



State of Wisconsin
2011 – 2012 LEGISLATURE

January 2011 Special Session



LRB-1383/2
CMH/RAC/TJD:all:all

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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, sale of certain facilities, granting
4 bonding authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

COLLECTIVE BARGAINING

Under current law, municipal employees have the right to collectively bargain over wages, hours, and conditions of employment under the Municipal Employment Relations Act (MERA), and state employees have the right to collectively bargain over wages, hours, and conditions of employment under the State Employment Labor Relations Act (SELRA). This bill changes MERA and SELRA with respect to all employees except employees who are certain protective occupation participants under the Wisconsin Retirement System or under a county or city retirement system (public safety employees). This bill limits the right to collectively bargain for all employees who are not public safety employees (general employees) to the subject of base wages. In addition, unless a referendum authorizes a greater increase, any general employee who is part of a collective bargaining unit is limited to bargaining over a percentage of total base wages increase that is no greater than the percentage change in the consumer price index. This bill also prohibits municipal employers from collectively bargaining with municipal general employees in matters that are not permitted under MERA.

Under SELRA and MERA, a collective bargaining unit elects a labor organization as its representative once a majority of the employees in that collective bargaining unit who are actually voting votes for that labor organization; that labor organization remains the representative unless a percentage of members of the collective bargaining unit supports a petition for a new election and subsequently votes to decertify the representative. This bill requires an annual certification election of the labor organization that represents each collective bargaining unit containing general employees. If, at the election, less than 51 percent of the actual employees in the collective bargaining unit vote for a representative, then, at the expiration of the current collective bargaining agreement, the current representative is decertified and the members of the collective bargaining unit are nonrepresented and may not be represented for one year. This bill requires an initial certification election for all represented state and municipal general employees in April 2011.

Currently, except for an initial collective bargaining agreement, the terms of collective bargaining agreements are generally two years for state and municipal employees, and current law does not prohibit collective bargaining agreements from being extended. This bill limits the term for general employees to one year and prohibits the extension of collective bargaining agreements.

Current law provides that state and municipal employees who are represented by a labor organization have the organization dues deducted from their salaries. Except for salary deductions for public safety employees, this bill prohibits the salary deductions for labor organization dues. This bill also allows a general employee to refrain from paying dues and remain a member of a collective bargaining unit.

Under current law, University of Wisconsin (UW) System employees, employees of the UW Hospitals and Clinics Authority, and certain home care and child care providers have the right to collectively bargain over wages, hours, and conditions of employment. This bill eliminates the rights of these employees to collectively bargain.

PUBLIC SECTOR RETIREMENT SYSTEMS

Currently, employer and employee required contributions, and the earnings on these contributions, fund the cost of providing retirement annuities to all public employees who are covered under the Wisconsin Retirement System (WRS). Employer required and employee required contribution rates are set on an annual basis. This bill provides that the employee required contribution rate for general participating employees and for elected and executive participating employees must equal one-half of all actuarially required contributions, as determined by the Employee Trust Funds Board. For protective occupation employees, the bill provides that the employee required contribution rate must equal the percentage of earnings paid by general participating employees.

Current law also requires the employer to pay all of the employer required contributions, but permits the employer to also pay all or part of the employee required contributions. This bill provides that an employer may not pay any of the employee required contributions under the WRS or under an employee retirement system of a first class city or a county having a population of 500,000 or more.

Currently, when a WRS participant terminates employment and becomes eligible for a retirement annuity, assuming the participant does not receive a money purchase annuity, the amount of the annuity is determined by multiplying the participant's final average earnings by the participant's years of creditable service and by a percentage multiplier. For a protective occupation participant, the multiplier is either 2 percent or 2.5 percent, depending on whether the person is covered by social security. For elected officials and executive participating employees, the multiplier is 2 percent. For all other participants in the WRS, the multiplier is 1.6 percent. This bill decreases the multiplier for elected officials and executive participating employees from 2 percent to 1.6 percent for creditable service that is performed on or after the bill's effective date.

Under current law, state employees become participating employees in the WRS if they are expected to work at least one-third of what is considered full-time employment by the Department of Employee Trust Funds (DETF) and have an expected duration of employment of one year or more. If a state employee becomes a WRS participating employee, the employee is also entitled to receive health insurance under the Group Insurance Board (GIB) program. A current group of state employees are appointed to state positions as limited term appointments in the state civil service, which are provisional appointments or appointments for less than 1,044 hours per year. This bill prohibits limited term appointments from participating in the WRS, as well as prohibits these employees from receiving health insurance under the GIB program.

This bill also requires the secretary of administration, the director of the Office of State Employee Relations (OSER), and the secretary of employee trust funds to study the WRS. The study must specifically address establishing a defined contribution plan as an option for WRS participating employees; establishing different vesting periods for employer contributions and eligibility for WRS retirement benefits; modifying the supplemental health insurance premium credit program for state employees; and permitting participating employees to not make employee required contributions under the WRS and limiting retirement benefits for these employees to a money purchase annuity. Under the bill, no later than June 30, 2012, the secretary of administration, the director of OSER, and the secretary of employee trust funds must report their findings and recommendations to the governor.

PUBLIC SECTOR GROUP INSURANCE

Currently, state employees, as well as employees of public authorities created by the state, receive health care coverage under plans offered by GIB, which plans are assigned to one of three tiers depending on the employee's premium costs. The employer share of premium costs for employees who work more than 1,565 hours a year is an amount not less than 80 percent of the average premium costs under the various health care coverage plans. The amount for represented employees is subject to collective bargaining and the amount for nonrepresented employees is established in various compensation plans.

This bill provides that the employer may not pay more than 88 percent of the average premium cost of plans offered in the tier with the lowest employee premium

cost. For employees who work less than 1,566 hours a year, with exceptions, the employer must pay an amount determined by the director of OSER. Under the bill, the actual employer and employee share of premium costs is established on an annual basis by the director of OSER.

For the remainder of 2011, however, beginning in April 2011, the bill provides that state employees, as well as employees of public authorities created by the state, who work more than 1,565 hours a year shall pay \$84 a month for individual coverage and \$208 a month for family coverage for health care coverage under any plan offered in the tier with the lowest employee premium cost; \$122 a month for individual coverage and \$307 a month for family coverage for health care coverage under any plan offered in the tier with the next lowest employee premium cost; and \$226 a month for individual coverage and \$567 a month for family coverage for health care coverage under any plan offered in the tier with the highest employee premium cost. UW System graduate assistants and teaching assistants must pay half of these amounts. Employees who work less than 1,566 hours a year are required to pay the same amount for health care coverage during 2011 that they were required to pay before the bill's effective date.

The bill further provides that a local government employer who participates in the local government health insurance plan offered by GIB may not participate in the plan if it intends to pay more than 88 percent of the average premium cost of plans offered in any tier with the lowest employee premium cost.

This bill requires the director of OSER and the secretary of employee trust funds to study the feasibility of offering to employees eligible to receive health care coverage under the GIB plans, beginning on January 1, 2013, the option of receiving health care coverage through either a low-cost health care coverage plan or through a high-deductible health plan and the establishment of a health savings account, as described under federal law. The study must also examine the feasibility of requiring state employees to receive health care coverage through a health benefits exchange established pursuant to the federal law and creating a health care insurance purchasing pool for all public employees and individuals receiving health care coverage under the Medical Assistance program. No later than June 30, 2012, the director and secretary shall report their findings and recommendations to the governor.

Current law also provides that GIB may not enter into agreements to modify or expand group insurance coverage in a manner that conflicts with applicable statutes, or DETF rules, or that materially affects the level of premiums required to be paid by the state or its employees or the level of benefits provided under any group insurance coverage. This bill provides that this restriction does not prevent GIB from encouraging participation in wellness or disease management programs under any of its group insurance coverage plans. In addition, the bill provides that this prohibition does not apply to GIB agreements relating to group insurance coverage for the 2012 and 2013 calendar years.

This bill requires GIB to design health care coverage plans for the 2012 calendar year that, after adjusting for any inflationary increase in health benefit costs, reduces the average premium cost of plans offered in the tier with the lowest

employee premium cost by at least 5 percent from the cost of such plans offered during the 2011 calendar year. GIB must include copayments in the health care coverage plans for the 2012 calendar year and may require health risk assessments for state employees and participation in wellness or disease management programs.

This bill requires the secretary of employee trust funds to allocate \$28,000,000, from reserve accounts established in the public employee trust fund for group health and pharmacy benefits for state employees, to reduce employer costs for providing group health insurance for state employees for the period beginning on July 1, 2011, and ending on December 31, 2011.

Current law permits GIB to contract with the Department of Health Services (DHS) and other public or private entities for data collection and analysis services related to health maintenance organizations and insurance companies that provide health insurance to state employees. This bill permits GIB to contract for any other consulting services related to plans it offers.

Currently, the attorney general, or his or her designee, serves on GIB. This bill requires that the attorney general designee on GIB must be an attorney.

This bill provides that if DETF determines that an audit of its employee benefit programs is necessary during the 2011–12 fiscal year, for the purpose of verifying the eligibility of dependents covered under the programs, DETF must submit a written request to the secretary of administration to expend an amount not exceeding \$700,000 to conduct the audit.

STATE GOVERNMENT

STATE CIVIL SERVICE SYSTEM

Under current law, the governor may declare a state of emergency if he or she determines that an emergency exists resulting from a disaster or the imminent threat of a disaster. This bill authorizes a state agency to discharge any state employee who fails to report to work as scheduled for any three unexcused working days during a state of emergency or who participates in a strike, work stoppage, sit-down, stay-in, slowdown, or other concerted activities to interrupt the operations or services of state government, including specifically purported mass resignations or sick calls. Under the bill, engaging in any of these actions constitutes just cause for discharge.

Currently, the director of OSER has promulgated rules to establish a career executive program. The program provides state agencies with highly qualified executive candidates, provides outstanding administrative employees a broad opportunity for career advancement, and provides for the mobility of such employees among state agencies for the most advantageous use of their managerial and administrative skills. Under current administrative rules, an appointing authority may reassign a career executive employee from one career executive position to another career executive position within the same state agency. This bill permits an appointing authority to reassign an employee in a career executive position to a career executive position in any state agency if the appointing authority in the state agency to which the employee is to be reassigned approves of the reassignment.

This bill increases the number of unclassified division administrators by 35 FTE positions, decreases 36 FTE positions in executive branch agencies, which

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positions are to be determined by the secretary of administration, expands the definition of “division administrator” to include other managerial positions, and permits the director of OSER to appoint either a deputy director or an executive assistant in the unclassified service.

STATE FINANCE

This bill increases the amount of state public debt that may be contracted to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities from \$309,000,000 to \$474,000,000. Such refunded debt must be contracted before July 1, 2011.

This bill reduces executive branch agency lapses and transfers to the general fund for the 2009–11 fiscal biennium that were required under 2007 Wisconsin Act 20 from \$200,000,000 to \$121,000,000, as well as reduces the expenditure authority of the Joint Committee on Finance (JCF) during the 2010–11 fiscal year by \$4,590,400 from its general purpose revenue supplemental appropriation.

This bill requires the secretary of administration, before July 1, 2011, to lapse to the general fund, from executive branch appropriations, an amount equal to \$27,891,400; requires the cochairpersons of the Joint Committee on Legislative Organization to lapse to the general fund, from appropriations to the legislature, an amount equal to \$717,700; requires the governor to lapse to the general fund, from appropriations to the office of the governor, an amount equal to \$37,500; and requires the chief justice of the supreme court to lapse to the general fund, from appropriations to the judicial branch, an amount equal to \$1,153,400. The lapses seek to capture employer savings resulting from increases in state employee payments for health insurance and retirement contributions.

OTHER STATE GOVERNMENT

Currently, this state owns and operates numerous heating, cooling, and power plants that were constructed by the state to provide heating, cooling, and power to state facilities. The Department of Administration (DOA) determines the method of operation of these plants and may delegate this authority to any other state agency that has managing authority for a plant. This bill permits DOA to sell or contract for the operation of any such plant. The bill exempts such sales and contracts from the requirement for approval of the Public Service Commission (PSC) that may otherwise apply under current law. The bill provides that the net proceeds of any sale, after retirement of any outstanding state debt and any necessary repayment of federal financial assistance, is deposited in the budget stabilization fund. The bill also allows DOA, at any time, to petition the PSC to regulate as a public utility any person who purchases or contracts for the operation of any plant under the bill. Under current law, the PSC has regulatory authority over public utilities, including the authority to set rates for utility service.

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHS administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited resources. Some services are provided through

programs that operate under a waiver of federal laws related to medical assistance (MA waiver programs). This bill requires DHS to study potential changes to the MA state plan and to waivers of federal law relating to medical assistance for certain purposes, including increasing the cost effectiveness and efficiency of care for the MA program and MA waiver programs and improving the health status of individuals who receive benefits under the MA program or an MA waiver program. If DHS determines, as a result of the study, that revision of existing statutes or rules would be necessary to advance any of the purposes for which the study was conducted, DHS may promulgate rules to implement certain changes, including making certain requirements, modifying benefits, revising provider reimbursement models, developing standards and methodologies for eligibility, and reducing income levels for purposes of determining eligibility. Before promulgating a rule, DHS must submit the proposed rule and any plan developed as a result of the study to JCF for review. DHS must submit an amendment to the state MA plan or request a waiver of federal laws related to medical assistance, if necessary, to the extent necessary to implement any proposal. If the federal Department of Health and Human Services does not allow the amendment or does not grant the waiver, DHS may not put the rule into effect or implement the proposal. To reduce the eligibility income levels to a certain amount, DHS must request a waiver from the secretary of the federal Department of Health and Human Services to permit DHS to have in effect eligibility standards, methodologies, and procedures that are more restrictive than those in place on March 23, 2010. If DHS does not receive approval for the waiver, DHS must reduce the eligibility income levels for MA programs and MA waiver programs to 133 percent of the federal poverty line for adults who are not pregnant and not disabled, as allowed under federal law. DHS may promulgate the rules as emergency rules.

OTHER HEALTH AND HUMAN SERVICES

This bill eliminates the UW Hospitals and Clinics Board, a state agency assigned the single duty to enter into a contractual services agreement with the UW Hospitals and Clinics Authority to provide the services of state employees who are in clerical, blue collar and nonbuilding trades, building trades crafts, security and public safety, and technical collective bargaining units. The bill also transfers all employees of the UW Hospitals and Clinics Board to the UW Hospitals and Clinics Authority.

PUBLIC ASSISTANCE

Reflecting the receipt of emergency contingency funds under the Temporary Assistance for Needy Families (TANF) block grant program, this bill increases by \$37,000,000 the amount of TANF moneys allocated for the earned income tax credit.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

7.33 **(1)** (c) “State agency” has the meaning given under s. 20.001 (1) and includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, or 237.

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

7.33 **(4)** Except as otherwise provided in this subsection, each local governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon proper application under sub. (3), permit each of its employees to serve as an election official under s. 7.30 without loss of fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), without loss of pay for scheduled working hours during the period specified in sub. (3) except as provided in sub. (5), and without any other penalty. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 3. 13.111 (2) of the statutes is amended to read:

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

SECTION 4. 13.172 (1) of the statutes, as affected by 2011 Wisconsin Act (January 2011 Special Session Senate Bill 6), is amended to read:

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

7 **SECTION 5.** 13.48 (13) (a) of the statutes, as affected by 2011 Wisconsin Act
8 (January 2011 Special Session Senate Bill 6), is amended to read:

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

22 **SECTION 6.** 13.62 (2) of the statutes, as affected by 2011 Wisconsin Act
23 (January 2011 Special Session Senate Bill 6), is amended to read:

24 13.62 **(2)** “Agency” means any board, commission, department, office, society,
25 institution of higher education, council, or committee in the state government, or any

1 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
2 233, 234, 237, 238, or 279, except that the term does not include a council or
3 committee of the legislature.

4 **SECTION 7.** 13.94 (4) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
5 (January 2011 Special Session Senate Bill 6), is amended to read:

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

23 **SECTION 8.** 13.95 (intro.) of the statutes, as affected by 2011 Wisconsin Act
24 (January 2011 Special Session Senate Bill 6), is amended to read:

1 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
2 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
3 shall be strictly nonpartisan and shall at all times observe the confidential nature
4 of the research requests received by it; however, with the prior approval of the
5 requester in each instance, the bureau may duplicate the results of its research for
6 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
7 designated employees shall at all times, with or without notice, have access to all
8 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
9 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
10 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
11 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
12 Navigational System Authority, and to any books, records, or other documents
13 maintained by such agencies or authorities and relating to their expenditures,
14 revenues, operations, and structure.

15 **SECTION 9.** 15.07 (1) (a) 6. of the statutes is repealed.

16 **SECTION 10.** 15.07 (4) of the statutes is amended to read:

17 **15.07 (4) QUORUM.** A majority of the membership of a board constitutes a
18 quorum to do business and, unless a more restrictive provision is adopted by the
19 board, a majority of a quorum may act in any matter within the jurisdiction of the
20 board. This subsection does not apply to actions of the government accountability
21 board, ~~the University of Wisconsin Hospitals and Clinics Board~~, or the school district
22 boundary appeal board as provided in ss. 5.05 (1e), ~~15.96 (2)~~, and 117.05 (2) (a).

23 **SECTION 11.** 15.165 (2) of the statutes is amended to read:

24 **15.165 (2) GROUP INSURANCE BOARD.** There is created in the department of
25 employee trust funds a group insurance board. The board shall consist of the

1 governor, the attorney general, the secretary of administration, the director of the
2 office of state employment relations, and the commissioner of insurance or their
3 designees, and 6 persons appointed for 2-year terms, of whom one shall be an insured
4 participant in the Wisconsin Retirement System who is not a teacher, one shall be
5 an insured participant in the Wisconsin Retirement System who is a teacher, one
6 shall be an insured participant in the Wisconsin Retirement System who is a retired
7 employee, one shall be an insured employee of a local unit of government, and one
8 shall be the chief executive or a member of the governing body of a local unit of
9 government that is a participating employer in the Wisconsin Retirement System.
10 The designee of the attorney general shall be an attorney.

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

12 **SECTION 13.** 16.002 (2) of the statutes, as affected by 2011 Wisconsin Act
13 (January 2011 Special Session Senate Bill 6), is amended to read:

14 16.002 **(2)** “Departments” means constitutional offices, departments, and
15 independent agencies and includes all societies, associations, and other agencies of
16 state government for which appropriations are made by law, but not including
17 authorities created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
18 233, 234, 235, 237, 238, or 279.

19 **SECTION 14.** 16.004 (4) of the statutes, as affected by 2011 Wisconsin Act
20 (January 2011 Special Session Senate Bill 6), is amended to read:

21 16.004 **(4)** FREEDOM OF ACCESS. The secretary and such employees of the
22 department as the secretary designates may enter into the offices of state agencies
23 and authorities created under subch. II of ch. 114 ~~or~~ and subch. III of ch. 149 and
24 under chs. 52, 231, 233, 234, 237, 238, and 279, and may examine their books and

1 accounts and any other matter that in the secretary's judgment should be examined
2 and may interrogate the agency's employees publicly or privately relative thereto.

