house, that portion of the
23 tentative agreement which requires legislative action for implementation, such as
24 salary and wage adjustments, changes in fringe benefits, and any proposed
25 amendments, deletions or additions to existing law. Such bill or companion bills are

1 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,
2 however, submit suitable portions of the tentative agreement to appropriate
3 legislative committees for advisory recommendations on the proposed terms. The
4 committee shall accompany the introduction of such proposed legislation with a
5 message that informs the legislature of the committee's concurrence with the
6 matters under consideration and which recommends the passage of such legislation
7 without change. If the joint committee on employment relations does not approve
8 the tentative agreement, it shall be returned to the parties for renegotiation. If the
9 legislature does not adopt without change that portion of the tentative agreement
10 introduced by the joint committee on employment relations, the tentative agreement
11 shall be returned to the parties for renegotiation.

12 **SECTION 317.** 111.92 (1) (b) of the statutes is repealed.

13 **SECTION 318.** 111.92 (2m) of the statutes is repealed.

14 **SECTION 319.** 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and
15 amended to read:

16 111.92 (3) (a) Agreements covering a collective bargaining unit specified under
17 s. 111.825 (1) (g) shall coincide with the fiscal year or biennium.

18 **SECTION 320.** 111.92 (3) (b) of the statutes is created to read:

19 111.92 (3) (b) No agreements covering a collective bargaining unit containing
20 a general employee may be for a period that exceeds one year, and each agreement
21 must coincide with the fiscal year. Agreements covering a collective bargaining unit
22 containing a general employee may not be extended.

23 **SECTION 321.** 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and
24 amended to read:

1 111.93 (3) (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1)
2 (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if all of the following apply:

3 (a) If a collective bargaining agreement exists between the employer and a
4 labor organization representing employees in a collective bargaining unit under s.
5 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of
6 civil service and other applicable statutes, as well as rules and policies of the board
7 of regents of the University of Wisconsin System, related to wages, fringe benefits,
8 hours, and conditions of employment whether or not the matters contained in those
9 statutes, rules, and policies are set forth in the collective bargaining agreement.

10 **SECTION 322.** 111.93 (3) (b) of the statutes is created to read:

11 111.93 (3) (b) If a collective bargaining agreement exists between the employer
12 and a labor organization representing general employees in a collective bargaining
13 unit, the provisions of that agreement shall supersede the provisions of civil service
14 and other applicable statutes, as well as rules and policies of the board of regents of
15 the University of Wisconsin System, related to wages, whether or not the matters
16 contained in those statutes, rules, and policies are set forth in the collective
17 bargaining agreement.

18 **SECTION 323.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is
19 repealed.

20 **SECTION 324.** 118.22 (4) of the statutes is repealed.

21 **SECTION 325.** 118.223 of the statutes is created to read:

22 **118.223 Collective bargaining.** Except as provided under subch. IV of ch.
23 111, no school board may collectively bargain with its employees.

24 **SECTION 326.** 118.23 (5) of the statutes is repealed.

25 **SECTION 327.** 118.245 of the statutes is created to read:

1 **118.245 Referendum; increase in employee wages.** (1) If a school board
2 wishes to increase the total base wages of its employees in an amount that exceeds
3 the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that
4 effect. The resolution shall specify the amount by which the proposed total base
5 wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may
6 not take effect unless it is approved in a referendum called for that purpose. The
7 referendum shall occur in April for collective bargaining agreements that begin in
8 July of that year. The results of a referendum apply to the total base wages only in
9 the next collective bargaining agreement.

10 (2) The question submitted in the referendum shall be substantially as follows:
11 “Shall the employees in the [school district] receive a total increase on wages from
12 \$....[current total base wages] to \$....[proposed total base wages], which is a
13 percentage wage increase that is [x] percent higher than the percent of the
14 consumer price index increase, for a total percentage increase in wages of [x]?”

15 **SECTION 328.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

16 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
17 board of regents’ authority to establish and adjust all compensation and fringe
18 benefits of instructional staff, subject to the terms of any collective bargaining
19 agreement under subch. V of ch. 111 that covers the instructional staff. In the
20 absence of a collective bargaining agreement, the governing board may establish and
21 adjust all compensation and fringe benefits of the instructional staff only with the
22 approval of the chancellor of the University of Wisconsin–Parkside.

23 **SECTION 329.** 118.42 (3) (a) 4. of the statutes is amended to read:

24 118.42 (3) (a) 4. Implement changes in administrative and personnel
25 structures ~~that are consistent with applicable collective bargaining agreements.~~

1 **SECTION 330.** 118.42 (5) of the statutes is amended to read:

2 118.42 **(5)** Nothing in this section alters or otherwise affects the rights or
3 remedies afforded school districts and school district employees under federal or
4 state law ~~or under the terms of any applicable collective bargaining agreement.~~

5 **SECTION 331.** 119.04 (1) of the statutes is amended to read:

6 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
7 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
8 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
9 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
10 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223,
11 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291,
12 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27),
13 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and
14 (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district
15 and board.

16 **SECTION 332.** 120.12 (4m) of the statutes is created to read:

17 120.12 **(4m)** CALCULATION OF TOTAL BASE WAGES INCREASE FOR COLLECTIVE
18 BARGAINING. If collectively bargaining with employees of the school district,
19 determine the maximum total base wages expenditure that is subject to collective
20 bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change
21 using the method the department of revenue uses under s. 73.03 (68).

22 **SECTION 333.** 120.12 (15) of the statutes is amended to read:

23 120.12 **(15)** SCHOOL HOURS. Establish rules scheduling the hours of a normal
24 school day. The school board may differentiate between the various elementary and
25 high school grades in scheduling the school day. The equivalent of 180 such days, as

1 defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~
2 ~~not be construed to eliminate a school district's duty to bargain with the employee's~~
3 ~~collective bargaining representative over any calendaring proposal which is~~
4 ~~primarily related to wages, hours and conditions of employment.~~

5 **SECTION 334.** 120.18 (1) (gm) of the statutes is amended to read:

6 120.18 (1) (gm) Payroll and related benefit costs for all school district
7 employees in the previous school year. ~~Costs~~ Payroll costs for represented employees
8 shall be based upon the costs of wages of any collective bargaining agreements
9 covering such employees for the previous school year. If, as of the time specified by
10 the department for filing the report, the school district has not entered into a
11 collective bargaining agreement for any portion of the previous school year with the
12 recognized or certified representative of any of its employees ~~and the school district~~
13 ~~and the representative have been required to submit final offers under s. 111.70 (4)~~
14 ~~(em) 6.~~, increased costs ~~limited to the lower of the school district's offer or the~~
15 ~~representative's offer shall be~~ of wages reflected in the report shall be equal to the
16 maximum wage expenditure that is subject to collective bargaining under s. 111.70
17 (4) (mb) 2. for the employees. The school district shall amend the annual report to
18 reflect any change in such costs as a result of any ~~award or settlement under s. 111.70~~
19 ~~(4) (em) 6. collective bargaining agreement entered into~~ between the date of filing the
20 report and October 1. Any such amendment shall be concurred in by the certified
21 public accountant licensed or certified under ch. 442 certifying the school district
22 audit.