3 **SECTION 15.** 16.004 (5) of the statutes, as affected by 2011 Wisconsin Act
4 (January 2011 Special Session Senate Bill 6), is amended to read:

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

10 **SECTION 16.** 16.004 (12) (a) of the statutes, as affected by 2011 Wisconsin Act
11 (January 2011 Special Session Senate Bill 6), is amended to read:

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

21 **SECTION 17.** 16.045 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
22 (January 2011 Special Session Senate Bill 6), is amended to read:

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

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

4 **SECTION 18.** 16.15 (1) (ab) of the statutes, as affected by 2011 Wisconsin Act
5 (January 2011 Special Session Senate Bill 6), is amended to read:

6 16.15 **(1)** (ab) “Authority” has the meaning given under s. 16.70 (2), but
7 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
8 River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the
9 Wisconsin Economic Development Corporation, and the Health Insurance
10 Risk-Sharing Plan Authority.

11 **SECTION 19.** 16.41 (4) of the statutes, as affected by 2011 Wisconsin Act
12 (January 2011 Special Session Senate Bill 6), is amended to read:

13 16.41 **(4)** In this section, “authority” means a body created under subch. II of
14 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, 238, or 279.

15 **SECTION 20.** 16.417 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
16 (January 2011 Special Session Senate Bill 6), is amended to read:

17 16.417 **(1)** (b) “Authority” means a body created under subch. II of ch. 114 or
18 ch. 52, 231, 232, 233, 234, 235, 237, 238, or 279.

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

20 16.50 **(3)** (b) No change in the number of full-time equivalent positions
21 authorized through the biennial budget process or other legislative act may be made
22 without the approval of the joint committee on finance, except for position changes
23 made by the governor under s. 16.505 (1) (c) or (2), ~~by the University of Wisconsin~~
24 ~~Hospitals and Clinics Board under s. 16.505 (2n)~~, or by the board of regents of the
25 University of Wisconsin System under s. 16.505 (2m) or (2p).

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

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

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

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

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

SECTION 25. 16.52 (7) of the statutes, as affected by 2011 Wisconsin Act (January 2011 Special Session Senate Bill 6), is amended to read:

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

SECTION 26. 16.528 (1) (a) of the statutes, as affected by 2011 Wisconsin Act (January 2011 Special Session Senate Bill 6), is amended to read:

16.528 **(1)** (a) “Agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state

1 government created or authorized to be created by the constitution or any law, that
2 is entitled to expend moneys appropriated by law, including the legislature and the
3 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
4 ch. 149 or in ch. 52, 231, 233, 234, 237, 238, or 279.

5 **SECTION 27.** 16.53 (2) of the statutes, as affected by 2011 Wisconsin Act
6 (January 2011 Special Session Senate Bill 6), is amended to read:

7 16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed
8 invoice, the agency shall notify the sender of the invoice within 10 working days after
9 it receives the invoice of the reason it is improperly completed. In this subsection,
10 “agency” means an office, department, independent agency, institution of higher
11 education, association, society, or other body in state government created or
12 authorized to be created by the constitution or any law, that is entitled to expend
13 moneys appropriated by law, including the legislature and the courts, but not
14 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
15 52, 231, 233, 234, 237, 238, or 279.

16 **SECTION 28.** 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
17 (January 2011 Special Session Senate Bill 6), is amended to read:

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

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

1 16.70 **(2)** “Authority” means a body created under subch. II of ch. 114 or subch.
2 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

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

4 **SECTION 31.** 16.765 (1) of the statutes, as affected by 2011 Wisconsin Act
5 (January 2011 Special Session Senate Bill 6), is amended to read:

6 16.765 **(1)** Contracting agencies, the University of Wisconsin Hospitals and
7 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
8 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
9 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the
10 Wisconsin Economic Development Corporation, and the Bradley Center Sports and
11 Entertainment Corporation shall include in all contracts executed by them a
12 provision obligating the contractor not to discriminate against any employee or
13 applicant for employment because of age, race, religion, color, handicap, sex, physical
14 condition, developmental disability as defined in s. 51.01 (5), sexual orientation as
15 defined in s. 111.32 (13m), or national origin and, except with respect to sexual
16 orientation, obligating the contractor to take affirmative action to ensure equal
17 employment opportunities.

18 **SECTION 32.** 16.765 (2) of the statutes, as affected by 2011 Wisconsin Act
19 (January 2011 Special Session Senate Bill 6), is amended to read:

20 16.765 **(2)** Contracting agencies, 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, and the Bradley Center Sports and
25 Entertainment Corporation shall include the following provision in every contract

1 executed by them: “In connection with the performance of work under this contract,
2 the contractor agrees not to discriminate against any employee or applicant for
3 employment because of age, race, religion, color, handicap, sex, physical condition,
4 developmental disability as defined in s. 51.01 (5), sexual orientation or national
5 origin. This provision shall include, but not be limited to, the following: employment,
6 upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or
7 termination; rates of pay or other forms of compensation; and selection for training,
8 including apprenticeship. Except with respect to sexual orientation, the contractor
9 further agrees to take affirmative action to ensure equal employment opportunities.
10 The contractor agrees to post in conspicuous places, available for employees and
11 applicants for employment, notices to be provided by the contracting officer setting
12 forth the provisions of the nondiscrimination clause”.

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

14 16.765 **(4)** Contracting agencies, the University of Wisconsin Hospitals and
15 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
16 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
17 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ and
18 the Bradley Center Sports and Entertainment Corporation shall take appropriate
19 action to revise the standard government contract forms under this section.

20 **SECTION 34.** 16.765 (5) of the statutes, as affected by 2011 Wisconsin Act
21 (January 2011 Special Session Senate Bill 6), is amended to read:

22 16.765 **(5)** The head of each contracting agency and the boards of directors of
23 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
24 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
25 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation

1 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic
2 Development Corporation, and the Bradley Center Sports and Entertainment
3 Corporation shall be primarily responsible for obtaining compliance by any
4 contractor with the nondiscrimination and affirmative action provisions prescribed
5 by this section, according to procedures recommended by the department. The
6 department shall make recommendations to the contracting agencies and the boards
7 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
8 River Navigational System Authority, the Wisconsin Aerospace Authority, the
9 Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
10 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic
11 Development Corporation, and the Bradley Center Sports and Entertainment
12 Corporation for improving and making more effective the nondiscrimination and
13 affirmative action provisions of contracts. The department shall promulgate such
14 rules as may be necessary for the performance of its functions under this section.

15 **SECTION 35.** 16.765 (6) of the statutes, as affected by 2011 Wisconsin Act
16 (January 2011 Special Session Senate Bill 6), is amended to read:

17 16.765 **(6)** The department may receive complaints of alleged violations of the
18 nondiscrimination provisions of such contracts. The department shall investigate
19 and determine whether a violation of this section has occurred. The department may
20 delegate this authority to the contracting agency, the University of Wisconsin
21 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
22 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
23 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
24 ~~Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center

1 Sports and Entertainment Corporation for processing in accordance with the
2 department's procedures.

3 **SECTION 36.** 16.765 (7) (intro.) of the statutes, as affected by 2011 Wisconsin
4 Act (January 2011 Special Session Senate Bill 6), is amended to read:

5 16.765 **(7)** (intro.) When a violation of this section has been determined by the
6 department, the contracting agency, the University of Wisconsin Hospitals and
7 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
8 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
9 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority~~, the
10 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
11 Entertainment Corporation, the contracting agency, the University of Wisconsin
12 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
13 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
14 the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care~~
15 ~~Authority~~, the Wisconsin Economic Development Corporation, or the Bradley Center
16 Sports and Entertainment Corporation shall:

17 **SECTION 37.** 16.765 (7) (d) of the statutes, as affected by 2011 Wisconsin Act
18 (January 2011 Special Session Senate Bill 6), is amended to read:

19 16.765 **(7)** (d) Direct the violating party to take immediate steps to prevent
20 further violations of this section and to report its corrective action to the contracting
21 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
22 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
23 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
24 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic

1 Development Corporation, or the Bradley Center Sports and Entertainment
2 Corporation.

3 **SECTION 38.** 16.765 (8) of the statutes, as affected by 2011 Wisconsin Act
4 (January 2011 Special Session Senate Bill 6), is amended to read:

5 16.765 **(8)** If further violations of this section are committed during the term
6 of the contract, the contracting agency, the Fox River Navigational System Authority,
7 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
8 Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home~~
9 ~~Care Authority,~~ the Wisconsin Economic Development Corporation, or the Bradley
10 Center Sports and Entertainment Corporation may permit the violating party to
11 complete the contract, after complying with this section, but thereafter the
12 contracting agency, the Fox River Navigational System Authority, the Wisconsin
13 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
14 Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the
15 Wisconsin Economic Development Corporation, or the Bradley Center Sports and
16 Entertainment Corporation shall request the department to place the name of the
17 party on the ineligible list for state contracts, or the contracting agency, the Fox River
18 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
19 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
20 Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic
21 Development Corporation, or the Bradley Center Sports and Entertainment
22 Corporation may terminate the contract without liability for the uncompleted
23 portion or any materials or services purchased or paid for by the contracting party
24 for use in completing the contract.

25 **SECTION 39.** 16.84 (1) of the statutes is amended to read:

1 16.84 **(1)** Have charge of, operate, maintain and keep in repair the state capitol
2 building, the executive residence, ~~the light, heat and power plant, the state office~~
3 ~~buildings and their power plants, any heating, cooling, and power plants owned and~~
4 ~~operated by the state serving those properties,~~ the grounds connected ~~therewith~~ with
5 those properties, and such other state properties as are designated by law. All costs
6 of such operation and maintenance shall be paid from the appropriations under s.
7 20.505 (5) (ka) and (kb), except for debt service costs paid under s. 20.866 (1) (u). The
8 department shall transfer moneys from the appropriation under s. 20.505 (5) (ka) to
9 the appropriation account under s. 20.505 (5) (kc) sufficient to make principal and
10 interest payments on state facilities and payments to the United States under s.
11 13.488 (1) (m).

12 **SECTION 40.** 16.848 (5) of the statutes is created to read:

13 16.848 **(5)** This section does not apply to the sale of any state-owned heating,
14 cooling, and power plant. Any sale of such a plant is governed exclusively by s.
15 16.896.

16 **SECTION 41.** 16.85 (2) of the statutes, as affected by 2011 Wisconsin Act
17 (January 2011 Special Session Senate Bill 6), is amended to read:

18 16.85 **(2)** To furnish engineering, architectural, project management, and other
19 building construction services whenever requisitions therefor are presented to the
20 department by any agency. The department may deposit moneys received from the
21 provision of these services in the account under s. 20.505 (1) (kc) or in the general
22 fund as general purpose revenue — earned. In this subsection, “agency” means an
23 office, department, independent agency, institution of higher education, association,
24 society, or other body in state government created or authorized to be created by the
25 constitution or any law, which is entitled to expend moneys appropriated by law,

1 including the legislature and the courts, but not including an authority created in
2 subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52~~, 231, 233, 234, 237, 238, or 279.

3 **SECTION 42.** 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act
4 (January 2011 Special Session Senate Bill 6), is amended to read:

5 16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a
6 proportionate share of the estimated costs attributable to programs administered by
7 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
8 may charge premiums to agencies to finance costs under this subsection and pay the
9 costs from the appropriation on an actual basis. The department shall deposit all
10 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
11 Costs assessed under this subsection may include judgments, investigative and
12 adjustment fees, data processing and staff support costs, program administration
13 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
14 subsection, “agency” means an office, department, independent agency, institution
15 of higher education, association, society, or other body in state government created
16 or authorized to be created by the constitution or any law, that is entitled to expend
17 moneys appropriated by law, including the legislature and the courts, but not
18 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
19 ~~52~~, 231, 232, 233, 234, 235, 237, 238, or 279.

20 **SECTION 43.** 16.895 (2) (h) of the statutes is amended to read:

21 16.895 **(2)** (h) Periodically assess to agencies their proportionate cost of the
22 expenses incurred by the department under this subsection and ss. 16.85 (4), 16.896
23 (1), 16.90, 16.91 and 16.92 in accordance with a method of apportionment determined
24 by the department.

25 **SECTION 44.** 16.896 of the statutes is created to read:

16.896 Sale or contractual operation of state-owned heating, cooling, and power plants. (1) Notwithstanding ss. 13.48 (14) (am) and 16.705 (1), the department may sell any state-owned heating, cooling, and power plant or may contract with a private entity for the operation of any such plant, with or without solicitation of bids, for any amount that the department determines to be in the best interest of the state. Notwithstanding ss. 196.49 and 196.80, no approval or certification of the public service commission is necessary for a public utility to purchase, or contract for the operation of, such a plant, and any such purchase is considered to be in the public interest and to comply with the criteria for certification of a project under s. 196.49 (3) (b).

(2) If there is any outstanding public debt used to finance the acquisition, construction, or improvement of any plant that is sold under sub. (1), the department shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under s. 18.09 to repay the principal and pay the interest on the debt, and any premium due upon refunding of the debt. If the property was acquired, constructed, or improved with federal financial assistance, the department shall repay to the federal government any of the net proceeds required by federal law.

(3) Except as provided in s. 51.06 (6), if there is no such debt outstanding or there are no moneys payable to the federal government, or if the net proceeds exceed the amount required to be deposited or paid under sub. (2), the department shall deposit the net proceeds or remaining net proceeds in the budget stabilization fund.

(4) If the department sells or contracts for the operation of any state-owned heating, cooling, and power plant under sub. (1), the department may attach such conditions to the sale or contract as it finds to be in the best interest of the state. Any

1 such contract shall provide that, unless otherwise expressly agreed between the
2 parties, the purchaser or contractor will continue to operate the plant and keep it in
3 good repair, and will continue to provide adequate and sufficient heating, cooling,
4 and power to meet the state's current and future needs. Any such contract shall also
5 require the purchaser or contractor to submit to the jurisdiction of the public service
6 commission under ch. 196 if the commission determines to regulate the purchaser
7 or contractor as a public utility under s. 196.025 (7).

8 (5) (a) In this subsection, "state agency" has the meaning given under s. 20.001
9 (1).

10 (b) Notwithstanding s. 16.50 (1), the secretary shall require submission of
11 expenditure estimates under s. 16.50 (2) for each state agency that proposes to
12 expend moneys from any appropriation for the operation of a state-owned heating,
13 cooling, and power plant during any fiscal biennium in which the plant is sold or in
14 which the department contracts for operation of the plant. Notwithstanding s. 16.50
15 (2), the secretary shall disapprove any such estimate for any period during which
16 that plant is owned or operated by a private entity. The secretary may then require
17 the use of the amounts of any disapproved expenditure estimates for the purpose of
18 purchase of contractual services relating to heating, cooling, or power for state
19 facilities or payment of the costs of purchasing heating, cooling, or power for the state
20 agencies or facilities for which the amounts were appropriated.

21 (c) If the department sells or contracts for the operation of any state-owned
22 heating, cooling, and power plant under sub. (1), the secretary may identify any
23 full-time equivalent positions authorized for the state agency that has operating
24 authority for the plant, the duties of which primarily relate to the management or
25 operation of the plant, and may decrease the authorized full-time equivalent

1 positions for that state agency by the number of positions so identified effective on
2 the date that the state agency no longer has operating authority for the plant.

3 (d) Notwithstanding ss. 20.001 (3) (a) to (c), the secretary may lapse or transfer
4 to the general fund from the unencumbered balances of general purpose revenue and
5 program revenue appropriations to any state agency, other than sum sufficient
6 appropriations and appropriations of federal revenues, any amount appropriated to
7 a state agency that is determined by the secretary to be allocated for the purpose of
8 management or operation of a plant that is sold or the operation of which is
9 contracted under sub. (1) effective on the date that the state agency to which the
10 moneys are appropriated no longer has operating authority for the plant.

11 (e) The secretary shall notify the cochairpersons of the joint committee on
12 finance of any action taken by the secretary under this subsection.

13 **SECTION 45.** 19.42 (10) (s) of the statutes is repealed.

14 **SECTION 46.** 19.42 (13) (o) of the statutes is repealed.

15 **SECTION 47.** 19.82 (1) of the statutes is amended to read:

16 19.82 **(1)** “Governmental body” means a state or local agency, board,
17 commission, committee, council, department or public body corporate and politic
18 created by constitution, statute, ordinance, rule or order; a governmental or
19 quasi-governmental corporation except for the Bradley center sports and
20 entertainment corporation; a local exposition district under subch. II of ch. 229; a
21 long-term care district under s. 46.2895; or a formally constituted subunit of any of
22 the foregoing, but excludes any such body or committee or subunit of such body which
23 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
24 or V, or VI of ch. 111.

25 **SECTION 48.** 19.85 (3) of the statutes is amended to read:

1 19.85 **(3)** Nothing in this subchapter shall be construed to authorize a
2 governmental body to consider at a meeting in closed session the final ratification or
3 approval of a collective bargaining agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111
4 which has been negotiated by such body or on its behalf.

5 **SECTION 49.** 19.86 of the statutes is amended to read:

6 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
7 19.82 (1), where notice has been given by either party to a collective bargaining
8 agreement under subch. I, IV, or V, ~~or VI~~ of ch. 111 to reopen such agreement at its
9 expiration date, the employer shall give notice of such contract reopening as provided
10 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
11 by the employer's chief officer or such person's designee.

12 **SECTION 50.** 20.425 (1) (a) of the statutes is amended to read:

13 20.425 **(1)** (a) *General program operations.* The amounts in the schedule for
14 the purposes provided in subchs. I, IV, and V, ~~and VI~~ of ch. 111 and s. 230.45 (1).

15 **SECTION 51.** 20.425 (1) (i) of the statutes is amended to read:

16 20.425 **(1)** (i) *Fees, collective bargaining training, publications, and appeals.*
17 The amounts in the schedule for the performance of fact-finding, mediation,
18 certification, and arbitration functions, for the provision of copies of transcripts, for
19 the cost of operating training programs under ss. 111.09 (3), ~~111.71 (5)~~, and 111.94
20 (3), for the preparation of publications, transcripts, reports, and other copied
21 material, and for costs related to conducting appeals under s. 230.45. All moneys
22 received under ss. 111.09 (1) and (2), 111.70 (4) (d) 3. b., 111.71 (1) and (2), 111.83 (3)
23 (b), 111.94 (1) and (2), ~~111.9993~~, and 230.45 (3), all moneys received from arbitrators
24 and arbitration panel members, and individuals who are interested in serving in
25 such positions, and from individuals and organizations who participate in other

collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.

SECTION 52. 20.495 of the statutes is repealed.