23 **SECTION 335.** 146.59 of the statutes is repealed.

24 **SECTION 336.** 230.01 (3) of the statutes is amended to read:

1 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
2 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

3 **SECTION 337.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act 7,
4 is amended to read:

5 230.03 (3) “Agency” means any board, commission, committee, council, or
6 department in state government or a unit thereof created by the constitution or
7 statutes if such board, commission, committee, council, department, unit, or the
8 head thereof, is authorized to appoint subordinate staff by the constitution or
9 statute, except a legislative or judicial board, commission, committee, council,
10 department, or unit thereof or an authority created under subch. II of ch. 114 or
11 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.
12 “Agency” does not mean any local unit of government or body within one or more local
13 units of government that is created by law or by action of one or more local units of
14 government.

15 **SECTION 338.** 230.04 (16) of the statutes is amended to read:

16 230.04 (16) The director may appoint either a deputy director or an executive
17 assistant outside the classified service.

18 **SECTION 339.** 230.046 (10) (a) of the statutes is amended to read:

19 230.046 (10) (a) Conduct off-the-job employee development and training
20 programs relating to functions under this chapter or subch. V or VI of ch. 111.

21 **SECTION 340.** 230.08 (2) (e) 1. of the statutes is amended to read:

22 230.08 (2) (e) 1. Administration — ~~14~~ 13.

23 **SECTION 341.** 230.08 (2) (e) 2. of the statutes is amended to read:

24 230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 9.

25 **SECTION 342.** 230.08 (2) (e) 2m. of the statutes is amended to read:

1 230.08 (2) (e) 2m. Children and families — ~~5~~ 8.

2 **SECTION 343.** 230.08 (2) (e) 3e. of the statutes is amended to read:

3 230.08 (2) (e) 3e. Corrections — ~~4~~ 7.

4 **SECTION 344.** 230.08 (2) (e) 4f. of the statutes is amended to read:

5 230.08 (2) (e) 4f. Financial institutions — ~~3~~ 5.

6 **SECTION 345.** 230.08 (2) (e) 5. of the statutes is amended to read:

7 230.08 (2) (e) 5. Health services — ~~6~~ 9.

8 **SECTION 346.** 230.08 (2) (e) 6. of the statutes is amended to read:

9 230.08 (2) (e) 6. Workforce development — ~~6~~ 8.

10 **SECTION 347.** 230.08 (2) (e) 7. of the statutes is amended to read:

11 230.08 (2) (e) 7. Justice — ~~3~~ 5.

12 **SECTION 348.** 230.08 (2) (e) 8. of the statutes is amended to read:

13 230.08 (2) (e) 8. Natural resources — ~~7~~ 10.

14 **SECTION 349.** 230.08 (2) (e) 8h. of the statutes is created to read:

15 230.08 (2) (e) 8h. Office of the commissioner of insurance — 2.

16 **SECTION 350.** 230.08 (2) (e) 8j. of the statutes is created to read:

17 230.08 (2) (e) 8j. Office of state employment relations — 3.

18 **SECTION 351.** 230.08 (2) (e) 9m. of the statutes is amended to read:

19 230.08 (2) (e) 9m. Public service commission — ~~5~~ 8.

20 **SECTION 352.** 230.08 (2) (e) 10. of the statutes is amended to read:

21 230.08 (2) (e) 10. Regulation and licensing — ~~4~~ 6.

22 **SECTION 353.** 230.08 (2) (e) 11. of the statutes is amended to read:

23 230.08 (2) (e) 11. Revenue — ~~4~~ 7.

24 **SECTION 354.** 230.08 (2) (e) 12. of the statutes is amended to read:

25 230.08 (2) (e) 12. Transportation — ~~6~~ 9.

1 **SECTION 355.** 230.08 (2) (e) 15. of the statutes is created to read:

2 230.08 (2) (e) 15. Tourism — 1.

3 **SECTION 356.** 230.08 (2) (ya) of the statutes is amended to read:

4 230.08 (2) (ya) The director, deputy director, and executive assistant to the
5 director of the office of state employment relations ~~in the department of~~
6 ~~administration.~~

7 **SECTION 357.** 230.08 (4) (a) of the statutes is amended to read:

8 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
9 includes all administrator positions specifically authorized by law to be employed
10 outside the classified service in each department, board or commission and the
11 historical society, and any other managerial position determined by an appointing
12 authority. In this paragraph, “department” has the meaning given under s. 15.01 (5),
13 “board” means the educational communications board, government accountability
14 board, investment board, public defender board and technical college system board
15 and “commission” means the public service commission. Notwithstanding sub. (2)
16 (z), no division administrator position exceeding the number authorized in sub. (2)
17 (e) may be created in the unclassified service.

18 **SECTION 358.** 230.09 (2) (g) of the statutes is amended to read:

19 230.09 (2) (g) When filling a new or vacant position, if the director determines
20 that the classification for a position is different than that provided for by the
21 legislature as established by law or in budget determinations, or as authorized by the
22 joint committee on finance under s. 13.10, or as specified by the governor creating
23 positions under s. 16.505 (1) (c) or (2), ~~the University of Wisconsin Hospitals and~~
24 ~~Clinics Board~~ creating positions under s. 16.505 (2n) or the board of regents of the
25 University of Wisconsin System creating positions under s. 16.505 (2m), or is

1 different than that of the previous incumbent, the director shall notify the
2 administrator and the secretary of administration. The administrator shall
3 withhold action on the selection and certification process for filling the position. The
4 secretary of administration shall review the position to determine that sufficient
5 funds exist for the position and that the duties and responsibilities of the proposed
6 position reflect the intent of the legislature as established by law or in budget
7 determinations, the intent of the joint committee on finance acting under s. 13.10,
8 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the
9 ~~University of Wisconsin Hospitals and Clinics Board creating positions under s.~~
10 ~~16.505 (2n)~~ or the intent of the board of regents of the University of Wisconsin System
11 creating positions under s. 16.505 (2m). The administrator may not proceed with the
12 selection and certification process until the secretary of administration has
13 authorized the position to be filled.

14 **SECTION 359.** 230.10 (1) of the statutes is amended to read:

15 230.10 (1) Except as provided under sub. (2), the compensation plan provisions
16 of s. 230.12 apply to all employees of the classified service, ~~unless they are covered~~
17 ~~by a collective bargaining agreement under subch. V of ch. 111.~~ If an employee is
18 covered under a collective bargaining agreement under subch. V of ch. 111, the
19 compensation plan provisions of s. 230.12 apply to that employee, except for those
20 provisions relating to matters that are subject to bargaining under a collective
21 bargaining agreement that covers the employee.

22 **SECTION 360.** 230.12 (3) (e) 1. of the statutes is amended to read:

23 230.12 (3) (e) 1. The director, after receiving recommendations from the board
24 of regents, shall submit to the joint committee on employment relations a proposal
25 for adjusting compensation and employee benefits for employees under ss. 20.923

1 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining
2 unit under subch. V or VI of ch. 111 for which a representative is certified. The
3 proposal shall include the salary ranges and adjustments to the salary ranges for the
4 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).
5 The proposal shall be based upon the competitive ability of the board of regents to
6 recruit and retain qualified faculty and academic staff, data collected as to rates of
7 pay for comparable work in other public services, universities and commercial and
8 industrial establishments, recommendations of the board of regents and any special
9 studies carried on as to the need for any changes in compensation and employee
10 benefits to cover each year of the biennium. The proposal shall also take proper
11 account of prevailing pay rates, costs and standards of living and the state's
12 employment policies. The proposal for such pay adjustments may contain
13 recommendations for across-the-board pay adjustments, merit or other
14 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
15 shall apply to the process for approval of all pay adjustments for such employees
16 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
17 by the joint committee on employment relations and the governor shall be based
18 upon a percentage of the budgeted salary base for such employees under ss. 20.923
19 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
20 and adjustments other than across-the-board pay adjustments is available for
21 discretionary use by the board of regents.

22 **SECTION 361.** 230.24 (4) of the statutes is created to read:

23 230.24 (4) An appointing authority may reassign an employee in a career
24 executive position to a career executive position in any agency if the appointing

1 authority in the agency to which the employee is to be reassigned approves of the
2 reassignment.

3 **SECTION 362.** 230.29 (1) of the statutes is renumbered 230.29 and amended to
4 read:

5 **230.29 Transfers.** Subject to sub. (2), a A transfer may be made from one
6 position to another only if specifically authorized by the administrator.

7 **SECTION 363.** 230.29 (2) of the statutes is repealed.

8 **SECTION 364.** 230.34 (1) (ar) of the statutes is amended to read:

9 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
10 status in class in the classified service and all employees who have served with the
11 state as an assistant district attorney for a continuous period of 12 months or more,
12 except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit
13 for which a representative is recognized or certified, or for employees specified in s.
14 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is
15 certified, if a collective bargaining agreement is in effect covering employees in the
16 collective bargaining unit, the determination of just cause and all aspects of the
17 appeal procedure shall be governed by the provisions of the collective bargaining
18 agreement.

19 **SECTION 365.** 230.34 (1) (ax) of the statutes is created to read:

20 230.34 (1) (ax) 1. Notwithstanding pars. (a), (am), and (ar), during a state of
21 emergency declared by the governor under s. 323.10, an appointing authority may
22 discharge any employee who does any of the following:

23 a. Fails to report to work as scheduled for any 3 working days during the state
24 of emergency and the employee's absences from work are not approved leaves of
25 absence.

1 b. Participates in a strike, work stoppage, sit-down, stay-in, slowdown, or
2 other concerted activities to interrupt the operations or services of state government,
3 including specifically participation in purported mass resignations or sick calls.

4 2. Engaging in any action under subd. 1. constitutes just cause for discharge.

5 3. Before discharging an employee, the appointing authority shall provide the
6 employee notice of the action and shall furnish to the employee in writing the reasons
7 for the action. The appointing authority shall provide the employee an opportunity
8 to respond to the reasons for the discharge.

9 **SECTION 366.** 230.35 (1s) of the statutes is amended to read:

10 230.35 (1s) Annual leave of absence with pay for instructional staff employed
11 by the board of regents of the University of Wisconsin System who provide services
12 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
13 determined by the governing board of the charter school established by contract
14 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of
15 Wisconsin-Parkside and subject to the terms of any collective bargaining agreement
16 under subch. V of ch. 111 covering the instructional staff.

17 **SECTION 367.** 230.35 (2d) (e) of the statutes is amended to read:

18 230.35 (2d) (e) For employees who are included in a collective bargaining unit
19 for which a representative is recognized or certified under subch. V or VI of ch. 111,
20 this subsection shall apply unless otherwise provided in a collective bargaining
21 agreement.

22 **SECTION 368.** 230.35 (3) (e) 6. of the statutes is amended to read:

23 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit
24 for which a representative is recognized or certified under subch. V or VI of ch. 111,

1 this paragraph shall apply unless otherwise provided in a collective bargaining
2 agreement.

3 **SECTION 369.** 230.88 (2) (b) of the statutes is amended to read:

4 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an
5 employee under this subchapter. However, nothing in this subchapter affects any
6 right of an employee to pursue a grievance procedure under a collective bargaining
7 agreement under subch. V or ~~VI~~ of ch. 111, and if the division of equal rights
8 determines that a grievance arising under such a collective bargaining agreement
9 involves the same parties and matters as a complaint under s. 230.85, it shall order
10 the arbitrator's final award on the merits conclusive as to the rights of the parties
11 to the complaint, on those matters determined in the arbitration which were at issue
12 and upon which the determination necessarily depended.

13 **SECTION 370.** 233.02 (1) (h) of the statutes is repealed.

14 **SECTION 371.** 233.02 (8) of the statutes is amended to read:

15 233.02 (8) The members of the board of directors shall annually elect a
16 chairperson and may elect other officers as they consider appropriate. Eight voting
17 members of the board of directors constitute a quorum for the purpose of conducting
18 the business and exercising the powers of the authority, notwithstanding the
19 existence of any vacancy. The members of the board of directors specified under sub.
20 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
21 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote
22 of a majority of the members present, unless the bylaws of the authority require a
23 larger number.

24 **SECTION 372.** 233.03 (7) of the statutes is amended to read:

1 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
2 9159 (4) ~~and the duty to engage in collective bargaining with employees in a collective~~
3 ~~bargaining unit for which a representative is recognized or certified under subch. I~~
4 ~~of ch. 111~~, employ any agent, employee or special advisor that the authority finds
5 necessary and fix his or her compensation and provide any employee benefits,
6 including an employee pension plan.

7 **SECTION 373.** 233.04 (2) of the statutes is amended to read:

8 233.04 (2) Subject to ~~subs. (4) to (4r)~~ and s. 233.10, develop and implement a
9 personnel structure and other employment policies for employees of the authority.

10 **SECTION 374.** 233.04 (4) of the statutes is repealed.

11 **SECTION 375.** 233.04 (4m) of the statutes is repealed.

12 **SECTION 376.** 233.04 (4r) of the statutes is repealed.

13 **SECTION 377.** 233.10 (1) of the statutes is amended to read:

14 233.10 (1) ~~Subject to s. 233.04 (4) to (4r) and 1995 Wisconsin Act 27, section~~
15 ~~9159 (2) and (4)~~, the The authority shall employ such employees as it may require
16 and shall determine the qualifications and duties of its employees. Appointments
17 to and promotions in the authority shall be made according to merit and fitness.

18 **SECTION 378.** 233.10 (2) (intro.) of the statutes is amended to read:

19 233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 ~~and the duty~~
20 ~~to engage in collective bargaining with employees in a collective bargaining unit for~~
21 ~~which a representative is recognized or certified under subch. I of ch. 111~~, the
22 authority shall establish any of the following:

23 **SECTION 379.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

24 233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m)~~ and sub. (4), “carry-over
25 employee” means an employee of the authority who satisfies all of the following:

1 **SECTION 380.** 233.10 (3) (b) of the statutes is repealed.