SECTION 53. 20.515 (1) (d) of the statutes is created to read:

20.515 **(1)** (d) *Health insurance and retirement studies.* A sum sufficient to fund the cost of studies, including any actuarial studies and costs incurred by the department of employee trust funds, conducted under 2011 Wisconsin Act ... (this act), section 9115 (1) and (3). No moneys may be expended from this appropriation without the approval of the secretary of administration.

SECTION 54. 20.515 (1) (ut) of the statutes is amended to read:

20.515 **(1)** (ut) *Health insurance data collection and analysis and other consulting services contracts.* From the public employee trust fund, the amounts in the schedule for the costs of contracting for insurance data collection and analysis services under ss. 40.03 (6) (j) and 153.05 (2r) and other consulting services contracts under s. 40.03 (6) (j).

SECTION 55. 20.545 (1) (k) of the statutes is amended to read:

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

SECTION 56. 20.545 (1) (km) of the statutes is amended to read:

1 20.545 **(1)** (km) *Collective bargaining grievance arbitrations*. The amounts in
2 the schedule for the payment of the state's share of costs related to collective
3 bargaining grievance arbitrations under s. 111.86 ~~and related to collective~~
4 ~~bargaining grievance arbitrations under s. 111.993~~. All moneys received from state
5 agencies for the purpose of reimbursing the state's share of the costs related to
6 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
7 training related to grievance arbitrations, ~~and all moneys received from institutions,~~
8 ~~as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs~~
9 ~~related to grievance arbitrations under s. 111.993 and to reimburse the state's share~~
10 ~~of costs for training related to grievance arbitrations~~ shall be credited to this
11 appropriation account.

12 **SECTION 57.** 20.865 (1) (ci) of the statutes is amended to read:

13 20.865 **(1)** (ci) *Nonrepresented university system senior executive, faculty and*
14 *academic pay adjustments*. A sum sufficient to pay the cost of pay and related
15 adjustments approved by the joint committee on employment relations under s.
16 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)
17 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit
18 for which a representative is certified under subch. V ~~or~~ VI of ch. 111, as determined
19 under s. 20.928, other than adjustments funded under par. (cj).

20 **SECTION 58.** 20.865 (1) (cm) of the statutes is repealed.

21 **SECTION 59.** 20.865 (1) (ic) of the statutes is amended to read:

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

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

6 **SECTION 60.** 20.865 (1) (im) of the statutes is repealed.

7 **SECTION 61.** 20.865 (1) (si) of the statutes is amended to read:

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

16 **SECTION 62.** 20.865 (1) (sm) of the statutes is repealed.

17 **SECTION 63.** 20.866 (2) (xf) of the statutes is amended to read:

18 20.866 **(2)** (xf) *Building commission; refunding tax-supported and*
19 *self-amortizing general obligation debt ~~incurred~~ before July 1, 2011.* From the
20 capital improvement fund, a sum sufficient to refund the whole or any part of any
21 unpaid indebtedness used to finance tax-supported or self-amortizing facilities.
22 The state may contract public debt in an amount not to exceed ~~\$309,000,000~~
23 \$474,000,000 for this purpose. Such indebtedness shall be construed to include any
24 premium and interest payable with respect thereto. Debt incurred by this paragraph
25 shall be incurred before July 1, 2011, and shall be repaid under the appropriations

1 providing for the retirement of public debt incurred for tax-supported and
2 self-amortizing facilities in proportional amounts to the purposes for which the debt
3 was refinanced.

4 **SECTION 64.** 20.917 (3) (b) of the statutes is amended to read:

5 20.917 **(3)** (b) This subsection applies to employees in all positions in the civil
6 service, including those employees in positions included in collective bargaining
7 units under subch. V ~~or VI~~ of ch. 111, whether or not the employees are covered by
8 a collective bargaining agreement.

9 **SECTION 65.** 20.921 (1) (a) 2. of the statutes is amended to read:

10 20.921 **(1)** (a) 2. ~~Payment~~ If the state employee is a public safety employee
11 under s. 111.81 (15r), payment of dues to employee organizations.

12 **SECTION 66.** 20.921 (1) (b) of the statutes is amended to read:

13 20.921 **(1)** (b) Except as provided in ~~ss. 111.06 (1) (c) and s. 111.84 (1) (f)~~, the
14 request under par. (a) shall be made to the state agency or to the University of
15 Wisconsin Hospitals and Clinics Authority in the form and manner and contain the
16 directions and information prescribed by each state agency or by the authority. The
17 request may be withdrawn or the amount paid to the payee may be changed by
18 notifying the state agency or the authority to that effect, but no such withdrawal or
19 change shall affect a payroll certification already prepared.

20 **SECTION 67.** 20.923 (6) (intro.) of the statutes is amended to read:

21 20.923 **(6)** SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
22 following positions may be set by the appointing authority, subject to restrictions
23 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
24 where the salaries are a subject of bargaining with a certified representative of a
25 collective bargaining unit under s. 111.91 ~~or 111.998~~:

SECTION 68. 20.923 (8) of the statutes is amended to read:

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

SECTION 69. 20.928 (1) of the statutes is amended to read:

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

SECTION 70. 36.09 (1) (j) of the statutes is amended to read:

36.09 **(1)** (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91 or ~~111.998~~, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as

1 designated by the board, for the new salaries, subject only to the appropriation of
2 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
3 authority of the board to establish salaries for new appointments. The board may
4 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
5 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
6 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
7 increase to correct salary inequities under par. (h), to fund job reclassifications or
8 promotions, or to recognize competitive factors. The board may not increase the
9 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
10 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
11 board authorizes the salary increase to correct a salary inequity or to recognize
12 competitive factors. The board may not increase the salary of any position identified
13 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
14 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
15 the increase is approved by the office of state employment relations. The granting
16 of salary increases to recognize competitive factors does not obligate inclusion of the
17 annualized amount of the increases in the appropriations under s. 20.285 (1) for
18 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
19 report to the joint committee on finance and the secretary of administration and
20 director of the office of state employment relations concerning the amounts of any
21 salary increases granted to recognize competitive factors, and the institutions at
22 which they are granted, for the 12-month period ending on the preceding June 30.

23 **SECTION 71.** 36.11 (1) (b) of the statutes is amended to read:

24 36.11 **(1)** (b) Except as provided in s. 16.896 (1) and this paragraph, the board
25 may purchase, have custody of, hold, control, possess, lease, grant easements and

1 enjoy any lands, buildings, books, records and all other property of any nature which
2 may be necessary and required for the purposes, objects and uses of the system
3 authorized by law. Any lease is subject to the powers of the University of Wisconsin
4 Hospitals and Clinics Authority under s. 233.03 (13) and the rights of the authority
5 under any lease agreement, as defined in s. 233.01 (6). The board shall not permit
6 a facility that would be privately owned or operated to be constructed on state-owned
7 land without obtaining prior approval of the building commission under s. 13.48 (12).
8 The Except as provided in s. 16.896 (1), the board may sell or dispose of such property
9 as provided by law, or any part thereof when in its judgment it is for the best interests
10 of the system and the state. All purchases and sales of real property shall be subject
11 to the approval of the building commission. The provision of all leases of real
12 property to be occupied by the board shall be the responsibility of the department of
13 administration under s. 16.84 (5).

14 **SECTION 72.** 36.25 (13g) (c) of the statutes is repealed.

15 **SECTION 73.** 40.02 (25) (b) 2. of the statutes is amended to read:

16 40.02 **(25)** (b) 2. Any person employed as a teaching assistant or graduate
17 assistant and other employees-in-training as are designated by the board of regents
18 of the university, who are employed on at least a one-third full-time basis.

19 **SECTION 74.** 40.02 (25) (b) 8. of the statutes is amended to read:

20 40.02 **(25)** (b) 8. Any other state employee for whom coverage is authorized
21 under a collective bargaining agreement pursuant to subch. I, V, ~~or VI~~ of ch. 111 or
22 under s. 230.12 or 233.10, other than an employee appointed to a limited term
23 appointment under s. 230.26.

24 **SECTION 75.** 40.02 (27) of the statutes is amended to read:

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

3 **SECTION 76.** 40.03 (6) (c) of the statutes is amended to read:

4 40.03 **(6)** (c) Shall not enter into any agreements to modify or expand group
5 insurance coverage in a manner which conflicts with this chapter or rules of the
6 department or materially affects the level of premiums required to be paid by the
7 state or its employees, or the level of benefits to be provided, under any group
8 insurance coverage. This restriction shall not be construed to prevent modifications
9 required by law, prohibit the group insurance board from modifying the standard
10 plan to establish a more cost effective benefit plan design or providing optional
11 insurance coverages as alternatives to the standard insurance coverage when any
12 excess of required premium over the premium for the standard coverage is paid by
13 the employee, prohibit the group insurance board from encouraging participation in
14 wellness or disease management programs, or prohibit the group insurance board
15 from providing other plans as authorized under par. (b).

16 **SECTION 77.** 40.03 (6) (j) of the statutes is amended to read:

17 40.03 **(6)** (j) May contract with the department of health services and may
18 contract with other public or private entities for data collection and analysis services
19 related to health maintenance organizations and insurance companies that provide
20 health insurance to state employees, as well as for any other consulting services
21 related to plans offered by the group insurance board.

22 **SECTION 78.** 40.04 (2) (a) of the statutes is amended to read:

23 40.04 **(2)** (a) An administrative account shall be maintained within the fund
24 from which administrative costs of the department shall be paid, except charges for
25 services performed by the investment board, costs of medical and vocational

1 evaluations used in determinations of eligibility for benefits under ss. 40.61, 40.63
2 and 40.65 and costs of contracting for insurance data collection and analysis services
3 and other consulting services under s. 40.03 (6) (j).

4 **SECTION 79.** 40.04 (2) (e) of the statutes is amended to read:

5 40.04 **(2)** (e) The costs of contracting for insurance data collection and analysis
6 services and other consulting services under s. 40.03 (6) (j) shall be paid from the
7 appropriation under s. 20.515 (1) (ut).

8 **SECTION 80.** 40.05 (1) (a) (intro.) of the statutes is amended to read:

9 40.05 **(1)** (a) (intro.) ~~Except as provided in~~ Subject to par. (b) and sub. (2n):

10 **SECTION 81.** 40.05 (1) (a) 1. of the statutes is amended to read:

11 40.05 **(1)** (a) 1. For each participating employee not otherwise specified, ~~5% of~~
12 ~~each payment of earnings~~ an amount equal to one-half of all actuarially required
13 contributions, as approved by the board under s. 40.03 (1) (e).

14 **SECTION 82.** 40.05 (1) (a) 2. of the statutes is amended to read:

15 40.05 **(1)** (a) 2. For each participating employee whose formula rate is
16 determined under s. 40.23 (2m) (e) 2., ~~5.5% of each payment of earnings~~ an amount
17 equal to one-half of all actuarially required contributions, as approved by the board
18 under s. 40.03 (1) (e).

19 **SECTION 83.** 40.05 (1) (a) 3. of the statutes is amended to read:

20 40.05 **(1)** (a) 3. For each participating employee whose formula rate is
21 determined under s. 40.23 (2m) (e) 3., ~~6% of each payment of earnings~~ the percentage
22 of earnings paid by a participating employee under subd. 1.

23 **SECTION 84.** 40.05 (1) (a) 4. of the statutes is amended to read:

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

4 **SECTION 85.** 40.05 (1) (b) of the statutes is repealed and recreated to read:

5 40.05 **(1)** (b) Except as otherwise provided in a collective bargaining agreement
6 entered into under subch. IV or V of ch. 111, an employer may not pay, on behalf of
7 a participating employee, any of the contributions required by par. (a).

8 **SECTION 86.** 40.05 (2m) of the statutes is repealed.

9 **SECTION 87.** 40.05 (2n) of the statutes is repealed.

10 **SECTION 88.** 40.05 (4) (a) 2. of the statutes is amended to read:

11 40.05 **(4)** (a) 2. For an insured employee who is an eligible employee under s.
12 40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer
13 contributions toward the health insurance premium of the insured employee
14 beginning on the date on which the employee becomes insured. For an insured state
15 employee who is currently employed, but who is not ~~a limited term appointment~~
16 ~~under s. 230.26 or~~ an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m. or 2c., the
17 employer shall pay required employer contributions toward the health insurance
18 premium of the insured employee beginning on the first day of the 3rd month
19 beginning after the date on which the employee begins employment with the state,
20 not including any leave of absence. ~~For an insured employee who has a limited term~~
21 ~~appointment under s. 230.26, the employer shall pay required employer~~
22 ~~contributions toward the health insurance premium of the insured employee~~
23 ~~beginning on the first day of the 7th month beginning after the date on which the~~
24 ~~employee first becomes a participating employee.~~

25 **SECTION 89.** 40.05 (4) (ag) of the statutes is repealed and recreated to read:

1 40.05 **(4)** (ag) Except as otherwise provided in a collective bargaining
2 agreement under subch. V of ch. 111, the employer shall pay for its currently
3 employed insured employees:

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

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

13 **SECTION 90.** 40.05 (4) (ar) of the statutes is repealed.

14 **SECTION 91.** 40.05 (4) (b) of the statutes is amended to read:

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

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

23 **SECTION 92.** 40.05 (4) (bw) of the statutes is amended to read:

24 40.05 **(4)** (bw) On converting accumulated unused sick leave to credits for the
25 payment of health insurance premiums under par. (b), the department shall add

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

10 **SECTION 93.** 40.05 (4) (c) of the statutes is amended to read:

11 40.05 **(4)** (c) The employer shall contribute toward the payment of premiums
12 for the plan established under s. 40.52 (3) ~~not more than the percentage of premium~~
13 ~~paid by the employer for health insurance coverage under par. (ag) 2~~ the amount
14 established under s. 40.52 (3).

15 **SECTION 94.** 40.05 (4g) (a) 4. of the statutes is amended to read:

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

21 **SECTION 95.** 40.05 (5) (intro.) of the statutes is amended to read:

22 40.05 **(5)** INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
23 continuation insurance provided under subch. V the employee shall pay the amount
24 remaining after the employer has contributed the following or, if different, the

1 amount determined under a collective bargaining agreement under subch. I, V, ~~or VI~~
2 of ch. 111 or s. 230.12 or 233.10:

3 **SECTION 96.** 40.05 (5) (b) 4. of the statutes is amended to read:

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

7 **SECTION 97.** 40.05 (6) (a) of the statutes is amended to read:

8 40.05 **(6)** (a) Except as otherwise provided in accordance with a collective
9 bargaining agreement under subch. I, V, ~~or VI~~ of ch. 111 or s. 230.12 or 233.10, each
10 insured employee under the age of 70 and annuitant under the age of 65 shall pay
11 for group life insurance coverage a sum, approved by the group insurance board,
12 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
13 based upon the last amount of insurance in force during the month for which
14 earnings are paid. The equivalent premium may be fixed by the group insurance
15 board if the annual compensation is paid in other than 12 monthly installments.

16 **SECTION 98.** 40.22 (2) (n) of the statutes is created to read:

17 40.22 **(2)** (n) The employee is appointed to a limited term appointment under
18 s. 230.26.

19 **SECTION 99.** 40.23 (2m) (e) 2. of the statutes is amended to read:

20 40.23 **(2m)** (e) 2. For each participant for creditable service as an elected official
21 or as an executive participating employee that is performed before January 1, 2000,
22 2.165%; for such creditable service that is performed on or after January 1, 2000, but
23 before the effective date of this subdivision [LRB inserts date], 2%; and for such
24 creditable service that is performed on or after the effective date of this subdivision
25 [LRB inserts date], 1.6%.

SECTION 100. 40.32 (1) of the statutes is amended to read:

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

SECTION 101. 40.51 (7) of the statutes is amended to read:

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

SECTION 102. 40.52 (3) of the statutes is amended to read:

40.52 **(3)** The group insurance board, after consulting with the board of regents of the University of Wisconsin System, shall establish the terms of a health insurance plan for graduate assistants, for teaching assistants, and for employees-in-training designated by the board of regents, who are employed on at least a one-third

1 full-time basis and for teachers who are employed on at least a one-third full-time
2 basis by the University of Wisconsin System with an expected duration of
3 employment of at least 6 months but less than one year. Annually, the director of the
4 office of state employment relations shall establish the amount that the employer is
5 required to pay in premium costs under this subsection.

6 **SECTION 103.** 40.62 (2) of the statutes is amended to read:

7 40.62 (2) Sick leave accumulation shall be determined in accordance with rules
8 of the department, any collective bargaining agreement under subch. I, V, ~~or~~ VI of
9 ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10,
10 757.02 (5) and 978.12 (3).

11 **SECTION 104.** 40.80 (3) of the statutes is amended to read:

12 40.80 (3) Any action taken under this section shall apply to employees covered
13 by a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

14 **SECTION 105.** 40.81 (3) of the statutes is amended to read:

15 40.81 (3) Any action taken under this section shall apply to employees covered
16 by a collective bargaining agreement under subch. IV, or V, ~~or~~ VI of ch. 111.

17 **SECTION 106.** 40.95 (1) (a) 2. of the statutes is amended to read:

18 40.95 (1) (a) 2. The employee has his or her compensation established in a
19 collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

20 **SECTION 107.** 46.284 (4) (m) of the statutes is repealed.

21 **SECTION 108.** 46.2895 (8) (a) 1. of the statutes is amended to read:

22 46.2895 (8) (a) 1. If the long-term care district offers employment to any
23 individual who was previously employed by a county, which participated in creating
24 the district and at the time of the offer had not withdrawn or been removed from the
25 district under sub. (14), and who while employed by the county performed duties

1 relating to the same or a substantially similar function for which the individual is
2 offered employment by the district and whose wages, ~~hours and conditions of~~
3 ~~employment~~ were established in a collective bargaining agreement with the county
4 under subch. IV of ch. 111 that is in effect on the date that the individual commences
5 employment with the district, with respect to that individual, abide by the terms of
6 the collective bargaining agreement concerning the individual's wages and, if
7 applicable, ~~vacation allowance, sick leave accumulation, sick leave bank, holiday~~
8 ~~allowance, funeral leave allowance, personal day allowance, or paid time off~~
9 ~~allowance~~ until the time of the expiration of that collective bargaining agreement or
10 adoption of a collective bargaining agreement with the district under subch. IV of ch.
11 111 covering the individual as an employee of the district, whichever occurs first.

12 **SECTION 109.** 46.2898 of the statutes is repealed.

13 **SECTION 110.** 46.48 (9m) of the statutes is repealed.

14 **SECTION 111.** 49.175 (1) (zh) of the statutes is amended to read:

15 49.175 **(1)** (zh) *Earned income tax credit supplement.* For the transfer of
16 moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation
17 account under s. 20.835 (2) (kf) for the earned income tax credit, \$6,664,200 in fiscal
18 year 2009–10 and ~~\$6,664,200~~ \$43,664,200 in fiscal year 2010–2011.