2 **SECTION 381.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

3 233.10 **(3)** (c) (intro.) If an employee of the authority is a carry-over employee
4 ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting
5 the terms of the carry-over employee's employment during the period beginning on
6 June 29, 1996, and ending on June 30, 1997, do all of the following:

7 **SECTION 382.** 233.10 (3) (d) of the statutes is amended to read:

8 233.10 **(3)** (d) If an employee of the authority is not a carry-over employee ~~and~~
9 ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29,
10 1996, to June 30, 1997, provide that employee the same rights, benefits and
11 compensation provided to a carry-over employee under par. (c) who holds a position
12 at the authority with similar duties.

13 **SECTION 383.** 233.10 (3m) of the statutes is repealed.

14 **SECTION 384.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
15 (January 2011 Special Session Senate Bill 6), is amended to read:

16 281.75 **(4)** (b) 3. An authority created under subch. II of ch. 114 or ch. ~~52~~, 231,
17 233, 234, 237, or 238.

18 **SECTION 385.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
19 (January 2011 Special Session Senate Bill 6), is amended to read:

20 285.59 **(1)** (b) "State agency" means any office, department, agency, institution
21 of higher education, association, society or other body in state government created
22 or authorized to be created by the constitution or any law which is entitled to expend
23 moneys appropriated by law, including the legislature and the courts, the Wisconsin
24 Housing and Economic Development Authority, the Bradley Center Sports and
25 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics

1 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
2 Authority, the ~~Wisconsin Quality Home Care Authority~~, the Wisconsin Economic
3 Development Corporation, and the Wisconsin Health and Educational Facilities
4 Authority.

5 **SECTION 386.** 704.31 (3) of the statutes is amended to read:

6 704.31 (3) This section does not apply to a lease to which a local professional
7 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~
8 ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.

9 **SECTION 387.** 851.71 (4) of the statutes is amended to read:

10 851.71 (4) In counties having a population of 500,000 or more, the appointment
11 under subs. (1) and (2) shall be made as provided in those subsections but the judges
12 shall not remove the register in probate and deputy registers, except through charges
13 for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~
14 ~~bargaining agreement~~.

15 **SECTION 388.** 978.12 (1) (c) of the statutes is amended to read:

16 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
17 employed outside the classified service. For purposes of salary administration, the
18 director of the office of state employment relations shall establish one or more
19 classifications for assistant district attorneys in accordance with the classification
20 or classifications allocated to assistant attorneys general. Except as provided in s.
21 111.93 (3) (b), the salaries of assistant district attorneys shall be established and
22 adjusted in accordance with the state compensation plan for assistant attorneys
23 general whose positions are allocated to the classification or classifications
24 established by the director of the office of state employment relations.

25 **SECTION 9101. Nonstatutory provisions; Administration.**

1 (1) EVALUATION OF STAFFING NEEDS AT THE WISCONSIN EMPLOYMENT RELATIONS
2 COMMISSION. The department of administration shall evaluate the staffing
3 requirements of the Wisconsin employment relations commission and shall submit
4 the report of the evaluation to the joint committee on finance under section 13.10 of
5 the statutes.

6 (2) POSITION INCREASES AND DECREASES.

7 (a) The authorized FTE positions for the department of administration are
8 decreased by 1.0 FED position, funded from the appropriation under section 20.505
9 (1) (pz) of the statutes, for the purpose for which the appropriation is made. The
10 secretary of administration shall identify the position.

11 (b) The authorized FTE positions for the department of administration are
12 decreased by 1.0 PR position, funded from the appropriation under section 20.505 (1)
13 (kr) of the statutes, for the purpose for which the appropriation is made. The
14 secretary of administration shall identify the position.

15 (c) The authorized FTE positions for the department of administration are
16 increased by 1.0 PR position, funded from the appropriation under section 20.505 (1)
17 (ka) of the statutes, to provide for an unclassified division administrator.

18 (d) The authorized FTE positions for the department of administration are
19 increased by 1.0 PR position, funded from the appropriation under section 20.505 (1)
20 (kr) of the statutes, to provide for an unclassified division administrator.

21 (e) The authorized FTE positions for the department of administration are
22 increased by 1.0 PR position, funded from the appropriation under section 20.505 (5)
23 (ka) of the statutes, to provide for an unclassified division administrator.

24 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**
25 **Consumer Protection.**

1 (1) POSITION INCREASES AND DECREASES.

2 (a) The authorized FTE positions for the department of agriculture, trade and
3 consumer protection are decreased by 3.0 GPR positions, funded from the
4 appropriation under section 20.115 (8) (a) of the statutes, for the purpose for which
5 the appropriation is made. The secretary of administration shall identify the
6 positions.

7 (b) The authorized FTE positions for the department of agriculture, trade and
8 consumer protection are increased by 3.0 GPR positions, funded from the
9 appropriation under section 20.115 (8) (a) of the statutes, to provide for additional
10 unclassified division administrators.

11 **SECTION 9108. Nonstatutory provisions; Children and Families.**

12 (1) POSITION INCREASES AND DECREASES.

13 (a) The authorized FTE positions for the department of children and families
14 are decreased by 1.0 PR position, funded from the appropriation under section 20.437
15 (3) (k) of the statutes, for the purpose for which the appropriation is made. The
16 secretary of administration shall identify the position.

17 (b) The authorized FTE positions for the department of children and families
18 are decreased by 1.85 GPR positions, funded from the appropriation under section
19 20.437 (3) (a) of the statutes, for the purpose for which the appropriation is made.
20 The secretary of administration shall identify the positions.

21 (c) The authorized FTE positions for the department of children and families
22 are decreased by 0.15 FED position, funded from the appropriation under section
23 20.437 (3) (n) of the statutes, for the purpose for which the appropriation is made.
24 The secretary of administration shall identify the position.

1 (d) The authorized FTE positions for the department of children and families
2 are increased by 1.0 PR position, funded from the appropriation under section 20.437
3 (3) (k) of the statutes, to provide for an unclassified division administrator.

4 (e) The authorized FTE positions for the department of children and families
5 are increased by 1.85 GPR positions, funded from the appropriation under section
6 20.437 (3) (a) of the statutes, to provide for additional unclassified division
7 administrators.

8 (f) The authorized FTE positions for the department of children and families
9 are increased by 0.15 FED position, funded from the appropriation under section
10 20.437 (3) (n) of the statutes, to provide for an unclassified division administrator.

11 **SECTION 9111. Nonstatutory provisions; Corrections.**

12 (1) POSITION INCREASES AND DECREASES.

13 (a) The authorized FTE positions for the department of corrections are
14 decreased by 3.0 GPR positions, funded from the appropriation under section 20.410
15 (1) (a) of the statutes, for the purpose for which the appropriation is made. The
16 secretary of administration shall identify the positions.

17 (b) The authorized FTE positions for the department of corrections are
18 increased by 3.0 GPR positions, funded from the appropriation under section 20.410
19 (1) (a) of the statutes, to provide for additional unclassified division administrators.

20 **SECTION 9115. Nonstatutory provisions; Employee Trust Funds.**

21 (1) STATE EMPLOYEE HEALTH CARE COVERAGE.

22 (a) Notwithstanding section 40.05 (4) (ag) and (c) of the statutes, as affected by
23 this act, beginning with health insurance premiums paid in April 2011, and ending
24 with coverage for December 2011, all of the following shall apply:

1 1. Employees covered under section 40.05 (4) (ag) 2. of the statutes, as affected
2 by this act, shall pay \$84 a month for individual coverage and \$208 a month for family
3 coverage for health care coverage under any plan offered in the tier with the lowest
4 employee premium cost under section 40.51 (6) of the statutes; \$122 a month for
5 individual coverage and \$307 a month for family coverage for health care coverage
6 under any plan offered in the tier with the next lowest employee premium cost under
7 section 40.51 (6) of the statutes; and \$226 a month for individual coverage and \$567
8 a month for family coverage for health care coverage under any plan offered in the
9 tier with the highest employee premium cost under section 40.51 (6) of the statutes.

10 2. Eligible employees covered under section 40.02 (25) (b) 2. of the statutes, as
11 affected by this act, shall pay 50 percent of the amounts required for employees under
12 subdivision 1.

13 3. Employees covered under section 40.05 (4) (ag) 1. of the statutes, as affected
14 by this act, and craft employees, as defined in section 111.81 (4) of the statutes, and
15 related nonrepresented employees shall pay the same amounts that they are
16 required to pay on the day before the effective date of this subdivision.

17 (b) If an employer is unable to modify payroll procedures in sufficient time to
18 collect employees' increased share of the premium costs for health care coverage
19 under paragraph (a), the employer shall recover all amounts that employees owe for
20 the increased share of premium costs before July 1, 2011.

21 (2) EMPLOYER AND EMPLOYEE REQUIRED CONTRIBUTIONS FOR 2011. Notwithstanding
22 the employer and employee required contributions rates established for 2011 under
23 section 40.05 (1) and (2), 2009 stats., beginning on the first day of the first pay period
24 after March 13, 2011, the employee required contributions under section 40.05 (1) (a)
25 of the statutes, as affected by this act, shall be in effect for the remainder of 2011, and

1 the employer required contributions under section 40.05 (2) of the statutes shall be
2 adjusted to reflect the increases in employee required contributions for the
3 remainder of 2011. If an employer is unable to modify payroll procedures in sufficient
4 time to collect the increased employee required contributions before the first day of
5 the first pay period after March 13, 2011, the employer shall recover all amounts that
6 employees owe before July 1, 2011.

7 (3) AGREEMENTS TO MODIFY GROUP INSURANCE COVERAGE FOR STATE EMPLOYEES.
8 Section 40.03 (6) (c) of the statutes shall not apply to any agreements entered into
9 by the group insurance board to modify group insurance coverage for the 2012 and
10 2013 calendar years.

11 (4) REDUCTIONS IN HEALTH CARE PREMIUM COSTS FOR HEALTH CARE COVERAGE
12 DURING 2012 CALENDAR YEAR. The group insurance board shall design health care
13 coverage plans for the 2012 calendar year that, after adjusting for any inflationary
14 increase in health benefit costs, as determined by the group insurance board, reduces
15 the average premium cost of plans offered in the tier with the lowest employee
16 premium cost under section 40.51 (6) of the statutes by at least 5 percent from the
17 cost of such plans offered during the 2011 calendar year. The group insurance board
18 shall include copayments in the health care coverage plans for the 2012 calendar
19 year and may require health risk assessments for state employees and participation
20 in wellness or disease management programs.

21 **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

22 (1) POSITION INCREASES AND DECREASES.

23 (a) The authorized FTE positions for the department of financial institutions
24 are decreased by 2.0 PR positions, funded from the appropriation under section

1 20.144 (1) (g) of the statutes, for the purpose for which the appropriation is made.

2 The secretary of administration shall identify the positions.

3 (b) The authorized FTE positions for the department of financial institutions
4 are increased by 2.0 PR positions, funded from the appropriation under section
5 20.144 (1) (g) of the statutes, to provide for additional unclassified division
6 administrators.

7 **SECTION 9121. Nonstatutory provisions; Health Services.**

8 (1) POSITION INCREASES AND DECREASES.

9 (a) The authorized FTE positions for the department of health services are
10 decreased by 1.0 FED position, funded from the appropriation under section 20.435
11 (8) (pz) of the statutes, for the purpose for which the appropriation is made. The
12 secretary of administration shall identify the position.

13 (b) The authorized FTE positions for the department of health services are
14 decreased by 2.0 GPR positions, funded from the appropriation under section 20.435
15 (8) (a) of the statutes, for the purpose for which the appropriation is made. The
16 secretary of administration shall identify the positions.

17 (c) The authorized FTE positions for the department of health services are
18 increased by 1.0 FED position, funded from the appropriation under section 20.435
19 (8) (pz) of the statutes, to provide for an unclassified division administrator.

20 (d) The authorized FTE positions for the department of health services are
21 increased by 2.0 GPR positions, funded from the appropriation under section 20.435
22 (8) (a) of the statutes, to provide for additional unclassified division administrators.

23 **SECTION 9125. Nonstatutory provisions; Insurance.**

24 (1) POSITION INCREASES AND DECREASES.

1 (a) The authorized FTE positions for the office of the commissioner of insurance
2 are decreased by 2.0 PR positions, funded from the appropriation under section
3 20.145 (1) (g) of the statutes, for the purpose for which the appropriation is made.
4 The secretary of administration shall identify the positions.

5 (b) The authorized FTE positions for the office of the commissioner of insurance
6 are increased by 2.0 PR positions, funded from the appropriation under section
7 20.145 (1) (g) of the statutes, to provide for additional unclassified division
8 administrators.

9 **SECTION 9129. Nonstatutory provisions; Justice.**

10 (1) POSITION INCREASES AND DECREASES.

11 (a) The authorized FTE positions for the department of justice are decreased
12 by 1.0 GPR position, funded from the appropriation under section 20.455 (1) (a) of
13 the statutes, for the purpose for which the appropriation is made. The secretary of
14 administration shall identify the position.

15 (b) The authorized FTE positions for the department of justice are decreased
16 by 1.0 GPR position, funded from the appropriation under section 20.455 (3) (a) of
17 the statutes, for the purpose for which the appropriation is made. The secretary of
18 administration shall identify the position.

19 (c) The authorized FTE positions for the department of justice are increased
20 by 1.0 GPR position, funded from the appropriation under section 20.455 (1) (a) of
21 the statutes, to provide for an additional unclassified division administrator.

22 (d) The authorized FTE positions for the department of justice are increased
23 by 1.0 GPR positions, funded from the appropriation under section 20.455 (3) (a) of
24 the statutes, to provide for an additional unclassified division administrator.

25 **SECTION 9132. Nonstatutory provisions; Local Government.**

1 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

2 (a) In this subsection:

3 1. "General municipal employee" has the meaning given in section 111.70 (1)
4 (fm) of the statutes, as created by this act.

5 2. "School district employee" has the meaning given in section 111.70 (1) (ne)
6 of the statutes.