19 **SECTION 112.** 49.45 (2m) of the statutes is created to read:

20 49.45 **(2m)** AUTHORIZATION FOR MODIFICATIONS TO PROGRAMS; STUDY. (a) In this
21 subsection, “Medical Assistance program” includes any program operated under this
22 subchapter, demonstration program operated under 42 USC 1315, and program
23 operated under a waiver of federal law relating to medical assistance that is granted
24 by the federal department of health and human services.

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

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

7 2. Limiting switching from private health insurance to Medical Assistance
8 programs.

9 3. Ensuring the long-term viability and sustainability of Medical Assistance
10 programs.

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

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

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

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

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

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

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

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

3 4. Revise provider reimbursement models for particular services.

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

5 6. Restrict or eliminate presumptive eligibility.

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

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

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

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

13 (d) Before promulgating a rule under par. (c), the department shall submit to
14 the joint committee on finance the proposed rule and any plan that the department
15 develops as a result of the study under par. (b). If the cochairpersons of the committee
16 do not notify the department within 14 working days after the date of the
17 department's submittal that the committee has scheduled a meeting for the purpose
18 of reviewing the proposed rule or plan, the proposed rule may be promulgated and
19 any plan may be implemented as proposed by the department. If, within 14 working
20 days after the date of the department's submittal, the cochairpersons of the
21 committee notify the department that the committee has scheduled a meeting for the
22 purpose of reviewing the proposed rule or plan, the proposed rule may be
23 promulgated, and the plan may be implemented only upon approval of the
24 committee.

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

7 2. The department shall request a waiver from the secretary of the federal
8 department of health and human services to permit the department to have in effect
9 eligibility standards, methodologies, and procedures under the state Medical
10 Assistance plan or waivers of federal laws related to medical assistance that are more
11 restrictive than those in place on March 23, 2010. If the waiver request does not
12 receive federal approval before December 31, 2011, the department shall reduce
13 income levels on July 1, 2012, for the purposes of determining eligibility to 133
14 percent of the federal poverty line for adults who are not pregnant and not disabled,
15 to the extent permitted under 42 USC 1396a (gg), if the department follows the
16 procedures under 42 USC 1396a (gg) (3).

17 (f) Using the procedure under s. 227.24, the department may promulgate a rule
18 under par. (c) as an emergency rule. Notwithstanding s. 227.24 (1) (a) and (3), the
19 department is not required to provide evidence that promulgating a rule under par.
20 (c) as an emergency rule is necessary for the preservation of the public peace, health,
21 safety, or welfare and is not required to provide a finding of emergency for a rule
22 promulgated under par. (c). Notwithstanding s. 227.24 (1) (c) and (2), an emergency
23 rule promulgated under this paragraph remains in effect until whichever of the
24 following occurs first:

25 1. The effective date of the repeal of the emergency rule.

1 2. The date on which the permanent rule promulgated under par. (c) takes
2 effect.

3 **SECTION 113.** 49.45 (3) (n) of the statutes is created to read:

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

6 **SECTION 114.** 49.45 (6m) (n) of the statutes is created to read:

7 49.45 **(6m)** (n) This subsection does not apply if the department promulgates
8 a rule under sub. (2m) (c) 4., to the extent that the rule conflicts with this subsection.

9 **SECTION 115.** 49.45 (8) (b) of the statutes is amended to read:

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

16 **SECTION 116.** 49.45 (8) (c) of the statutes is amended to read:

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

23 **SECTION 117.** 49.45 (8r) of the statutes is amended to read:

24 49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. ~~The~~ Unless
25 otherwise provided by the department by rule promulgated under sub. (2m) (c), the

1 rate of payment for obstetric and gynecological care provided in primary care
2 shortage areas, as defined in s. 36.60 (1) (cm), or provided to recipients of medical
3 assistance who reside in primary care shortage areas, that is equal to 125% of the
4 rates paid under this section to primary care physicians in primary care shortage
5 areas, shall be paid to all certified primary care providers who provide obstetric or
6 gynecological care to those recipients.

7 **SECTION 118.** 49.45 (8v) of the statutes is amended to read:

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

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

20 49.45 **(18)** (ac) Except as provided in pars. (am) to (d), and subject to par. (ag),
21 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
22 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
23 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
24 under s. 49.46 (2). The service provider shall collect the specified or allowable
25 copayment, coinsurance, or deductible, unless the service provider determines that

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

8 **SECTION 120.** 49.45 (18) (ag) (intro.) of the statutes is amended to read:

9 49.45 **(18)** (ag) (intro.) Except as provided in pars. (am), (b), and (c), and subject
10 to par. (d), a recipient specified in par. (ac) shall pay all of the following, unless
11 otherwise provided by the department by rule promulgated under sub. (2m) (c):

12 **SECTION 121.** 49.45 (18) (b) (intro.) of the statutes is amended to read:

13 49.45 **(18)** (b) (intro.) The Unless otherwise provided by the department by rule
14 promulgated under sub. (2m) (c), the following services are not subject to recipient
15 cost sharing under this subsection:

16 **SECTION 122.** 49.45 (18) (d) of the statutes is amended to read:

17 49.45 **(18)** (d) No person who designates a pharmacy or pharmacist as his or
18 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
19 is liable under this subsection for more than \$12 per month for prescription drugs
20 received, unless otherwise provided by the department by rule promulgated under
21 sub. (2m) (c).

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

23 49.45 **(23)** (a) The department shall request a waiver from the secretary of the
24 federal department of health and human services to permit the department to
25 conduct a demonstration project to provide health care coverage for basic primary

1 and preventive care to adults who are under the age of 65, who have family incomes
2 not to exceed 200 percent of the poverty line, and who are not otherwise eligible for
3 medical assistance under this subchapter, the Badger Care health care program
4 under s. 49.665, or Medicare under 42 USC 1395 et seq. If the department
5 promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the
6 extent that it conflicts with the rule.

7 **SECTION 124.** 49.45 (23) (b) of the statutes is amended to read:

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

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

19 49.45 **(24g)** (c) The department's proposal under par. (a) shall specify increases
20 in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or
21 2., and shall provide for payment of a monthly per-patient care coordination fee to
22 those providers. The department shall set the increases in reimbursement rates and
23 the monthly per-patient care coordination fee so that together they provide
24 sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The
25 proposal shall specify effective dates for the increases in reimbursement rates and

1 the monthly per-patient care coordination fee that are no sooner than July 1, 2011.
2 If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not
3 apply to the extent that it conflicts with the rule.

4 **SECTION 126.** 49.45 (24r) (a) of the statutes is amended to read:

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

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

13 49.45 **(24r)** (b) The department may request an amended waiver from the
14 secretary to permit the department to conduct a demonstration project to provide
15 family planning to any man between the ages of 15 and 44 whose family income does
16 not exceed 200 percent of the poverty line for a family the size of the man's family.
17 If the amended waiver is granted, the department may implement the waiver. If the
18 department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply
19 to the extent it conflicts with the rule.

20 **SECTION 128.** 49.45 (25g) (c) of the statutes is amended to read:

21 49.45 **(25g)** (c) The department's proposal under par. (b) shall specify increases
22 in reimbursement rates for providers that satisfy the conditions under par. (b), and
23 shall provide for payment of a monthly per-patient care coordination fee to those
24 providers. The department shall set the increases in reimbursement rates and the
25 monthly per-patient care coordination fee so that together they provide sufficient

1 incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall
2 specify effective dates for the increases in reimbursement rates and the monthly
3 per-patient care coordination fee that are no sooner than January 1, 2011. The
4 increases in reimbursement rates and monthly per-patient care coordination fees
5 that are not provided by the federal government shall be paid from the appropriation
6 under s. 20.435 (1) (am). If the department promulgates a rule under sub. (2m) (c)
7 4., this paragraph does not apply to the extent it conflicts with the rule.

8 **SECTION 129.** 49.45 (27) of the statutes is amended to read:

9 49.45 (27) ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien
10 lawfully admitted for permanent residence or otherwise permanently residing in the
11 United States under color of law may not receive medical assistance benefits except
12 as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise
13 provided by the department by rule promulgated under sub. (2m) (c).

14 **SECTION 130.** 49.45 (39) (b) 1. of the statutes is amended to read:

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

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

25 **SECTION 131.** 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 132.** 49.46 (2) (a) (intro.) of the statutes is amended to read:

4 49.46 (2) (a) (intro.) Except as provided in par. (be) and unless otherwise
5 provided by the department by rule promulgated under s. 49.45 (2m) (c), the
6 department shall audit and pay allowable charges to certified providers for medical
7 assistance on behalf of recipients for the following federally mandated benefits:

8 **SECTION 133.** 49.46 (2) (b) (intro.) of the statutes is amended to read:

9 49.46 (2) (b) (intro.) Except as provided in pars. (be) and (dc) and unless
10 otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),
11 the department shall audit and pay allowable charges to certified providers for
12 medical assistance on behalf of recipients for the following services:

13 **SECTION 134.** 49.465 (2) (intro.) of the statutes is amended to read:

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

21 **SECTION 135.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

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

SECTION 136. 49.47 (5) (intro.) of the statutes is amended to read:

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

SECTION 137. 49.47 (5) (a) of the statutes is amended to read:

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

SECTION 138. 49.47 (5) (c) of the statutes is created to read:

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

SECTION 139. 49.47 (6) (a) (intro.) of the statutes is amended to read:

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

SECTION 140. 49.471 (13) of the statutes is created to read:

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

SECTION 141. 49.472 (3) (intro.) of the statutes is amended to read:

49.472 **(3)** ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c),

1 an individual is eligible for and shall receive medical assistance under this section
2 if all of the following conditions are met:

3 **SECTION 142.** 49.472 (4) (b) (intro.) of the statutes is amended to read:

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

9 **SECTION 143.** 49.473 (2) (intro.) of the statutes is amended to read:

10 49.473 **(2)** (intro.) ~~A~~ Unless otherwise provided by the department by rule
11 promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as
12 provided under sub. (5) if, after applying to the department or a county department,
13 the department or a county department determines that she meets all of the
14 following requirements:

15 **SECTION 144.** 49.473 (5) of the statutes is amended to read:

16 49.473 **(5)** The department shall audit and pay, from the appropriation
17 accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is
18 certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
19 meets the requirements under sub. (2) for all benefits and services specified under
20 s. 49.46 (2), unless otherwise provided by the department by rule promulgated under
21 s. 49.45 (2m) (c).

22 **SECTION 145.** 49.825 (3) (b) 4. of the statutes is repealed.

23 **SECTION 146.** 49.826 (3) (b) 4. of the statutes is repealed.

24 **SECTION 147.** Chapter 52 of the statutes is repealed.

25 **SECTION 148.** 59.875 of the statutes is created to read:

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

4 **(2)** Beginning on the effective date of this subsection [LRB inserts date], in
5 any employee retirement system of a county, except as otherwise provided in a
6 collective bargaining agreement entered into under subch. IV of ch. 111, employees
7 shall pay half of all actuarially required contributions for funding benefits under the
8 retirement system. The employer may not pay on behalf of an employee any of the
9 employee’s share of the actuarially required contributions.

10 **SECTION 149.** 62.623 of the statutes is created to read:

11 **62.623 Payment of contributions in an employee retirement system of**
12 **a 1st class city.** Beginning on the effective date of this section [LRB inserts date],
13 in any employee retirement system of a 1st class city, except as otherwise provided
14 in a collective bargaining agreement entered into under subch. IV of ch. 111,
15 employees shall pay half of all actuarially required contributions for funding benefits
16 under the retirement system. The employer may not pay on behalf of an employee
17 any of the employee’s share of the actuarially required contributions.

18 **SECTION 150.** 66.0506 of the statutes is created to read:

19 **66.0506 Referendum; increase in employee wages. (1)** In this section,
20 “local governmental unit” means any city, village, town, county, metropolitan
21 sewerage district, long-term care district, transit authority under s. 59.58 (7) or
22 66.1039, local cultural arts district under subch. V of ch. 229, or any other political
23 subdivision of the state, or instrumentality of one or more political subdivisions of
24 the state.

1 **(2)** If any local governmental unit wishes to increase the total base wages of
2 its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that
3 exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local
4 governmental unit shall adopt a resolution to that effect. The resolution shall specify
5 the amount by which the proposed total base wages increase will exceed the limit
6 under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved
7 in a referendum called for that purpose. The referendum shall occur in November
8 for collective bargaining agreements that begin the following January 1. The results
9 of a referendum apply to the total base wages only in the next collective bargaining
10 agreement.

11 **(3)** The referendum question shall be substantially as follows: “Shall the
12 [general municipal employees] in the [local governmental unit] receive a total
13 increase in wages from \$....[current total base wages] to \$....[proposed total base
14 wages], which is a percentage wage increase that is [x] percent higher than the
15 percent of the consumer price index increase, for a total percentage increase in wages
16 of [x]?”

17 **SECTION 151.** 66.0508 of the statutes is created to read:

18 **66.0508 Collective bargaining. (1)** In this section, “local governmental
19 unit” has the meaning given in s. 66.0506 (1).

20 **(1m)** Except as provided under subch. IV of ch. 111, no local governmental unit
21 may collectively bargain with its employees.

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

1 **(3)** Each local governmental unit that is collectively bargaining with its
2 employees shall determine the maximum total base wages expenditure that is
3 subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer
4 price index change using the same method the department of revenue uses under s.
5 73.03 (68).

6 **SECTION 152.** 66.0518 of the statutes is created to read:

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

13 **SECTION 153.** 66.1104 (1) (a) of the statutes is amended to read:

14 66.1104 **(1)** (a) “Authority” means a body created under s. 66.1201, 66.1333, or
15 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. 52, 231, 232,
16 233, 234, 235, 237, or 279.

17 **SECTION 154.** 70.11 (41s) of the statutes is repealed.

18 **SECTION 155.** 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act
19 (January 2011 Special Session Senate Bill 6), is amended to read:

20 71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin
21 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
22 Authority, ~~of the Wisconsin Quality Home Care Authority,~~ of the Fox River
23 Navigational System Authority, of the Wisconsin Economic Development
24 Corporation, and of the Wisconsin Aerospace Authority.

25 **SECTION 156.** 73.03 (68) of the statutes is created to read:

1 73.03 **(68)** At the request of the Wisconsin Employment Relations Commission,
2 as provided under s. 111.91 (3q), to determine the average annual percentage change
3 in the U.S. consumer price index for all urban consumers, U.S. city average, as
4 determined by the federal department of labor, for the 12 months immediately
5 preceding the request from the Wisconsin Employment Relations Commission.

6 **SECTION 157.** 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act
7 (January 2011 Special Session Senate Bill 6), is amended to read:

8 77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin
9 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
10 Insurance Risk-Sharing Plan Authority, ~~the Wisconsin Quality Home Care~~
11 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
12 Navigational System Authority.

13 **SECTION 158.** 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act
14 (January 2011 Special Session Senate Bill 6), is amended to read:

15 100.45 **(1)** (dm) “State agency” means any office, department, 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 which
18 is entitled to expend moneys appropriated by law, including the legislature and the
19 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
20 Center Sports and Entertainment Corporation, the University of Wisconsin
21 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
22 Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care~~
23 ~~Authority~~, the Wisconsin Economic Development Corporation, and the Fox River
24 Navigational System Authority.

1 **SECTION 159.** 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act
2 (January 2011 Special Session Senate Bill 6), is amended to read:

3 101.177 **(1)** (d) “State agency” means any office, department, agency,
4 institution of higher education, association, society, or other body in state
5 government created or authorized to be created by the constitution or any law, that
6 is entitled to expend moneys appropriated by law, including the legislature and the
7 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
8 Center Sports and Entertainment Corporation, the University of Wisconsin
9 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin~~
10 ~~Quality Home Care Authority~~, the Wisconsin Economic Development Corporation,
11 and the Wisconsin Health and Educational Facilities Authority, but excluding the
12 Health Insurance Risk-Sharing Plan Authority and the Lower Fox River
13 Remediation Authority.

14 **SECTION 160.** 109.03 (1) (b) of the statutes is amended to read:

15 109.03 **(1)** (b) School district and private school employees who voluntarily
16 request payment over a 12-month period for personal services performed during the
17 school year, unless such, with respect to private school employees, the employees are
18 covered under a valid collective bargaining agreement which precludes this method
19 of payment.

20 **SECTION 161.** 111.02 (1) of the statutes is amended to read:

21 111.02 **(1)** The term ~~“all-union~~ “All-union agreement” shall mean means an
22 agreement between an employer ~~other than the University of Wisconsin Hospitals~~
23 ~~and Clinics Authority~~ and the representative of the employer’s employees in a
24 collective bargaining unit whereby all or any of the employees in such unit are
25 required to be members of a single labor organization.

1 **SECTION 162.** 111.02 (2) of the statutes is amended to read:

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

8 **SECTION 163.** 111.02 (3) of the statutes is amended to read:

9 111.02 **(3)** “Collective bargaining unit” means all of the employees of one
10 employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~
11 except that where a majority of the employees engaged in a single craft, division,
12 department or plant have voted by secret ballot as provided in s. 111.05 (2) to
13 constitute such group a separate bargaining unit they shall be so considered, but, in
14 appropriate cases, and to aid in the more efficient administration of ss. 111.01 to
15 111.19, the commission may find, where agreeable to all parties affected in any way
16 thereby, an industry, trade or business comprising more than one employer in an
17 association in any geographical area to be a “collective bargaining unit”. A collective
18 bargaining unit thus established by the commission shall be subject to all rights by
19 termination or modification given by ss. 111.01 to 111.19 in reference to collective
20 bargaining units otherwise established under ss. 111.01 to 111.19. Two or more
21 collective bargaining units may bargain collectively through the same
22 representative where a majority of the employees in each separate unit have voted
23 by secret ballot as provided in s. 111.05 (2) so to do.

24 **SECTION 164.** 111.02 (6) (am) of the statutes is repealed.

1 **SECTION 165.** 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated,
2 renumbered 111.02 (7) (a) and amended to read:

3 111.02 **(7)** (a) “Employer” means a person who engages the services of an
4 employee, and includes all of the following: ~~1. A~~ a person acting on behalf of an
5 employer within the scope of his or her authority, express or implied.

6 **SECTION 166.** 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

7 **SECTION 167.** 111.02 (7) (b) 1. of the statutes is amended to read:

8 111.02 **(7)** (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political
9 subdivision thereof.

10 **SECTION 168.** 111.02 (7m) of the statutes is repealed.

11 **SECTION 169.** 111.02 (9m) of the statutes is repealed.

12 **SECTION 170.** 111.02 (10m) of the statutes is repealed.

13 **SECTION 171.** 111.05 (2) of the statutes is amended to read:

14 111.05 **(2)** ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a
15 question arises concerning the determination of a collective bargaining unit as
16 ~~defined in s. 111.02 (3),~~ it shall be determined by secret ballot, and the commission,
17 upon request, shall cause the ballot to be taken in such manner as to show separately
18 the wishes of the employees in any craft, division, department or plant as to the
19 determination of the collective bargaining unit.

20 **SECTION 172.** 111.05 (3g) of the statutes is repealed.