7 (b) Each collective bargaining unit under subchapter IV of chapter 111 of the
8 statutes, as affected by this act, containing general municipal employees who are
9 subject to an extension of their collective bargaining agreement shall have their
10 collective bargaining agreement terminated as soon as legally possible and shall vote
11 to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b.
12 of the statutes, as created by this act. Notwithstanding the date provided under
13 section 111.70 (4) (d) 3. b. of the statutes, as created by this act, the vote shall be held
14 in April 2011.

15 **SECTION 9135. Nonstatutory provisions; Natural Resources.**

16 (1) POSITION INCREASES AND DECREASES.

17 (a) The authorized FTE positions for the department of natural resources are
18 decreased by 1.0 SEG position, funded from the appropriation under section 20.370
19 (1) (mu) of the statutes, for the purpose for which the appropriation is made. The
20 secretary of administration shall identify the position.

21 (b) The authorized FTE positions for the department of natural resources are
22 decreased by 2.0 SEG positions, funded from the appropriation under section 20.370
23 (8) (mu) of the statutes, for the purpose for which the appropriation is made. The
24 secretary of administration shall identify the positions.

1 (c) The authorized FTE positions for the department of natural resources are
2 increased by 1.0 SEG position, funded from the appropriation under section 20.370
3 (1) (mu) of the statutes, to provide for an unclassified division administrator.

4 (d) The authorized FTE positions for the department of natural resources are
5 increased by 2.0 SEG positions, funded from the appropriation under section 20.370
6 (8) (mu) of the statutes, to provide for additional unclassified division
7 administrators.

8 **SECTION 9139. Nonstatutory provisions; Public Service Commission.**

9 (1) POSITION INCREASES AND DECREASES.

10 (a) The authorized FTE positions for the public service commission are
11 decreased by 3.0 PR positions, funded from the appropriation under section 20.155
12 (1) (g) of the statutes, for the purpose for which the appropriation is made. The
13 secretary of administration shall identify the positions.

14 (b) The authorized FTE positions for the public service commission are
15 increased by 3.0 PR positions, funded from the appropriation under section 20.155
16 (1) (g) of the statutes, to provide for additional unclassified division administrators.

17 **SECTION 9140. Nonstatutory provisions; Regulation and Licensing.**

18 (1) POSITION INCREASES AND DECREASES.

19 (a) The authorized FTE positions for the department of regulation and
20 licensing are decreased by 2.0 PR positions, funded from the appropriation under
21 section 20.165 (1) (g) of the statutes, for the purpose for which the appropriation is
22 made. The secretary of administration shall identify the positions.

23 (b) The authorized FTE positions for the department of regulation and
24 licensing are increased by 2.0 PR positions, funded from the appropriation under

1 section 20.165 (1) (g) of the statutes, to provide for additional unclassified division
2 administrators.

3 **SECTION 9141. Nonstatutory provisions; Revenue.**

4 (1) POSITION INCREASES AND DECREASES.

5 (a) The authorized FTE positions for the department of revenue are decreased
6 by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (a) of
7 the statutes, for the purpose for which the appropriation is made. The secretary of
8 administration shall identify the positions.

9 (b) The authorized FTE positions for the department of revenue are decreased
10 by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of
11 the statutes, for the purpose for which the appropriation is made. The secretary of
12 administration shall identify the position.

13 (c) The authorized FTE positions for the department of revenue are increased
14 by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (a) of
15 the statutes, to provide for additional unclassified division administrators.

16 (d) The authorized FTE positions for the department of revenue are increased
17 by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of
18 the statutes, to provide for an unclassified division administrator.

19 **SECTION 9143. Nonstatutory provisions; State Employment Relations,**
20 **Office of.**

21 (1) COMPENSATION FOR REPRESENTED STATE EMPLOYEES. Upon termination of any
22 collective bargaining agreement between the state and a labor organization
23 representing employees in a collective bargaining unit under section 111.825 (1) or
24 (2) of the statutes, as affected by this act, the director of the office of state employment
25 relations may continue to administer those provisions of the collective bargaining

1 agreements that the director determines necessary for the orderly administration of
2 the state civil services system until the compensation plan under section 230.12 of
3 the statutes is established for the 2011-13 fiscal biennium.

4 (2) POSITION INCREASES AND DECREASES.

5 (a) The authorized FTE positions for the office of state employment relations
6 are decreased by 1.0 PR position, funded from the appropriation under section 20.545
7 (1) (k) of the statutes, for the purpose for which the appropriation is made. The
8 secretary of administration shall identify the position.

9 (b) The authorized FTE positions for the office of state employment relations
10 are increased by 1.0 PR position, funded from the appropriation under section 20.545
11 (1) (k) of the statutes, to provide for an unclassified division administrator.

12 **SECTION 9147. Nonstatutory provisions; Tourism.**

13 (1) POSITION INCREASES AND DECREASES.

14 (a) The authorized FTE positions for the department of tourism are decreased
15 by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of
16 the statutes, for the purpose for which the appropriation is made. The secretary of
17 administration shall identify the position.

18 (b) The authorized FTE positions for the department of tourism are increased
19 by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of
20 the statutes, to provide for an unclassified division administrator.

21 **SECTION 9148. Nonstatutory provisions; Transportation.**

22 (1) POSITION INCREASES AND DECREASES.

23 (a) The authorized FTE positions for the department of transportation are
24 decreased by 3.0 SEG positions, funded from the appropriation under section 20.395

1 (4) (aq) of the statutes, for the purpose for which the appropriation is made. The
2 secretary of administration shall identify the positions.

3 (b) The authorized FTE positions for the department of transportation are
4 increased by 3.0 SEG positions, funded from the appropriation under section 20.395
5 (4) (aq) of the statutes, to provide for additional unclassified division administrators.

6 **SECTION 9151. Nonstatutory provisions; University of Wisconsin**
7 **Hospitals and Clinics Board.**

8 (1) TERMINATION OF CONTRACTUAL SERVICES AGREEMENT. On the effective date of
9 this subsection any contractual services agreement between the University of
10 Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals
11 and Clinics Authority under section 233.04 (4) of the statutes is terminated.

12 (2) TRANSFER OF EMPLOYEES TO UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS
13 AUTHORITY. On the effective date of this subsection, all employees of the University
14 of Wisconsin Hospitals and Clinics Board are transferred to the University of
15 Wisconsin Hospitals and Clinics Authority. The University of Wisconsin Hospitals
16 and Clinics Authority shall adhere to the terms of any collective bargaining
17 agreement covering the employees that is in force on the effective date of this
18 subsection, including specifically terms relating to employer payment of any
19 employee required contributions under the Wisconsin Retirement System and
20 employer payment of any health insurance premiums on behalf of employees. Upon
21 termination of the collective bargaining agreement, the University of Wisconsin
22 Hospitals and Clinics Authority shall establish the compensation and benefits of the
23 employees under section 233.10 (2) of the statutes.

24 **SECTION 9154. Nonstatutory provisions; Workforce Development.**

25 (1) POSITION INCREASES AND DECREASES.

1 (a) The authorized FTE positions for the department of workforce development
2 are decreased by 2.0 PR positions, funded from the appropriation under section
3 20.445 (1) (kc) of the statutes, for the purpose for which the appropriation is made.
4 The secretary of administration shall identify the positions.

5 (b) The authorized FTE positions for the department of workforce development
6 are increased by 2.0 PR positions, funded from the appropriation under section
7 20.445 (1) (kc) of the statutes, to provide for additional unclassified division
8 administrators.

9 **SECTION 9155. Nonstatutory provisions; Other.**

10 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

11 (a) In this subsection, “general employee” has the meaning given in section
12 111.81 (9g) of the statutes, as created by this act.

13 (b) Each collective bargaining unit under subchapter V of chapter 111 of the
14 statutes, as affected by this act, containing general employees shall vote to certify or
15 decertify their representatives as provided in section 111.83 (3) (b) of the statutes,
16 as created by this act. Notwithstanding the date provided under section 111.83 (3)
17 (b) of the statutes, as created by this act, the vote shall be held in April 2011.

18 (2) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL
19 PROPERTY, AND CONTRACTS.

20 (a) On the effective date of this paragraph, the assets and liabilities of the
21 Wisconsin Quality Home Care Authority shall become the assets and liabilities of the
22 department of health services.

23 (b) On the effective date of this paragraph, all tangible personal property,
24 including records, of the Wisconsin Quality Home Care Authority is transferred to
25 the department of health services.

1 (c) All contracts entered into by the Wisconsin Quality Home Care Authority
2 in effect on the effective date of this paragraph remain in effect and are transferred
3 to the department of health services. The department of health services shall carry
4 out any obligations under such a contract until the contract is modified or rescinded
5 by the department of health services to the extent allowed under the contract.

6 **SECTION 9208. Fiscal changes; Children and Families.**

7 (1) INCOME AUGMENTATION LAPSE.

8 (a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
9 general fund from the appropriation account to the department of children and
10 families under section 20.437 (1) (kx) of the statutes, as affected by the acts of 2011,
11 \$2,011,200 in the second fiscal year of the fiscal biennium in which this subsection
12 takes effect.

13 (b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary
14 of administration shall apply the lapse under paragraph (a) to the lapse requirement
15 for the 2009-11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

16 **SECTION 9219. Fiscal changes; Governor.**

17 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
18 COSTS DURING THE 2009-11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to
19 (c) of the statutes, before July 1, 2011, the governor shall take actions to ensure that
20 from general purpose revenue appropriations to the office of the governor under
21 section 20.525 of the statutes an amount equal to \$37,500 is lapsed from sum certain
22 appropriation accounts or is subtracted from the expenditure estimates for any other
23 type of appropriations, or both.

24 **SECTION 9221. Fiscal changes; Health Services.**

25 (1) INCOME AUGMENTATION LAPSE.

1 (a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
2 general fund from the appropriation account to the department of health services
3 under section 20.435 (8) (mb) of the statutes, as affected by the acts of 2011,
4 \$4,500,000 in the second fiscal year of the fiscal biennium in which this subsection
5 takes effect.

6 (b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary
7 of administration shall apply the lapse under paragraph (a) to the lapse requirement
8 for the 2009-11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

9 (2) COMMUNITY AIDS APPROPRIATION. In the schedule under section 20.005 (3) of
10 the statutes for the appropriation to the department of health services under section
11 20.435 (7) (b) of the statutes, as affected by the acts of 2011, the dollar amount is
12 decreased by \$3,100,000 for the second fiscal year of the fiscal biennium in which this
13 subsection takes effect for the purposes for which the appropriation is made.

14 **SECTION 9227. Fiscal changes; Joint Committee on Finance.**

15 (1) FEDERAL PROGRAM SUPPLEMENT. In the schedule under section 20.005 (3) of
16 the statutes for the appropriation to the joint committee on finance under section
17 20.865 (4) (m) of the statutes, as affected by the acts of 2011, the dollar amount is
18 decreased by \$37,000,000 for the second fiscal year of the fiscal biennium in which
19 this subsection takes effect for supplementing federal earned income tax credit
20 payments.

21 (2) GENERAL PURPOSE REVENUE FUNDS GENERAL PROGRAM SUPPLEMENTATION. In the
22 schedule under section 20.005 (3) of the statutes for the appropriation to the joint
23 committee on finance under section 20.865 (4) (a) of the statutes, as affected by the
24 acts of 2011, the dollar amount is decreased by \$4,590,400 for the second fiscal year

1 of the fiscal biennium in which this subsection takes effect to reduce expenditures
2 for the purpose for which the appropriation is made.

3 **SECTION 9230. Fiscal changes; Legislature.**

4 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
5 COSTS DURING THE 2009-11 FISCAL BIENNIUM.

6 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1,
7 2011, the cochairpersons of the joint committee on legislative organization shall take
8 actions to ensure that from general purpose revenue appropriations to the
9 legislature under section 20.765 of the statutes an amount equal to \$717,700 is
10 lapsed from sum certain appropriation accounts or is subtracted from the
11 expenditure estimates for any other type of appropriations, or both.

12 (b) The amount lapsed under paragraph (a) shall be in addition to the amounts
13 that are required to be lapsed or transferred to the general fund under 2009
14 Wisconsin Act 28, section 3416f.

15 **SECTION 9245. Fiscal changes; Supreme Court.**

16 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
17 COSTS DURING THE 2009-11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to
18 (c) of the statutes, before July 1, 2011, the chief justice of the supreme court shall take
19 actions to ensure that from general purpose revenue appropriations to the judicial
20 branch of government under subchapter VII of chapter 20 of the statutes an amount
21 equal to \$1,153,400 is lapsed from sum certain appropriation accounts or is
22 subtracted from the expenditure estimates for any other type of appropriations, or
23 both.

24 **SECTION 9255. Fiscal changes; Other.**

1 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
2 COSTS DURING THE 2009-11 FISCAL BIENNIUM.

3 (a) In this subsection, “state agency” means any office, department, or
4 independent agency in the executive branch of state government.

5 (b) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1,
6 2011, the secretary of administration shall lapse to the general fund, from the
7 unencumbered balances of general purpose revenue and program revenue
8 appropriations to state agencies, other than sum sufficient appropriations and
9 appropriations of federal revenues, an amount equal to \$27,891,400.

10 (c) The amount lapsed under paragraph (b) shall be in addition to the amounts
11 that are required to be lapsed or transferred to the general fund under 2009
12 Wisconsin Act 28, section 3416d.

13 (d) The secretary of administration may not lapse moneys under paragraph (b)
14 if the lapse would violate a condition imposed by the federal government on the
15 expenditure of the moneys or if the lapse would violate the federal or state
16 constitution. The secretary also may not lapse any amount from program revenue
17 appropriations under section 20.285 of the statutes.

18 **SECTION 9315. Initial applicability; Employee Trust Funds.**

19 (1) HEALTH CARE COVERAGE PREMIUMS. The treatment of sections 40.02 (25) (b)
20 2., 40.05 (4) (ag), (ar), and (c), 40.51 (7), and 40.52 (3) of the statutes and SECTION 9115
21 (1) of this act first apply to employees who are covered by a collective bargaining
22 agreement that contains provisions inconsistent with those sections on the day on
23 which the agreement expires or is terminated, extended, modified, or renewed,
24 whichever occurs first.