21 **SECTION 173.** 111.05 (5) of the statutes is repealed.

22 **SECTION 174.** 111.05 (6) of the statutes is repealed.

23 **SECTION 175.** 111.05 (7) of the statutes is repealed.

24 **SECTION 176.** 111.06 (1) (c) 1. of the statutes is amended to read:

1 111.06 **(1)** (c) 1. To encourage or discourage membership in any labor
2 organization, employee agency, committee, association or representation plan by
3 discrimination in regard to hiring, tenure or other terms or conditions of employment
4 except in a collective bargaining unit where an all-union, fair-share or maintenance
5 of membership agreement is in effect. An employer is not prohibited from entering
6 into an all-union agreement with the voluntarily recognized representative of the
7 employees in a collective bargaining unit, where at least a majority of such employees
8 voting have voted affirmatively, by secret ballot, in favor of such all-union agreement
9 in a referendum conducted by the commission, except that where the bargaining
10 representative has been certified by either the commission or the national labor
11 relations board as the result of a representation election, no referendum is required
12 to authorize the entry into such an all-union agreement. Such authorization of an
13 all-union agreement shall be deemed to continue thereafter, subject to the right of
14 either party to the all-union agreement to petition the commission to conduct a new
15 referendum on the subject. Upon receipt of such petition, the commission shall
16 determine whether there is reasonable ground to believe that the employees
17 concerned have changed their attitude toward the all-union agreement and upon so
18 finding the commission shall conduct a referendum. If the continuance of the
19 all-union agreement is supported on any such referendum by a vote at least equal
20 to that provided in this subdivision for its initial authorization, it may be continued
21 in force thereafter, subject to the right to petition for a further vote by the procedure
22 set forth in this subdivision. If the continuance of the all-union agreement is not
23 thus supported on any such referendum, it is deemed terminated at the termination
24 of the contract of which it is then a part or at the end of one year from the date of the
25 announcement by the commission of the result of the referendum, whichever is

1 ~~earlier. The commission shall declare any all-union agreement terminated~~
2 ~~whenever it finds that the labor organization involved has unreasonably refused to~~
3 ~~receive as a member any employee of such employer, and each such all-union~~
4 ~~agreement shall be made subject to this duty of the commission. Any person~~
5 ~~interested may come before the commission as provided in s. 111.07 and ask the~~
6 ~~performance of this duty. Any all-union agreement in effect on October 4, 1975,~~
7 ~~made in accordance with the law in effect at the time it is made is valid.~~

8 **SECTION 177.** 111.06 (1) (d) of the statutes is amended to read:

9 111.06 **(1)** (d) To refuse to bargain collectively with the representative of a
10 majority of the employer's employees in any collective bargaining unit with respect
11 to representation or terms and conditions of employment, ~~except as provided under~~
12 ~~ss. 111.05 (5) and 111.17 (2);~~ provided, however, that where an employer files with
13 the commission a petition requesting a determination as to majority representation,
14 the employer shall not be deemed to have refused to bargain until an election has
15 been held and the result thereof has been certified to the employer by the
16 commission.

17 **SECTION 178.** 111.06 (1) (i) of the statutes is amended to read:

18 111.06 **(1)** (i) To deduct labor organization dues or assessments from an
19 employee's earnings, unless the employer has been presented with an individual
20 order therefor, signed by the employee personally, and terminable at the end of any
21 year of its life by the employee giving at least thirty days' written notice of such
22 termination unless there is an all-union, ~~fair-share or maintenance of membership~~
23 agreement in effect. The employer shall give notice to the labor organization of
24 receipt of such notice of termination.

25 **SECTION 179.** 111.06 (1) (m) of the statutes is repealed.

1 **SECTION 180.** 111.06 (2) (i) of the statutes is amended to read:

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

4 **SECTION 181.** 111.075 of the statutes is repealed.

5 **SECTION 182.** 111.115 (title) of the statutes is amended to read:

6 **111.115 (title) Notice of certain proposed lockouts or strikes.**

7 **SECTION 183.** 111.115 (1) (intro.) and (b) of the statutes are consolidated,
8 renumbered 111.115 (1) and amended to read:

9 111.115 **(1)** In this subsection: ~~(b)~~ “Strike” section, “strike” includes any
10 concerted stoppage of work by employees, and any concerted slowdown or other
11 concerted interruption of operations or services by employees, or any concerted
12 refusal of employees to work or perform their usual duties as employees, for the
13 purpose of enforcing demands upon an employer.

14 **SECTION 184.** 111.115 (1) (a) of the statutes is repealed.

15 **SECTION 185.** 111.115 (2) of the statutes is repealed.

16 **SECTION 186.** 111.17 (intro.) and (1) of the statutes are consolidated,
17 renumbered 111.17 and amended to read:

18 **111.17 Conflict of provisions; effect.** Wherever the application of the
19 provisions of other statutes or laws conflict with the application of the provisions of
20 this subchapter, this subchapter shall prevail, except that: ~~(1)~~ In in any situation
21 where the provisions of this subchapter cannot be validly enforced the provisions of
22 such other statutes or laws shall apply.

23 **SECTION 187.** 111.17 (2) of the statutes is repealed.

24 **SECTION 188.** 111.70 (1) (a) of the statutes is amended to read:

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

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

~~(4) (p) *Permissive subjects of collective bargaining: public safety employees. A municipal employer shall* is not be required to bargain with public safety employees on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the ~~municipal~~ public safety employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the~~

1 ~~government and good order of the jurisdiction which it serves, its commercial benefit~~
2 ~~and the health, safety, and welfare of the public to assure orderly operations and~~
3 ~~functions within its jurisdiction, subject to those rights secured to municipal~~
4 ~~employees by the constitutions of this state and of the United States and by this~~
5 ~~subchapter.~~

6 **SECTION 189.** 111.70 (1) (b) of the statutes is amended to read:

7 111.70 **(1)** (b) “Collective bargaining unit” means a unit consisting of municipal
8 employees ~~who are school district employees or of municipal employees who are not~~
9 ~~school district employees~~ that is determined by the commission under sub. (4) (d) 2.
10 a. to be appropriate for the purpose of collective bargaining.

11 **SECTION 190.** 111.70 (1) (cm) of the statutes is created to read:

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

16 **SECTION 191.** 111.70 (1) (f) of the statutes is amended to read:

17 111.70 **(1)** (f) “Fair-share agreement” means an agreement between a
18 municipal employer and a labor organization that represents public safety
19 employees under which all or any of the public safety employees in the collective
20 bargaining unit are required to pay their proportionate share of the cost of the
21 collective bargaining process and contract administration measured by the amount
22 of dues uniformly required of all members. ~~Such an agreement shall contain a~~
23 ~~provision requiring the employer to deduct the amount of dues as certified by the~~
24 ~~labor organization from the earnings of the employees affected by said agreement~~
25 ~~and to pay the amount so deducted to the labor organization.~~

SECTION 192. 111.70 (1) (fm) of the statutes is created to read:

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

SECTION 193. 111.70 (1) (j) of the statutes is amended to read:

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

SECTION 194. 111.70 (1) (mm) of the statutes is created to read:

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

1. Section 40.02 (48) (am) 9., 10., 13., 15., or 22.
2. A provision that is comparable to a provision under subd. 1. that is in a county or city retirement system.

SECTION 195. 111.70 (1) (n) of the statutes is amended to read:

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

1 ~~of the collective bargaining agreement deemed null and void~~ that covers public safety
2 employees.

3 **SECTION 196.** 111.70 (1) (nm) of the statutes is amended to read:

4 111.70 **(1)** (nm) “Strike” includes any strike or other concerted stoppage of work
5 by municipal employees, and any concerted slowdown or other concerted
6 interruption of operations or services by municipal employees, or any concerted
7 refusal to work or perform their usual duties as municipal employees, for the purpose
8 of enforcing demands upon a municipal employer. ~~Such conduct by municipal~~
9 ~~employees which is not authorized or condoned by a labor organization constitutes~~
10 ~~a “strike”, but does not subject such labor organization to the penalties under this~~
11 ~~subchapter. This paragraph does not apply to collective bargaining units composed~~
12 ~~of municipal employees who are engaged in law enforcement or fire fighting~~
13 ~~functions.~~

14 **SECTION 197.** 111.70 (2) of the statutes is amended to read:

15 111.70 **(2)** RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the
16 right of self-organization, and the right to form, join, or assist labor organizations,
17 to bargain collectively through representatives of their own choosing, and to engage
18 in lawful, concerted activities for the purpose of collective bargaining or other mutual
19 aid or protection, ~~and such employees shall.~~ Municipal employees have the right to
20 refrain from any and all such activities ~~except that employees.~~ A general municipal
21 employee has the right to refrain from paying dues while remaining a member of a
22 collective bargaining unit. A public safety employee, however, maybe required to pay
23 dues in the manner provided in a fair-share agreement. ~~Such;~~ a fair-share
24 agreement covering a public safety employee must contain a provision requiring the
25 municipal employer to deduct the amount of dues as certified by the labor

1 organization from the earnings of the public safety employee affected by the
2 fair-share agreement and to pay the amount deducted to the labor organization. A
3 fair-share agreement shall be covering a public safety employee is subject to the
4 right of the municipal employer or a labor organization to petition the commission
5 to conduct a referendum. Such petition must be supported by proof that at least 30%
6 of the public safety employees in the collective bargaining unit desire that the
7 fair-share agreement be terminated. Upon so finding, the commission shall conduct
8 a referendum. If the continuation of the agreement is not supported by at least the
9 majority of the eligible public safety employees, it shall ~~be deemed terminated~~
10 terminate. The commission shall declare any fair-share agreement suspended upon
11 such conditions and for such time as the commission decides whenever it finds that
12 the labor organization involved has refused on the basis of race, color, sexual
13 orientation, creed, or sex to receive as a member any public safety employee of the
14 municipal employer in the bargaining unit involved, and such agreement ~~shall be~~
15 made is subject to this duty of the commission. Any of the parties to such agreement
16 or any ~~municipal~~ public safety employee covered ~~thereby~~ by the agreement may come
17 before the commission, as provided in s. 111.07, and ask the performance of this duty.

18 **SECTION 198.** 111.70 (3) (a) 3. of the statutes is amended to read:

19 111.70 **(3)** (a) 3. To encourage or discourage a membership in any labor
20 organization by discrimination in regard to hiring, tenure, or other terms or
21 conditions of employment; but the prohibition shall not apply to a fair-share
22 agreement that covers public safety employees.

23 **SECTION 199.** 111.70 (3) (a) 4. of the statutes is amended to read:

24 111.70 **(3)** (a) 4. To refuse to bargain collectively with a representative of a
25 majority of its employees in an appropriate collective bargaining unit. Such refusal

1 ~~shall include~~ includes action by the employer to issue or seek to obtain contracts,
2 including those provided for by statute, with individuals in the collective bargaining
3 unit while collective bargaining, mediation, or fact-finding concerning the terms and
4 conditions of a new collective bargaining agreement is in progress, unless such
5 individual contracts contain express language providing that the contract is subject
6 to amendment by a subsequent collective bargaining agreement. Where the
7 employer has a good faith doubt as to whether a labor organization claiming the
8 support of a majority of its employees in an appropriate bargaining unit does in fact
9 have that support, it may file with the commission a petition requesting an election
10 to that claim. An employer shall not be deemed to have refused to bargain until an
11 election has been held and the results thereof certified to the employer by the
12 commission. The violation shall include, though not be limited thereby, to the refusal
13 to execute a collective bargaining agreement previously agreed upon. ~~The term of~~
14 ~~any collective bargaining agreement covering municipal employees who are not~~
15 ~~school district employees shall not exceed 3 years, and the term of any collective~~
16 ~~bargaining agreement covering school district employees shall not exceed 4 years.~~

17 **SECTION 200.** 111.70 (3) (a) 5. of the statutes is amended to read:

18 111.70 **(3)** (a) 5. To violate any collective bargaining agreement previously
19 agreed upon by the parties with respect to wages, hours and conditions of
20 employment affecting ~~municipal~~ public safety employees, including an agreement to
21 arbitrate questions arising as to the meaning or application of the terms of a
22 collective bargaining agreement or to accept the terms of such arbitration award,
23 where previously the parties have agreed to accept such award as final and binding
24 upon them or to violate any collective bargaining agreement affecting general

1 municipal employees, that was previously agreed upon by the parties with respect
2 to wages.

3 **SECTION 201.** 111.70 (3) (a) 6. of the statutes is amended to read:

4 111.70 **(3)** (a) 6. To deduct labor organization dues from ~~an employee's or~~
5 ~~supervisor's~~ the earnings of a public safety employee, unless the municipal employer
6 has been presented with an individual order therefor, signed by the ~~municipal~~ public
7 safety employee personally, and terminable by at least the end of any year of its life
8 or earlier by the ~~municipal~~ public safety employee giving at least 30 days' written
9 notice of such termination to the municipal employer and to the representative
10 organization, except ~~where there is~~ when a fair-share agreement is in effect.

11 **SECTION 202.** 111.70 (3) (a) 7. of the statutes is repealed.

12 **SECTION 203.** 111.70 (3) (a) 9. of the statutes is amended to read:

13 111.70 **(3)** (a) 9. ~~After~~ If the collective bargaining unit contains a public safety
14 employee, after a collective bargaining agreement expires and before another
15 collective bargaining agreement takes effect, to fail to follow any fair-share
16 agreement in the expired collective bargaining agreement.

17 **SECTION 204.** 111.70 (3) (b) 6. of the statutes is repealed.

18 **SECTION 205.** 111.70 (3g) of the statutes is created to read:

19 111.70 **(3g)** WAGE DEDUCTION PROHIBITION. A municipal employer may not
20 deduct labor organization dues from the earnings of a general municipal employee
21 or supervisor.

22 **SECTION 206.** 111.70 (3m) of the statutes is repealed.

23 **SECTION 207.** 111.70 (3p) of the statutes is repealed.

24 **SECTION 208.** 111.70 (4) (intro.) of the statutes is amended to read:

1 111.70 (4) POWERS OF THE COMMISSION. (intro.) The commission shall conduct
2 any election under this subsection by secret ballot and shall be governed by adhere
3 to the following provisions relating to bargaining in municipal employment in
4 addition to other powers and duties provided in this subchapter:

5 **SECTION 209.** 111.70 (4) (c) (title) of the statutes is amended to read:

6 111.70 (4) (c) (title) *Methods for peaceful settlement of disputes; law enforcement*
7 *and fire fighting personnel public safety employees.*

8 **SECTION 210.** 111.70 (4) (c) 1. of the statutes is amended to read:

9 111.70 (4) (c) 1. ‘Mediation.’ The commission may function as a mediator in
10 labor disputes involving a collective bargaining unit containing a public safety
11 employee. Such mediation may be carried on by a person designated to act by the
12 commission upon request of one or both of the parties or upon initiation of the
13 commission. The function of the mediator ~~shall be~~ is to encourage voluntary
14 settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

15 **SECTION 211.** 111.70 (4) (c) 2. of the statutes is amended to read:

16 111.70 (4) (c) 2. ‘Arbitration.’ a. Parties to a dispute pertaining to the meaning
17 or application of the terms of a written collective bargaining agreement involving a
18 collective bargaining unit containing a public safety employee may agree in writing
19 to have the commission or any other appropriate agency serve as arbitrator or may
20 designate any other competent, impartial and disinterested person to so serve.

21 b. A collective bargaining agreement involving a collective bargaining unit
22 containing a public safety employee may, notwithstanding s. 62.13 (5), contain
23 dispute resolution procedures, including arbitration, that address the suspension,
24 reduction in rank, suspension and reduction in rank, or removal of such personnel.
25 If the procedures include arbitration, the arbitration hearing shall be public and the

1 decision of the arbitrator shall be issued within 180 days of the conclusion of the
2 hearing.

3 **SECTION 212.** 111.70 (4) (c) 3. of the statutes is amended to read:

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

12 a. Upon receipt of ~~a~~ the petition to initiate fact-finding, the commission shall
13 make an investigation with or without a formal hearing, to determine whether a
14 deadlock in fact exists. After its investigation the commission shall certify the
15 results thereof. If the commission decides that fact-finding should be initiated, it
16 shall appoint a qualified, disinterested person or 3-member panel, when jointly
17 requested by the parties, to function as a fact finder.

18 b. The fact finder appointed under subd. 3. a. may establish dates and place of
19 hearings which shall be where feasible, and shall conduct the hearings pursuant to
20 rules established by the commission. Upon request, the commission shall issue
21 subpoenas for hearings conducted by the fact finder. The fact finder may administer
22 oaths. Upon completion of the hearing, the fact finder shall make written findings
23 of fact and recommendations for solution of the dispute and shall cause the same to
24 be served on the parties and the commission. Cost of fact-finding proceedings shall
25 be divided equally between the parties. At the time the fact finder submits a

statement of his or her costs to the parties, the fact finder shall submit a copy ~~thereof~~
of the statement to the commission at its Madison office.

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

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

SECTION 213. 111.70 (4) (c) 4. of the statutes is repealed.

SECTION 214. 111.70 (4) (cm) (title), 1., 2., 3. and 4. of the statutes are amended
to read:

111.70 **(4)** (cm) (title) *Methods for peaceful settlement of disputes; other*
personnel general municipal employees. 1. 'Notice of commencement of contract
negotiations.' For the purpose of advising the commission of the commencement of
contract negotiations involving a collective bargaining unit containing general
municipal employees, whenever either party requests the other to reopen
negotiations under a binding collective bargaining agreement, or the parties
otherwise commence negotiations if no such agreement exists, the party requesting
negotiations shall immediately notify the commission in writing. Upon failure of the
requesting party to provide such notice, the other party may so notify the
commission. The notice shall specify the expiration date of the existing collective

1 bargaining agreement, if any, and shall set forth any additional information the
2 commission may require on a form provided by the commission.

3 2. 'Presentation of initial proposals; open meetings.' The meetings between
4 parties to a collective bargaining agreement or proposed collective bargaining
5 agreement under this subchapter ~~which~~ that involve a collective bargaining unit
6 containing a general municipal employee and that are held for the purpose of
7 presenting initial bargaining proposals, along with supporting rationale, shall be
8 open to the public. Each party shall submit its initial bargaining proposals to the
9 other party in writing. Failure to comply with this subdivision is not cause to
10 invalidate a collective bargaining agreement under this subchapter.

11 3. 'Mediation.' The commission or its designee shall function as mediator in
12 labor disputes involving general municipal employees upon request of one or both of
13 the parties, or upon initiation of the commission. The function of the mediator shall
14 be to encourage voluntary settlement by the parties. No mediator has the power of
15 compulsion.

16 4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or
17 application of the terms of a written collective bargaining agreement involving a
18 collective bargaining unit containing a general municipal employee may agree in
19 writing to have the commission or any other appropriate agency serve as arbitrator
20 or may designate any other competent, impartial and disinterested person to so
21 serve.

22 **SECTION 215.** 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

23 **SECTION 216.** 111.70 (4) (cm) 8m. of the statutes is amended to read:

24 111.70 **(4)** (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
25 the initial collective bargaining agreement between the parties and except as the

1 parties otherwise agree, every collective bargaining agreement covering general
2 municipal employees ~~subject to this paragraph~~ shall be for a term of 2 years, but in
3 ~~no case may a collective bargaining agreement for any collective bargaining unit~~
4 ~~consisting of municipal employees subject to this paragraph other than school~~
5 ~~district employees be for a term exceeding 3 years nor may a collective bargaining~~
6 ~~agreement for any collective bargaining unit consisting of school district employees~~
7 ~~subject to this paragraph be for a term exceeding 4 years~~ one year and may not be
8 extended. No arbitration award may contain a provision for reopening of
9 negotiations ~~during the term of a collective bargaining agreement, covering general~~
10 municipal employees may be reopened for negotiations unless both parties agree to
11 ~~such a provision~~ reopen the collective bargaining agreement. The requirement for
12 agreement by both parties does not apply to a provision for reopening of negotiations
13 with respect to any portion of an agreement that is declared invalid by a court or
14 administrative agency or rendered invalid by the enactment of a law or promulgation
15 of a federal regulation.

16 **SECTION 217.** 111.70 (4) (cm) 9. of the statutes is repealed.

17 **SECTION 218.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

18 111.70 **(4)** (d) 2. a. The commission shall determine the appropriate collective
19 bargaining unit for the purpose of collective bargaining and shall whenever possible,
20 ~~unless otherwise required under this subchapter,~~ avoid fragmentation by
21 maintaining as few collective bargaining units as practicable in keeping with the size
22 of the total municipal workforce. ~~In making such a determination, the~~ The
23 commission may decide whether, in a particular case, the municipal employees in the
24 same or several departments, divisions, institutions, crafts, professions, or other
25 occupational groupings constitute a collective bargaining unit. Before making its

determination, the commission may provide an opportunity for the municipal employees concerned to determine, by secret ballot, whether they desire to be established as a separate collective bargaining unit. The commission ~~shall~~ may not decide, however, that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both professional employees and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both school district employees and general municipal employees who are not school district employees. The commission may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both public safety employees and general municipal employees. The commission ~~shall~~ may not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employees whenever at least 30% of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit. Upon the expiration of any collective bargaining agreement in force, the commission shall combine into a single collective bargaining unit 2 or more collective bargaining units consisting of school district employees if a majority of the

1 employees voting in each collective bargaining unit vote to combine. ~~Any vote taken~~
2 ~~under this subsection shall be by secret ballot.~~

3 **SECTION 219.** 111.70 (4) (d) 3. of the statutes is amended to read:

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

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

13 **SECTION 220.** 111.70 (4) (d) 3. b. of the statutes is created to read:

14 111.70 **(4)** (d) 3. b. Annually, the commission shall conduct an election to certify
15 the representative of the collective bargaining unit that contains a general municipal
16 employee. The election shall occur no later than December 1 for a collective
17 bargaining unit containing school district employees and no later than May 1 for a
18 collective bargaining unit containing general municipal employees who are not
19 school district employees. The commission shall certify any representative that
20 receives at least 51 percent of the votes of all of the general municipal employees in
21 the collective bargaining unit. If no representative receives at least 51 percent of the
22 votes of all of the general municipal employees in the collective bargaining unit, at
23 the expiration of the collective bargaining agreement, the commission shall decertify
24 the current representative and the general municipal employees shall be
25 nonrepresented. Notwithstanding sub. (2), if a representative is decertified under

1 this subd. 3. b., the affected general municipal employees may not be included in a
2 substantially similar collective bargaining unit for 12 months from the date of
3 decertification. The commission shall assess and collect a certification fee for each
4 election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall
5 be credited to the appropriation account under s. 20.425 (1) (i).

6 **SECTION 221.** 111.70 (4) (L) of the statutes is amended to read:

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

12 **SECTION 222.** 111.70 (4) (m) of the statutes is repealed.

13 **SECTION 223.** 111.70 (4) (mb) of the statutes is created to read:

14 111.70 **(4)** (mb) *Prohibited subjects of bargaining; general municipal employees.*
15 The municipal employer is prohibited from bargaining collectively with a collective
16 bargaining unit containing a general municipal employee with respect to any of the
17 following:

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

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

24 a. If there is an increase in the consumer price index change, provides for total
25 base wages for authorized positions in the proposed collective bargaining agreement

1 that exceeds the total base wages for authorized positions 180 days before the
2 expiration of the previous collective bargaining agreement by a greater percentage
3 than the consumer price index change.

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

10 **SECTION 224.** 111.70 (4) (mc) (intro.) of the statutes is amended to read:

11 111.70 **(4)** (mc) *Prohibited subjects of bargaining; public safety employees.*

12 (intro.) The municipal employer is prohibited from bargaining collectively with a
13 collective bargaining unit containing a public safety employee with respect to any of
14 the following:

15 **SECTION 225.** 111.70 (4) (mc) 4. of the statutes is repealed.

16 **SECTION 226.** 111.70 (4) (n) and (o) of the statutes are repealed.

17 **SECTION 227.** 111.70 (6) of the statutes is repealed.

18 **SECTION 228.** 111.70 (7) of the statutes is repealed.

19 **SECTION 229.** 111.70 (7m) (b) of the statutes is repealed.

20 **SECTION 230.** 111.70 (7m) (c) 1. a. of the statutes is amended to read:

21 111.70 **(7m)** (c) 1. a. Any labor organization that represents public safety
22 employees which violates sub. (4) (L) ~~shall be penalized by the suspension of~~ may not
23 collect any dues ~~check-off~~ under a collective bargaining agreement and or under a
24 fair-share agreement between the municipal employer and such labor organization
25 from any public safety employee covered by either agreement for a period of one year.

1 At the end of the period of suspension, any such agreement shall be reinstated unless
2 the labor organization is no longer authorized to represent the ~~municipal~~ public
3 safety employees covered by such ~~dues check-off~~ the collective bargaining
4 agreement or fair-share agreement or the agreement is no longer in effect.

5 **SECTION 231.** 111.70 (7m) (c) 3. of the statutes is repealed.

6 **SECTION 232.** 111.70 (7m) (e) and (f) of the statutes are repealed.

7 **SECTION 233.** 111.70 (8) (a) of the statutes is amended to read:

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

14 **SECTION 234.** 111.71 (2) of the statutes is amended to read:

15 111.71 **(2)** The commission shall assess and collect a filing fee for filing a
16 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
17 The commission shall assess and collect a filing fee for filing a request that the
18 commission act as an arbitrator to resolve a dispute involving the interpretation or
19 application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4.
20 The commission shall assess and collect a filing fee for filing a request that the
21 commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall
22 assess and collect a filing fee for filing a request that the commission act as a
23 mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect
24 a filing fee for filing a request that the commission initiate compulsory, final and
25 binding arbitration under s. 111.70 (4) ~~(cm) 6. or (jm)~~ or 111.77 (3). For the

1 performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., and
2 4. ~~and 6.~~, and (jm) and 111.77 (3), the commission shall require that the parties to the
3 dispute equally share in the payment of the fee and, for the performance of
4 commission actions involving a complaint alleging that a prohibited practice has
5 been committed under s. 111.70 (3), the commission shall require that the party filing
6 the complaint pay the entire fee. If any party has paid a filing fee requesting the
7 commission to act as a mediator for a labor dispute and the parties do not enter into
8 a voluntary settlement of the dispute, the commission may not subsequently assess
9 or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor
10 dispute. If any request for the performance of commission actions concerns issues
11 arising as a result of more than one unrelated event or occurrence, each such
12 separate event or occurrence shall be treated as a separate request. The commission
13 shall promulgate rules establishing a schedule of filing fees to be paid under this
14 subsection. Fees required to be paid under this subsection shall be paid at the time
15 of filing the complaint or the request for fact-finding, mediation or arbitration. A
16 complaint or request for fact-finding, mediation or arbitration is not filed until the
17 date such fee or fees are paid, except that the failure of the respondent party to pay
18 the filing fee for having the commission initiate compulsory, final and binding
19 arbitration under s. 111.70 (4) ~~(cm) 6. or (jm)~~ or 111.77 (3) ~~shall~~ may not prohibit the
20 commission from initiating such arbitration. The commission may initiate collection
21 proceedings against the respondent party for the payment of the filing fee. Fees
22 collected under this subsection shall be credited to the appropriation account under
23 s. 20.425 (1) (i).

24 **SECTION 235.** 111.71 (4) of the statutes is repealed.

25 **SECTION 236.** 111.71 (5) of the statutes is repealed.

1 **SECTION 237.** 111.77 (intro.) of the statutes is amended to read:

2 **111.77 Settlement of disputes in collective bargaining units composed**
3 **of law enforcement personnel and fire fighters.** (intro.) In fire departments
4 ~~and city and county law enforcement agencies municipal~~ Municipal employers and
5 ~~employees~~ public safety employees, as provided in sub. (8), have the duty to bargain
6 collectively in good faith including the duty to refrain from strikes or lockouts and
7 to comply with the ~~procedures set forth below~~ following:

8 **SECTION 238.** 111.77 (8) (a) of the statutes is amended to read:

9 111.77 **(8)** (a) This section applies to ~~law enforcement~~ public safety employees
10 who are supervisors employed by a county having a population of 500,000 or more.
11 For purposes of such application, the term “municipal employee” includes such a
12 supervisor.

13 **SECTION 239.** 111.80 of the statutes is repealed.

14 **SECTION 240.** 111.81 (1) of the statutes is amended to read:

15 111.81 **(1)** “Collective bargaining” means the performance of the mutual
16 obligation of the state as an employer, by its officers and agents, and the
17 representatives of its employees, to meet and confer at reasonable times, in good
18 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect
19 to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),
20 with respect to general employees, with the intention of reaching an agreement, or
21 to resolve questions arising under such an agreement. The duty to bargain, however,
22 does not compel either party to agree to a proposal or require the making of a
23 concession. Collective bargaining includes the reduction of any agreement reached
24 to a written and signed document.

25 **SECTION 241.** 111.81 (3h) of the statutes is repealed.

SECTION 242. 111.81 (3n) of the statutes is created to read:

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

SECTION 243. 111.81 (7) (g) of the statutes is repealed.

SECTION 244. 111.81 (7) (gm), (h) and (i) of the statutes are created to read:

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

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

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

SECTION 245. 111.81 (9) of the statutes is amended to read:

111.81 **(9)** “Fair–share agreement” means an agreement between the employer and a labor organization representing public safety employees ~~or supervisors specified in s. 111.825 (5)~~ under which all of the public safety employees ~~or supervisors~~ in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 246. 111.81 (9g) of the statutes is created to read:

111.81 **(9g)** “General employee” means an employee who is not a public safety employee.

SECTION 247. 111.81 (9k) of the statutes is repealed.

SECTION 248. 111.81 (12) (intro.) of the statutes is amended to read:

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

6 **SECTION 249.** 111.81 (12m) of the statutes is amended to read:

7 111.81 **(12m)** “Maintenance of membership agreement” means an agreement
8 between the employer and a labor organization representing public safety employees
9 ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety
10 employees ~~or supervisors~~ whose dues are being deducted from earnings under s.
11 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
12 have dues deducted for the duration of the agreement, and that dues shall be
13 deducted from the earnings of all public safety employees ~~or supervisors~~ who are
14 hired on or after the effective date of the agreement.

15 **SECTION 250.** 111.81 (15r) of the statutes is created to read:

16 111.81 **(15r)** “Public safety employee” means any individual under s. 40.02 (48)
17 (am) 7. or 8.

18 **SECTION 251.** 111.81 (16) of the statutes is amended to read:

19 111.81 **(16)** “Referendum” means a proceeding conducted by the commission in
20 which public safety employees, ~~or supervisors specified in s. 111.825 (5),~~ in a
21 collective bargaining unit may cast a secret ballot on the question of directing the
22 labor organization and the employer to enter into a fair-share or maintenance of
23 membership agreement or to terminate such an agreement.

24 **SECTION 252.** 111.815 (1) of the statutes is amended to read:

1 111.815 (1) In the furtherance of this subchapter, the state shall be considered
2 as a single employer and employment relations policies and practices throughout the
3 state service shall be as consistent as practicable. The office shall negotiate and
4 administer collective bargaining agreements ~~except that the department of health~~
5 ~~services, subject to the approval of the federal centers for medicare and medicaid~~
6 ~~services to use collective bargaining as the method of setting rates for~~
7 ~~reimbursement of home care providers, shall negotiate and administer collective~~
8 ~~bargaining agreements entered into with the collective bargaining unit specified in~~
9 ~~s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,~~
10 ~~the office, or the department of health services with regard to collective bargaining~~
11 ~~agreements entered into with the collective bargaining unit specified in s. 111.825~~
12 ~~(2g), shall maintain close liaison with the legislature relative to the negotiation of~~
13 agreements and the fiscal ramifications of those agreements. Except with respect
14 to the collective bargaining units unit specified in s. 111.825 (1m), (2) (f), and (2g),
15 the office is responsible for the employer functions of the executive branch under this
16 subchapter, and shall coordinate its collective bargaining activities with operating
17 state agencies on matters of agency concern. The legislative branch shall act upon
18 those portions of tentative agreements negotiated by the office that require
19 legislative action. ~~With respect to the collective bargaining units specified in s.~~
20 ~~111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible~~
21 ~~for the employer functions under this subchapter. With respect to the collective~~
22 bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter
23 school established by contract under s. 118.40 (2r) (cm) is responsible for the
24 employer functions under this subchapter. ~~With respect to the collective bargaining~~

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

SECTION 253. 111.815 (2) of the statutes is amended to read:

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

SECTION 254. 111.82 of the statutes is amended to read:

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

SECTION 255. 111.825 (1) (intro.) of the statutes is amended to read:

111.825 **(1)** (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employees in the classified service of the state, ~~except employees in the collective bargaining units specified in sub. (1m),~~ are structured on a statewide

1 basis with one collective bargaining unit for each of the following occupational
2 groups:

3 **SECTION 256.** 111.825 (1) (g) of the statutes is created to read:

4 111.825 **(1)** (g) Public safety employees.

5 **SECTION 257.** 111.825 (1m) of the statutes is repealed.

6 **SECTION 258.** 111.825 (2g) of the statutes is repealed.

7 **SECTION 259.** 111.825 (3) of the statutes is amended to read:

8 111.825 **(3)** The commission shall assign employees to the appropriate
9 collective bargaining units set forth in subs. (1), ~~(1m)~~, and (2), ~~and (2g)~~.

10 **SECTION 260.** 111.825 (4) of the statutes is amended to read:

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

19 **SECTION 261.** 111.825 (4m) of the statutes is repealed.

20 **SECTION 262.** 111.825 (5) of the statutes is amended to read:

21 111.825 **(5)** Although supervisors are not considered employees for purposes
22 of this subchapter, the commission may consider a petition for a statewide collective
23 bargaining unit of professional supervisors or a statewide unit of nonprofessional
24 supervisors in the classified service, but the representative of supervisors may not
25 be affiliated with any labor organization representing employees. For purposes of

1 this subsection, affiliation does not include membership in a national, state, county
2 or municipal federation of national or international labor organizations. The
3 certified representative of supervisors who are not public safety employees may not
4 bargain collectively with respect to any matter other than wages and fringe benefits
5 as provided in s. 111.91 (3), and the certified representative of supervisors who are
6 public safety employees may not bargain collectively with respect to any matter other
7 than wages and fringe benefits as provided in s. 111.91 (1).

8 **SECTION 263.** 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

9 **SECTION 264.** 111.825 (6) (b) of the statutes is created to read:

10 111.825 **(6)** (b) The commission may assign only a public safety employee to the
11 collective bargaining unit under sub. (1) (g).

12 **SECTION 265.** 111.83 (1) of the statutes is amended to read:

13 111.83 **(1)** Except as provided in ~~subs.~~ sub. (5) and ~~(5m)~~, a representative
14 chosen for the purposes of collective bargaining by a majority of the employees voting
15 in a collective bargaining unit shall be the exclusive representative of all of the
16 employees in such unit for the purposes of collective bargaining. Any individual
17 employee, or any minority group of employees in any collective bargaining unit, may
18 present grievances to the employer in person, or through representatives of their own
19 choosing, and the employer shall confer with said employee or group of employees in
20 relation thereto if the majority representative has been afforded the opportunity to
21 be present at the conference. Any adjustment resulting from such a conference may
22 not be inconsistent with the conditions of employment established by the majority
23 representative and the employer.

24 **SECTION 266.** 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

25 **SECTION 267.** 111.83 (3) (b) of the statutes is created to read:

1 111.83 (3) (b) Annually, no later than December 1, the commission shall
2 conduct an election to certify the representative of a collective bargaining unit that
3 contains a general employee. There shall be included on the ballot the names of all
4 labor organizations having an interest in representing the general employees
5 participating in the election. The commission may exclude from the ballot one who,
6 at the time of the election, stands deprived of his or her rights under this subchapter
7 by reason of a prior adjudication of his or her having engaged in an unfair labor
8 practice. The commission shall certify any representative that receives at least 51
9 percent of the votes of all of the general employees in the collective bargaining unit.
10 If no representative receives at least 51 percent of the votes of all of the general
11 employees in the collective bargaining unit, at the expiration of the collective
12 bargaining agreement, the commission shall decertify the current representative
13 and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if
14 a representative is decertified under this paragraph, the affected general employees
15 may not be included in a substantially similar collective bargaining unit for 12
16 months from the date of decertification. The commission's certification of the results
17 of any election is conclusive unless reviewed as provided by s. 111.07 (8). The
18 commission shall assess and collect a certification fee for each election conducted
19 under this paragraph. Fees collected under this paragraph shall be credited to the
20 appropriation account under s. 20.425 (1) (i).

21 **SECTION 268.** 111.83 (4) of the statutes is amended to read:

22 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which
23 the name of more than one proposed representative appears on the ballot and results
24 in no conclusion, the commission may, if requested by any party to the proceeding
25 within 30 days from the date of the certification of the results of the election, conduct

1 a runoff election. In that runoff election, the commission shall drop from the ballot
2 the name of the representative who received the least number of votes at the original
3 election. The commission shall drop from the ballot the privilege of voting against
4 any representative if the least number of votes cast at the first election was against
5 representation by any named representative.

6 **SECTION 269.** 111.83 (5m) of the statutes is repealed.

7 **SECTION 270.** 111.83 (7) of the statutes is repealed.