1 (2) PAYMENT OF EMPLOYEE REQUIRED CONTRIBUTIONS. The treatment of sections
2 13.111 (2), 40.02 (27), 40.05 (1) (a) (intro.), 1., 2., 3., and 4. and (b), (2m), and (2n),
3 40.32 (1), 59.875, 62.623, and 66.0518 of the statutes and SECTION 9115 (2) of this act
4 first apply to employees who are covered by a collective bargaining agreement that
5 contains provisions inconsistent with those sections on the day on which the
6 agreement expires or is terminated, extended, modified, or renewed, whichever
7 occurs first.

8 (3) CALCULATION OF ANNUITIES UNDER THE WISCONSIN RETIREMENT SYSTEM.

9 (a) Except as provided in paragraph (b), for elected officials, as defined in
10 section 40.02 (24) of the statutes, who are participating employees in the Wisconsin
11 retirement system, the treatment of section 40.23 (2m) (e) 2. of the statutes first
12 applies to creditable service that is performed on the first day of a term of office that
13 begins after the effective date of this paragraph.

14 (b) For supreme court justices, court of appeals judges, and circuit court judges,
15 who are participating employees in the Wisconsin retirement system, the treatment
16 of section 40.23 (2m) (e) 2. of the statutes first applies to creditable service that is
17 performed on the day on which the next supreme court justice, court of appeals judge,
18 or circuit court judge assumes office after the effective date of this paragraph.

19 **SECTION 9332. Initial applicability; Local Government.**

20 (1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections
21 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508,
22 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), and (nm), (2), (3) (a) 3.,
23 4., 5., 6., 7., and 9. and (b) 6., (3g), (3m), (3p), (4) (intro.), (c) (title), 1., 2., 3., and 4.,
24 (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb), (mc)
25 (intro.) and 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8) (a),

1 111.71 (2), (4), and (5), 111.77 (intro.) and (8) (a), 118.22 (4), 118.223, 118.23 (5),
2 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and
3 851.71 (4) of the statutes, the amendment of section 111.70 (4) (d) 3. of the statutes,
4 and the creation of section 111.70 (4) (d) 3. b. of the statutes first apply to employees
5 who are covered by a collective bargaining agreement under subchapter IV of chapter
6 111 of the statutes that contains provisions inconsistent with those sections on the
7 day on which the agreement expires or is terminated, extended, modified, or
8 renewed, whichever occurs first.

9 (2) GRIEVANCE PROCEDURE; COLLECTIVE BARGAINING. The treatment of section
10 66.0509 (1m) of the statutes first applies on the first day of the 4th month beginning
11 after the effective date of this subsection.

12 **SECTION 9355. Initial applicability; Other.**

13 (1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN
14 EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

15 (a) The treatment of sections 16.705 (3), 20.921 (1) (a) 2. and (b), 73.03 (68),
16 111.80, 111.81 (1), (3h), (3n), (7) (g), (gm), (h), and (i), (9), (9g), (9k), (12) (intro.), (12m),
17 (15r), and (16), 111.815 (1) and (2), 111.82, 111.825 (1) (intro.) and (g), (1m), (2g), (3),
18 (4), (4m), and (5), 111.83 (1), (4), (5m), and (7), 111.84 (1) (b), (d), and (f), (2) (c), and
19 (3), 111.845, 111.85 (1), (2), (4), and (5), 111.90 (2), 111.905, 111.91 (1) (a), (am), (b),
20 (c), (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c), (3), and (3q), 111.92 (1) (a) and (b)
21 and (2m), 118.40 (2r) (b) 3. a., 146.59, 230.10 (1), 230.34 (1) (ar), 230.35 (1s), and
22 978.12 (1) (c) of the statutes, the renumbering of sections 111.825 (6) and 111.83 (3)
23 of the statutes, the renumbering and amendment of sections 111.92 (3) and 111.93
24 (3) of the statutes, and the creation of sections 111.825 (6) (b), 111.83 (3) (b), 111.92
25 (3) (b), and 111.93 (3) (b) of the statutes first apply to employees who are covered by

1 a collective bargaining agreement under subchapter V of chapter 111 of the statutes
2 that contains provisions inconsistent with those sections on the day on which the
3 agreement expires or is terminated, extended, modified, or renewed, whichever
4 occurs first.

5 (b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96, 16.50
6 (3) (e), 16.705 (3), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and
7 (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b), 20.921 (1) (a) 2. and
8 (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c), 40.02 (25) (b) 8., 40.05
9 (4) (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.95 (1)
10 (a) 2., 111.02 (1), (2), (3), (6) (am), (7) (a) (intro.), 1., 2., 3., and 4. and (b) 1., (7m), (9m),
11 and (10m), 111.05 (2), (3g), (5), (6), and (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2)
12 (i), 111.075, 111.115 (title), (1) (intro.), (a), and (b), and (2), 111.17 (intro.), (1) and (2),
13 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d) (e) and (3) (e) 6., 230.88 (2)
14 (b), and 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.),
15 (3) (a) (intro.), (b), (c) (intro.), and (d), and (3m) and subchapter VI of chapter 111 of
16 the statutes first applies to employees who are covered by a collective bargaining
17 agreement under subchapter I or VI of chapter 111 of the statutes that contains
18 provisions inconsistent with those sections on the day on which the agreement
19 expires or is terminated, extended, modified, or renewed, whichever occurs first.

20 **SECTION 9421. Effective dates; Health Services.**

21 (1q) MEDICAL ASSISTANCE PROGRAM CHANGES. The treatment of sections 49.45 (8)
22 (b) (by SECTION 115d), (8) (c) (by SECTION 116d), (8r) (by SECTION 117d), (8v) (by
23 SECTION 118d), (18) (ac) (by SECTION 119d), (18) (ag) (intro.) (by SECTION 120d), (18)
24 (b) (intro.) (by SECTION 121d), (18) (d) (by SECTION 122d), (23) (a) (by SECTION 123d),
25 (23) (b) (by SECTION 124d), (24g) (c) (by SECTION 125d), (24r) (a) (by SECTION 126d),

1 (24r) (b) (by SECTION 127d), (25g) (c) (by SECTION 128d), (27) (by SECTION 129d), and
2 (39) (b) 1. (by SECTION 130d), 49.46 (2) (a) (intro.) (by SECTION 132d) and (2) (b) (intro.)
3 (by SECTION 133d), 49.465 (2) (intro.) (by SECTION 134d), 49.47 (4) (a) (intro.) (by
4 SECTION 135d) and (6) (a) (intro.) (by SECTION139d), 49.472 (3) (intro.) (by SECTION
5 141d) and (4) (b) (intro.) (by SECTION 142d), 49.473 (2) (intro.) (by SECTION 143d) and
6 (5) (by SECTION 144d) of the statutes and the repeal of sections 49.45 (2m), (3) (n), and
7 (6m) (n), 49.46 (1) (n), 49.47 (5) (c), and 49.471 (13) of the statutes take effect on
8 January 1, 2015.

9 (END)