8 **SECTION 271.** 111.84 (1) (b) of the statutes is amended to read:

9 111.84 **(1)** (b) Except as otherwise provided in this paragraph, to initiate,
10 create, dominate or interfere with the formation or administration of any labor or
11 employee organization or contribute financial support to it. Except as provided in
12 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
13 retirement system under ch. 40 and no action by the employer that is authorized by
14 such a law constitutes a violation of this paragraph unless an applicable collective
15 bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g)
16 specifically prohibits the change or action. No such change or action affects the
17 continuing duty to bargain collectively with a collective bargaining unit under s.
18 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent
19 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
20 reimburse an employee at his or her prevailing wage rate for the time spent during
21 the employee's regularly scheduled hours conferring with the employer's officers or
22 agents and for attendance at commission or court hearings necessary for the
23 administration of this subchapter. Professional supervisory or craft personnel may
24 maintain membership in professional or craft organizations; however, as members

1 of such organizations they shall be prohibited from those activities related to
2 collective bargaining in which the organizations may engage.

3 **SECTION 272.** 111.84 (1) (d) of the statutes is amended to read:

4 111.84 **(1)** (d) To refuse to bargain collectively on matters set forth in s. 111.91
5 (1) or (3), whichever is appropriate, with a representative of a majority of its
6 employees in an appropriate collective bargaining unit. Where the employer has a
7 good faith doubt as to whether a labor organization claiming the support of a majority
8 of its employees in appropriate collective bargaining unit does in fact have that
9 support, it may file with the commission a petition requesting an election as to that
10 claim. It is not deemed to have refused to bargain until an election has been held and
11 the results thereof certified to it by the commission. A violation of this paragraph
12 includes, but is not limited to, the refusal to execute a collective bargaining
13 agreement previously orally agreed upon.

14 **SECTION 273.** 111.84 (1) (f) of the statutes is amended to read:

15 111.84 **(1)** (f) To deduct labor organization dues from ~~an employee's~~ the
16 earnings of a public safety employee, unless the employer has been presented with
17 an individual order therefor, signed by the public safety employee personally, and
18 terminable by at least the end of any year of its life or earlier by the public safety
19 employee giving at least 30 but not more than 120 days' written notice of such
20 termination to the employer and to the representative labor organization, except if
21 there is a fair-share or maintenance of membership agreement in effect. The
22 employer shall give notice to the labor organization of receipt of such notice of
23 termination.

24 **SECTION 274.** 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 275.** 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 (2).

14 **SECTION 276.** 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 277.** 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 278.** 111.85 (5) of the statutes is repealed.

11 **SECTION 279.** 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 280.** 111.905 of the statutes is repealed.

16 **SECTION 281.** 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.

SECTION 282. 111.91 (1) (am) of the statutes is repealed.

SECTION 283. 111.91 (1) (b) of the statutes is amended to read:

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

SECTION 284. 111.91 (1) (c) of the statutes is amended to read:

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

SECTION 285. 111.91 (1) (cg) of the statutes is repealed.

SECTION 286. 111.91 (1) (cm) of the statutes is amended to read:

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

SECTION 287. 111.91 (1) (d) of the statutes is amended to read:

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

SECTION 288. 111.91 (1) (e) of the statutes is repealed.

SECTION 289. 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 290.** 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 291.** 111.91 (2c) of the statutes is repealed.

10 **SECTION 292.** 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 293.** 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 294.** 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

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

SECTION 295. 111.92 (1) (b) of the statutes is repealed.

SECTION 296. 111.92 (2m) of the statutes is repealed.

SECTION 297. 111.92 (3) of the statutes is renumbered 111.92 (3) (a) and amended to read:

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

SECTION 298. 111.92 (3) (b) of the statutes is created to read:

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

SECTION 299. 111.93 (3) of the statutes is renumbered 111.93 (3) (intro.) and 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 300.** 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 301.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes is
19 repealed.

20 **SECTION 302.** 118.22 (4) of the statutes is repealed.

21 **SECTION 303.** 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 304.** 118.23 (5) of the statutes is repealed.

25 **SECTION 305.** 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 306.** 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 307.** 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.~~

SECTION 308. 118.42 (5) of the statutes is amended to read:

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

SECTION 309. 119.04 (1) of the statutes is amended to read:

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

SECTION 310. 120.12 (4m) of the statutes is created to read:

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

SECTION 311. 120.12 (15) of the statutes is amended to read:

120.12 **(15)** SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and 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 312.** 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 ~~(cm) 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) (cm) 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 313.** 146.59 of the statutes is repealed.

24 **SECTION 314.** 196.025 (7) of the statutes is created to read:

1 196.025 **(7)** REGULATION OF CERTAIN PLANTS. If the department of administration
2 sells or contracts for the operation of any plant under s. 16.896 (1), and the purchaser
3 or contractor is not a public utility because the purchaser or contractor does not use
4 the plant to provide service directly or indirectly to or for the public, the commission
5 shall, upon petition at any time by the department of administration, regulate the
6 purchaser or contractor as a public utility under this chapter if the commission
7 determines that such regulation is in the public interest.

8 **SECTION 315.** 230.01 (3) of the statutes is amended to read:

9 230.01 **(3)** Nothing in this chapter shall be construed to either infringe upon
10 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

11 **SECTION 316.** 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act
12 (January 2011 Special Session Senate Bill 6), is amended to read:

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

23 **SECTION 317.** 230.04 (16) of the statutes is amended to read:

24 230.04 **(16)** The director may appoint either a deputy director or an executive
25 assistant outside the classified service.

1 **SECTION 318.** 230.046 (10) (a) of the statutes is amended to read:
2 230.046 **(10)** (a) Conduct off-the-job employee development and training
3 programs relating to functions under this chapter or subch. V or ~~VI~~ of ch. 111.
4 **SECTION 319.** 230.08 (2) (e) 1. of the statutes is amended to read:
5 230.08 **(2)** (e) 1. Administration — ~~44~~ 13.
6 **SECTION 320.** 230.08 (2) (e) 2. of the statutes is amended to read:
7 230.08 **(2)** (e) 2. Agriculture, trade and consumer protection — ~~6~~ 9.
8 **SECTION 321.** 230.08 (2) (e) 2m. of the statutes is amended to read:
9 230.08 **(2)** (e) 2m. Children and families — ~~5~~ 8.
10 **SECTION 322.** 230.08 (2) (e) 3e. of the statutes is amended to read:
11 230.08 **(2)** (e) 3e. Corrections — ~~4~~ 7.
12 **SECTION 323.** 230.08 (2) (e) 4f. of the statutes is amended to read:
13 230.08 **(2)** (e) 4f. Financial institutions — ~~3~~ 5.
14 **SECTION 324.** 230.08 (2) (e) 5. of the statutes is amended to read:
15 230.08 **(2)** (e) 5. Health services — ~~6~~ 9.
16 **SECTION 325.** 230.08 (2) (e) 6. of the statutes is amended to read:
17 230.08 **(2)** (e) 6. Workforce development — ~~6~~ 8.
18 **SECTION 326.** 230.08 (2) (e) 8. of the statutes is amended to read:
19 230.08 **(2)** (e) 8. Natural resources — ~~7~~ 10.
20 **SECTION 327.** 230.08 (2) (e) 8h. of the statutes is created to read:
21 230.08 **(2)** (e) 8h. Office of the commissioner of insurance — 2.
22 **SECTION 328.** 230.08 (2) (e) 8j. of the statutes is created to read:
23 230.08 **(2)** (e) 8j. Office of state employment relations — 3.
24 **SECTION 329.** 230.08 (2) (e) 9m. of the statutes is amended to read:
25 230.08 **(2)** (e) 9m. Public service commission — ~~5~~ 8.

SECTION 330. 230.08 (2) (e) 10. of the statutes is amended to read:

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

SECTION 331. 230.08 (2) (e) 11. of the statutes is amended to read:

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

SECTION 332. 230.08 (2) (e) 12. of the statutes is amended to read:

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

SECTION 333. 230.08 (2) (e) 15. of the statutes is created to read:

230.08 **(2)** (e) 15. Tourism — 1.

SECTION 334. 230.08 (2) (ya) of the statutes is amended to read:

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

SECTION 335. 230.08 (4) (a) of the statutes is amended to read:

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

SECTION 336. 230.09 (2) (g) of the statutes is amended to read:

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

SECTION 337. 230.10 (1) of the statutes is amended to read:

230.10 (1) Except as provided under sub. (2), the compensation plan provisions of s. 230.12 apply to all employees of the classified service, ~~unless they are covered by a collective bargaining agreement under subch. V of ch. 111.~~ If an employee is covered under a collective bargaining agreement under subch. V of ch. 111, the

compensation plan provisions of s. 230.12 apply to that employee, except for those provisions relating to matters that are subject to bargaining under a collective bargaining agreement that covers the employee.

SECTION 338. 230.12 (3) (e) 1. of the statutes is amended to read:

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

(4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments is available for discretionary use by the board of regents.

SECTION 339. 230.24 (4) of the statutes is created to read:

230.24 **(4)** An appointing authority may reassign an employee in a career executive position to a career executive position in any agency if the appointing authority in the agency to which the employee is to be reassigned approves of the reassignment.

SECTION 340. 230.26 (4) of the statutes is amended to read:

230.26 **(4)** Fringe benefits specifically authorized by statutes, with the exception of deferred compensation plan participation under subch. VII of ch. 40, worker's compensation, unemployment insurance, ~~group insurance, retirement,~~ and social security coverage, shall be denied employees hired under this section. Such employees may not be considered permanent employees and do not qualify for tenure, vacation, paid holidays, sick leave, performance awards, or the right to compete in promotional examinations.

SECTION 341. 230.29 (1) of the statutes is renumbered 230.29 and amended to read:

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

SECTION 342. 230.29 (2) of the statutes is repealed.

SECTION 343. 230.34 (1) (ar) of the statutes is amended to read:

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

1 ~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit~~
2 ~~for which a representative is recognized or certified, or for employees specified in s.~~
3 ~~111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is~~
4 ~~certified, if a collective bargaining agreement is in effect covering employees in the~~
5 ~~collective bargaining unit, the determination of just cause and all aspects of the~~
6 ~~appeal procedure shall be governed by the provisions of the collective bargaining~~
7 ~~agreement.~~

8 **SECTION 344.** 230.34 (1) (ax) of the statutes is created to read:

9 230.34 **(1)** (ax) 1. Notwithstanding pars. (a), (am), and (ar), during a state of
10 emergency declared by the governor under s. 323.10, an appointing authority may
11 discharge any employee who does any of the following:

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

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

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

19 3. Before discharging an employee, the appointing authority shall provide the
20 employee notice of the action and shall furnish to the employee in writing the reasons
21 for the action. The appointing authority shall provide the employee an opportunity
22 to respond to the reasons for the discharge.

23 **SECTION 345.** 230.35 (1s) of the statutes is amended to read:

24 230.35 **(1s)** Annual leave of absence with pay for instructional staff employed
25 by the board of regents of the University of Wisconsin System who provide services

1 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
2 determined by the governing board of the charter school established by contract
3 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of
4 Wisconsin–Parkside and ~~subject to the terms of any collective bargaining agreement~~
5 ~~under subch. V of ch. 111 covering the instructional staff.~~

6 **SECTION 346.** 230.35 (2d) (e) of the statutes is amended to read:

7 230.35 **(2d)** (e) For employees who are included in a collective bargaining unit
8 for which a representative is recognized or certified under subch. V ~~or VI~~ of ch. 111,
9 this subsection shall apply unless otherwise provided in a collective bargaining
10 agreement.

11 **SECTION 347.** 230.35 (3) (e) 6. of the statutes is amended to read:

12 230.35 **(3)** (e) 6. For employees who are included in a collective bargaining unit
13 for which a representative is recognized or certified under subch. V ~~or VI~~ of ch. 111,
14 this paragraph shall apply unless otherwise provided in a collective bargaining
15 agreement.

16 **SECTION 348.** 230.88 (2) (b) of the statutes is amended to read:

17 230.88 **(2)** (b) No collective bargaining agreement supersedes the rights of an
18 employee under this subchapter. However, nothing in this subchapter affects any
19 right of an employee to pursue a grievance procedure under a collective bargaining
20 agreement under subch. V ~~or VI~~ of ch. 111, and if the division of equal rights
21 determines that a grievance arising under such a collective bargaining agreement
22 involves the same parties and matters as a complaint under s. 230.85, it shall order
23 the arbitrator's final award on the merits conclusive as to the rights of the parties
24 to the complaint, on those matters determined in the arbitration which were at issue
25 and upon which the determination necessarily depended.

SECTION 349. 233.02 (1) (h) of the statutes is repealed.

SECTION 350. 233.02 (8) of the statutes is amended to read:

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

SECTION 351. 233.03 (7) of the statutes is amended to read:

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

SECTION 352. 233.04 (2) of the statutes is amended to read:

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

SECTION 353. 233.04 (4) of the statutes is repealed.

SECTION 354. 233.04 (4m) of the statutes is repealed.

SECTION 355. 233.04 (4r) of the statutes is repealed.

SECTION 356. 233.10 (1) of the statutes is amended to read:

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

5 **SECTION 357.** 233.10 (2) (intro.) of the statutes is amended to read:

6 233.10 (2) (intro.) Subject to subs. (3), ~~(3m)~~, (3r) and (3t) and ch. 40 ~~and the duty~~
7 ~~to engage in collective bargaining with employees in a collective bargaining unit for~~
8 ~~which a representative is recognized or certified under subch. I of ch. 111, the~~
9 authority shall establish any of the following:

10 **SECTION 358.** 233.10 (3) (a) (intro.) of the statutes is amended to read:

11 233.10 (3) (a) (intro.) In this subsection and ~~subs. (3m) and sub.~~ (4), “carry-over
12 employee” means an employee of the authority who satisfies all of the following:

13 **SECTION 359.** 233.10 (3) (b) of the statutes is repealed.

14 **SECTION 360.** 233.10 (3) (c) (intro.) of the statutes is amended to read:

15 233.10 (3) (c) (intro.) If an employee of the authority is a carry-over employee
16 ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting
17 the terms of the carry-over employee’s employment during the period beginning on
18 June 29, 1996, and ending on June 30, 1997, do all of the following:

19 **SECTION 361.** 233.10 (3) (d) of the statutes is amended to read:

20 233.10 (3) (d) If an employee of the authority is not a carry-over employee ~~and~~
21 ~~is an employee to whom par. (b) does not apply~~, the authority shall, from June 29,
22 1996, to June 30, 1997, provide that employee the same rights, benefits and
23 compensation provided to a carry-over employee under par. (c) who holds a position
24 at the authority with similar duties.

25 **SECTION 362.** 233.10 (3m) of the statutes is repealed.

1 **SECTION 363.** 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act
2 (January 2011 Special Session Senate Bill 6), is amended to read:

3 281.75 **(4)** (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
4 233, 234, 237, or 238.

5 **SECTION 364.** 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
6 (January 2011 Special Session Senate Bill 6), is amended to read:

7 285.59 **(1)** (b) “State agency” means any office, department, agency, institution
8 of higher education, association, society or other body in state government created
9 or authorized to be created by the constitution or any law which is entitled to expend
10 moneys appropriated by law, including the legislature and the courts, the Wisconsin
11 Housing and Economic Development Authority, the Bradley Center Sports and
12 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
13 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
14 Authority, ~~the Wisconsin Quality Home Care Authority~~, the Wisconsin Economic
15 Development Corporation, and the Wisconsin Health and Educational Facilities
16 Authority.

17 **SECTION 365.** 704.31 (3) of the statutes is amended to read:

18 704.31 **(3)** This section does not apply to a lease to which a local professional
19 baseball park district created under subch. III of ch. 229, ~~the Wisconsin Quality~~
20 ~~Home Care Authority~~, or the Fox River Navigational System Authority is a party.

21 **SECTION 366.** 851.71 (4) of the statutes is amended to read:

22 851.71 **(4)** In counties having a population of 500,000 or more, the appointment
23 under subs. (1) and (2) shall be made as provided in those subsections but the judges
24 shall not remove the register in probate and deputy registers, except through charges

1 for dismissal made and sustained under s. 63.10 ~~or an applicable collective~~
2 ~~bargaining agreement.~~

3 **SECTION 367.** 978.12 (1) (c) of the statutes is amended to read:

4 978.12 **(1)** (c) *Assistant district attorneys.* Assistant district attorneys shall be
5 employed outside the classified service. For purposes of salary administration, the
6 director of the office of state employment relations shall establish one or more
7 classifications for assistant district attorneys in accordance with the classification
8 or classifications allocated to assistant attorneys general. Except as provided in s.
9 111.93 (3) (b), the salaries of assistant district attorneys shall be established and
10 adjusted in accordance with the state compensation plan for assistant attorneys
11 general whose positions are allocated to the classification or classifications
12 established by the director of the office of state employment relations.

13 **SECTION 368.** 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

14 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001
15 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary
16 of administration shall lapse to the general fund or transfer to the general fund from
17 the unencumbered balances of state operations appropriations to executive branch
18 state agencies, other than sum sufficient appropriations and appropriations of
19 federal revenues, an amount equal to \$200,000,000 during the 2007–09 fiscal
20 biennium and ~~\$200,000,000~~ \$121,000,000 during the 2009–11 fiscal biennium. This
21 paragraph shall not apply to appropriations to the Board of Regents of the University
22 of Wisconsin System and to the technical college system board.

23 **SECTION 369.** 2009 Wisconsin Act 28, section 9222 (1d) is repealed.

24 **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.

(d) The authorized FTE positions for the department of children and families are increased by 1.0 PR position, funded from the appropriation under section 20.437 (3) (k) of the statutes, to provide for an unclassified division administrator.

(e) The authorized FTE positions for the department of children and families are increased by 1.85 GPR positions, funded from the appropriation under section 20.437 (3) (a) of the statutes, to provide for additional unclassified division administrators.

(f) The authorized FTE positions for the department of children and families are increased by 0.15 FED position, funded from the appropriation under section 20.437 (3) (n) of the statutes, to provide for an unclassified division administrator.

SECTION 9111. Nonstatutory provisions; Corrections.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of corrections are decreased by 3.0 GPR positions, funded from the appropriation under section 20.410 (1) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of corrections are increased by 3.0 GPR positions, funded from the appropriation under section 20.410 (1) (a) of the statutes, to provide for additional unclassified division administrators.

SECTION 9115. Nonstatutory provisions; Employee Trust Funds.

(1) STATE EMPLOYEE HEALTH CARE COVERAGE.

(a) Notwithstanding section 40.05 (4) (ag) and (c) of the statutes, as affected by this act, beginning with health insurance premiums paid in April 2011, and ending 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. In addition, beginning on the first day of the first pay period after
4 March 13, 2011, for the purpose of calculating employee required contributions, the
5 benefit adjustment contribution established under section 40.05 (2m), 2009 stats.,
6 shall be treated as an employer required contribution for the remainder of 2011. If
7 an employer is unable to modify payroll procedures in sufficient time to collect the
8 increased employee required contributions before the first day of the first pay period
9 after March 13, 2011, the employer shall recover all amounts that employees owe
10 before July 1, 2011.

11 (3) MODIFICATIONS TO WISCONSIN RETIREMENT SYSTEM.

12 (a) The secretary of administration, the director of the office of state
13 employment relations, and the secretary of employee trust funds shall study the
14 structure of the Wisconsin Retirement System and benefits provided under the
15 Wisconsin Retirement System. The study shall specifically address the following
16 issues:

17 1. Establishing a defined contribution plan as an option for participating
18 employees, as defined in section 40.02 (46) of the statutes.

19 2. Establishing a vesting period of 1, 5, or 10 years for employer contributions
20 under section 40.05 (2) of the statutes and for eligibility for retirement benefits.

21 3. Modifying the supplemental health insurance premium credit program
22 under subchapter IX of chapter 40 of the statutes.

23 4. Permitting employees to not make employee required contributions under
24 section 40.05 (1) (a) of the statutes and limiting retirement benefits for employees

1 who do not make employee required contributions to a money purchase annuity
2 calculated under section 40.23 (3) of the statutes.

3 (b) No later than June 30, 2012, the secretary of administration, the director
4 of the office of state employment relations, and the secretary of employee trust funds
5 shall report their findings and recommendations to the governor.

6 (4) ALLOCATION OF CERTAIN EXCESS RESERVES IN THE PUBLIC EMPLOYEE TRUST FUND
7 TO REDUCE EMPLOYER HEALTH INSURANCE COSTS DURING 2011. Notwithstanding any
8 action of the group insurance board under section 40.03 (6) (d) of the statutes, from
9 reserve accounts established under section 20.515 (1) (r) of the statutes for group
10 health insurance and pharmacy benefits for state employees, the secretary of
11 employee trust funds shall allocate an amount equal to \$28,000,000 to reduce
12 employer costs for providing group health insurance for state employees for the
13 period beginning on July 1, 2011, and ending on December 31, 2011.

14 (5) AGREEMENTS TO MODIFY GROUP INSURANCE COVERAGE FOR STATE EMPLOYEES.
15 Section 40.03 (6) (c) of the statutes shall not apply to any agreements entered into
16 by the group insurance board to modify group insurance coverage for the 2012 and
17 2013 calendar years.

18 (6) REDUCTIONS IN HEALTH CARE PREMIUM COSTS FOR HEALTH CARE COVERAGE
19 DURING 2012 CALENDAR YEAR. The group insurance board shall design health care
20 coverage plans for the 2012 calendar year that, after adjusting for any inflationary
21 increase in health benefit costs, as determined by the group insurance board, reduces
22 the average premium cost of plans offered in the tier with the lowest employee
23 premium cost under section 40.51 (6) of the statutes by at least 5 percent from the
24 cost of such plans offered during the 2011 calendar year. The group insurance board
25 shall include copayments in the health care coverage plans for the 2012 calendar

1 year and may require health risk assessments for state employees and participation
2 in wellness or disease management programs.

3 (7) AUDIT OF DEPENDENT ELIGIBILITY UNDER BENEFIT PROGRAMS. If the department
4 of employee trust funds determines that an audit of benefit programs administered
5 by the department is necessary for the purpose of verifying the eligibility of
6 dependents covered under the benefit programs, the department shall submit a
7 written request to the secretary of administration to expend an amount not
8 exceeding \$700,000 from the appropriation account under section 20.515 (1) (w) of
9 the statutes for the 2011–12 fiscal year to fund the cost of the audit. If the secretary
10 of administration approves the request, the department of employee trust funds may
11 proceed with the audit.

12 **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

13 (1) POSITION INCREASES AND DECREASES.

14 (a) The authorized FTE positions for the department of financial institutions
15 are decreased by 2.0 PR positions, funded from the appropriation under section
16 20.144 (1) (g) of the statutes, for the purpose for which the appropriation is made.
17 The secretary of administration shall identify the positions.

18 (b) The authorized FTE positions for the department of financial institutions
19 are increased by 2.0 PR positions, funded from the appropriation under section
20 20.144 (1) (g) of the statutes, to provide for additional unclassified division
21 administrators.

22 **SECTION 9121. Nonstatutory provisions; Health Services.**

23 (1) POSITION INCREASES AND DECREASES.

24 (a) The authorized FTE positions for the department of health services are
25 decreased by 1.0 FED position, funded from the appropriation under section 20.435

(8) (pz) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(b) The authorized FTE positions for the department of health services are decreased by 2.0 GPR positions, funded from the appropriation under section 20.435 (8) (a) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(c) The authorized FTE positions for the department of health services are increased by 1.0 FED position, funded from the appropriation under section 20.435 (8) (pz) of the statutes, to provide for an unclassified division administrator.

(d) The authorized FTE positions for the department of health services are increased by 2.0 GPR positions, funded from the appropriation under section 20.435 (8) (a) of the statutes, to provide for additional unclassified division administrators.

SECTION 9125. Nonstatutory provisions; Insurance.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the office of the commissioner of insurance are decreased by 2.0 PR positions, funded from the appropriation under section 20.145 (1) (g) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the office of the commissioner of insurance are increased by 2.0 PR positions, funded from the appropriation under section 20.145 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9132. Nonstatutory provisions; Local Government.

(1) UNION REPRESENTATIVE CERTIFICATION VOTE.

(a) In this subsection:

1 1. “General municipal employee” has the meaning given in section 111.70 (1)
2 (fm) of the statutes, as created by this act.

3 2. “School district employee” has the meaning given in section 111.70 (1) (ne)
4 of the statutes.

5 (b) Each collective bargaining unit under subchapter IV of chapter 111 of the
6 statutes, as affected by this act, containing general municipal employees who are
7 subject to an extension of their collective bargaining agreement shall have their
8 collective bargaining agreement terminated as soon as legally possible and shall vote
9 to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b.
10 of the statutes, as created by this act. Notwithstanding the date provided under
11 section 111.70 (4) (d) 3. b. of the statutes, as created by this act, the vote shall be held
12 in April 2011.

13 **SECTION 9135. Nonstatutory provisions; Natural Resources.**

14 (1) POSITION INCREASES AND DECREASES.

15 (a) The authorized FTE positions for the department of natural resources are
16 decreased by 1.0 SEG position, funded from the appropriation under section 20.370
17 (1) (mu) of the statutes, for the purpose for which the appropriation is made. The
18 secretary of administration shall identify the position.

19 (b) The authorized FTE positions for the department of natural resources are
20 decreased by 2.0 SEG positions, funded from the appropriation under section 20.370
21 (8) (mu) of the statutes, for the purpose for which the appropriation is made. The
22 secretary of administration shall identify the positions.

23 (c) The authorized FTE positions for the department of natural resources are
24 increased by 1.0 SEG position, funded from the appropriation under section 20.370
25 (1) (mu) of the statutes, to provide for an unclassified division administrator.

(d) The authorized FTE positions for the department of natural resources are increased by 2.0 SEG positions, funded from the appropriation under section 20.370 (8) (mu) of the statutes, to provide for additional unclassified division administrators.

SECTION 9139. Nonstatutory provisions; Public Service Commission.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the public service commission are decreased by 3.0 PR positions, funded from the appropriation under section 20.155 (1) (g) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the public service commission are increased by 3.0 PR positions, funded from the appropriation under section 20.155 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9140. Nonstatutory provisions; Regulation and Licensing.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of regulation and licensing are decreased by 2.0 PR positions, funded from the appropriation under section 20.165 (1) (g) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the positions.

(b) The authorized FTE positions for the department of regulation and licensing are increased by 2.0 PR positions, funded from the appropriation under section 20.165 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9141. Nonstatutory provisions; Revenue.

(1) POSITION INCREASES AND DECREASES.

1 (a) The authorized FTE positions for the department of revenue are decreased
2 by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (a) of
3 the statutes, for the purpose for which the appropriation is made. The secretary of
4 administration shall identify the positions.

5 (b) The authorized FTE positions for the department of revenue are decreased
6 by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of
7 the statutes, for the purpose for which the appropriation is made. The secretary of
8 administration shall identify the position.

9 (c) The authorized FTE positions for the department of revenue are increased
10 by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (a) of
11 the statutes, to provide for additional unclassified division administrators.

12 (d) The authorized FTE positions for the department of revenue are increased
13 by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of
14 the statutes, to provide for an unclassified division administrator.

15 **SECTION 9143. Nonstatutory provisions; State Employment Relations,**
16 **Office of.**

17 (1) HEALTH INSURANCE OPTIONS. The director of the office of state employment
18 relations and the secretary of employee trust funds shall study the feasibility of
19 offering to employees eligible who receive health care coverage under subchapter IV
20 of chapter 40 of the statutes, beginning on January 1, 2013, the options of receiving
21 health care coverage through either a low-cost health care coverage plan or through
22 a high-deductible health plan and the establishment of a health savings account, as
23 described in 26 USC 223. The director of the office of state employment relations and
24 the secretary of employee trust funds shall also study the feasibility of requiring
25 state employees to receive health care coverage through a health benefits exchange

1 established pursuant to the federal Patient Protection and Affordable Care Act of
2 2010 and creating a health care insurance purchasing pool for all state and local
3 government employees and individuals receiving health care coverage under the
4 Medical Assistance program. No later than June 30, 2012, the director and secretary
5 shall report their findings and recommendations to the governor.

6 (2) COMPENSATION FOR REPRESENTED STATE EMPLOYEES. Upon termination of any
7 collective bargaining agreement between the state and a labor organization
8 representing employees in a collective bargaining unit under section 111.825 (1) or
9 (2) of the statutes, as affected by this act, the director of the office of state employment
10 relations may continue to administer those provisions of the collective bargaining
11 agreements that the director determines necessary for the orderly administration of
12 the state civil services system until the compensation plan under section 230.12 of
13 the statutes is established for the 2011–13 fiscal biennium.

14 (3) POSITION INCREASES AND DECREASES.

15 (a) The authorized FTE positions for the office of state employment relations
16 are decreased by 1.0 PR position, funded from the appropriation under section 20.545
17 (1) (k) of the statutes, for the purpose for which the appropriation is made. The
18 secretary of administration shall identify the position.

19 (b) The authorized FTE positions for the office of state employment relations
20 are increased by 1.0 PR position, funded from the appropriation under section 20.545
21 (1) (k) of the statutes, to provide for an unclassified division administrator.

22 **SECTION 9147. Nonstatutory provisions; Tourism.**

23 (1) POSITION INCREASES AND DECREASES.

24 (a) The authorized FTE positions for the department of tourism are decreased
25 by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of

1 the statutes, for the purpose for which the appropriation is made. The secretary of
2 administration shall identify the position.

3 (b) The authorized FTE positions for the department of tourism are increased
4 by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of
5 the statutes, to provide for an unclassified division administrator.

6 **SECTION 9148. Nonstatutory provisions; Transportation.**

7 (1) POSITION INCREASES AND DECREASES.

8 (a) The authorized FTE positions for the department of transportation are
9 decreased by 3.0 SEG positions, funded from the appropriation under section 20.395
10 (4) (aq) of the statutes, for the purpose for which the appropriation is made. The
11 secretary of administration shall identify the positions.

12 (b) The authorized FTE positions for the department of transportation are
13 increased by 3.0 SEG positions, funded from the appropriation under section 20.395
14 (4) (aq) of the statutes, to provide for additional unclassified division administrators.

15 **SECTION 9151. Nonstatutory provisions; University of Wisconsin**
16 **Hospitals and Clinics Board.**

17 (1) TERMINATION OF CONTRACTUAL SERVICES AGREEMENT. On the effective date of
18 this subsection any contractual services agreement between the University of
19 Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals
20 and Clinics Authority under section 233.04 (4) of the statutes is terminated.

21 (2) TRANSFER OF EMPLOYEES TO UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS
22 AUTHORITY. On the effective date of this subsection, all employees of the University
23 of Wisconsin Hospitals and Clinics Board are transferred to the University of
24 Wisconsin Hospitals and Clinics Authority. The University of Wisconsin Hospitals
25 and Clinics Authority shall adhere to the terms of any collective bargaining

1 agreement covering the employees that is in force on the effective date of this
2 subsection, including specifically terms relating to employer payment of any
3 employee required contributions under the Wisconsin Retirement System and
4 employer payment of any health insurance premiums on behalf of employees. Upon
5 termination of the collective bargaining agreement, the University of Wisconsin
6 Hospitals and Clinics Authority shall establish the compensation and benefits of the
7 employees under section 233.10 (2) of the statutes.

8 **SECTION 9154. Nonstatutory provisions; Workforce Development.**

9 (1) POSITION INCREASES AND DECREASES.

10 (a) The authorized FTE positions for the department of workforce development
11 are decreased by 2.0 PR positions, funded from the appropriation under section
12 20.445 (1) (kc) of the statutes, for the purpose for which the appropriation is made.
13 The secretary of administration shall identify the positions.

14 (b) The authorized FTE positions for the department of workforce development
15 are increased by 2.0 PR positions, funded from the appropriation under section
16 20.445 (1) (kc) of the statutes, to provide for additional unclassified division
17 administrators.

18 **SECTION 9155. Nonstatutory provisions; Other.**

19 (1) UNION REPRESENTATIVE CERTIFICATION VOTE.

20 (a) In this subsection, “general employee” has the meaning given in section
21 111.81 (9g) of the statutes, as created by this act.

22 (b) Each collective bargaining unit under subchapter V of chapter 111 of the
23 statutes, as affected by this act, containing general employees shall vote to certify or
24 decertify their representatives as provided in section 111.83 (3) (b) of the statutes,

1 as created by this act. Notwithstanding the date provided under section 111.83 (3)
2 (b) of the statutes, as created by this act, the vote shall be held in April 2011.

3 (2) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL
4 PROPERTY, AND CONTRACTS.

5 (a) On the effective date of this paragraph, the assets and liabilities of the
6 Wisconsin Quality Home Care Authority shall become the assets and liabilities of the
7 department of health services.

8 (b) On the effective date of this paragraph, all tangible personal property,
9 including records, of the Wisconsin Quality Home Care Authority is transferred to
10 the department of health services.

11 (c) All contracts entered into by the Wisconsin Quality Home Care Authority
12 in effect on the effective date of this paragraph remain in effect and are transferred
13 to the department of health services. The department of health services shall carry
14 out any obligations under such a contract until the contract is modified or rescinded
15 by the department of health services to the extent allowed under the contract.

16 **SECTION 9208. Fiscal changes; Children and Families.**

17 (1) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT FUNDS. In the
18 schedule under section 20.005 (3) of the statutes for the appropriation to the
19 department of children and families under section 20.437 (2) (md) of the statutes, as
20 affected by the acts of 2011, the dollar amount is increased by \$37,000,000 for the
21 second fiscal year of the fiscal biennium in which this subsection takes effect to
22 support an increase in the earned income tax credit.

23 (2) INCOME AUGMENTATION LAPSE.

24 (a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
25 general fund from the appropriation account to the department of children and

1 families under section 20.437 (1) (kx) of the statutes, as affected by the acts of 2011,
2 \$2,011,200 in the second fiscal year of the fiscal biennium in which this subsection
3 takes effect.

4 (b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary
5 of administration shall apply the lapse under paragraph (a) to the lapse requirement
6 for the 2009–11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

7 **SECTION 9211. Fiscal changes; Corrections.**

8 (1) ADULT CORRECTIONAL SERVICES. In the schedule under section 20.005 (3) of
9 the statutes for the appropriation to the department of corrections under section
10 20.410 (1) (a) of the statutes, as affected by the acts of 2011, the dollar amount is
11 increased by \$19,537,900 for the second fiscal year of the fiscal biennium in which
12 this subsection takes effect to increase funding for the purpose for which the
13 appropriation is made.

14 (2) TRANSFERS.

15 (a) There is transferred from the appropriation account under section 20.410
16 (1) (f) of the statutes to the appropriation account under section 20.410 (1) (a) of the
17 statutes \$5,362,500 in the second fiscal year of the fiscal biennium in which this
18 paragraph takes effect.

19 (b) There is transferred from the appropriation account under section 20.410
20 (1) (ab) of the statutes to the appropriation account under section 20.410 (1) (a) of the
21 statutes \$2,825,300 in the second fiscal year of the fiscal biennium in which this
22 paragraph takes effect.

23 (c) There is transferred from the appropriation account under section 20.410
24 (2) (a) of the statutes to the appropriation account under section 20.410 (1) (a) of the

1 statutes \$100,200 in the second fiscal year of the fiscal biennium in which this
2 paragraph takes effect.

3 (d) There is transferred from the appropriation account under section 20.410
4 (3) (cg) of the statutes to the appropriation account under section 20.410 (1) (a) of the
5 statutes \$71,000 in the second fiscal year of the fiscal biennium in which this
6 paragraph takes effect.

7 (e) There is transferred from the appropriation account under section 20.410
8 (1) (bm) of the statutes to the appropriation account under section 20.410 (1) (a) of
9 the statutes \$10,700 in the second fiscal year of the fiscal biennium in which this
10 paragraph takes effect.

11 (f) There is transferred from the appropriation account under section 20.410
12 (3) (a) of the statutes to the appropriation account under section 20.410 (1) (a) of the
13 statutes \$36,600 in the second fiscal year of the fiscal biennium in which this
14 paragraph takes effect.

15 (g) There is transferred from the appropriation account under section 20.410
16 (3) (cg) of the statutes to the appropriation account under section 20.410 (1) (b) of the
17 statutes \$2,138,400 in the second fiscal year of the fiscal biennium in which this
18 paragraph takes effect.

19 **SECTION 9219. Fiscal changes; Governor.**

20 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
21 COSTS DURING THE 2009-11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to
22 (c) of the statutes, before July 1, 2011, the governor shall take actions to ensure that
23 from general purpose revenue appropriations to the office of the governor under
24 section 20.525 of the statutes an amount equal to \$37,500 is lapsed from sum certain

1 appropriation accounts or is subtracted from the expenditure estimates for any other
2 type of appropriations, or both.

3 **SECTION 9221. Fiscal changes; Health Services.**

4 (1) INCOME AUGMENTATION LAPSE.

5 (a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
6 general fund from the appropriation account to the department of health services
7 under section 20.435 (8) (mb) of the statutes, as affected by the acts of 2011,
8 \$4,500,000 in the second fiscal year of the fiscal biennium in which this subsection
9 takes effect.

10 (b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary
11 of administration shall apply the lapse under paragraph (a) to the lapse requirement
12 for the 2009–11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

13 (2) COMMUNITY AIDS APPROPRIATION. In the schedule under section 20.005 (3) of
14 the statutes for the appropriation to the department of health services under section
15 20.435 (7) (b) of the statutes, as affected by the acts of 2011, the dollar amount is
16 decreased by \$3,100,000 for the second fiscal year of the fiscal biennium in which this
17 subsection takes effect for the purposes for which the appropriation is made.

18 (3) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE APPROPRIATION. In the
19 schedule under section 20.005 (3) of the statutes for the appropriation to the
20 department of health services under section 20.435 (4) (b) of the statutes, as affected
21 by the acts of 2011, the dollar amount is increased by \$127,200,000 for the second
22 fiscal year of the fiscal biennium in which this subsection takes effect for the
23 purposes for which the appropriation is made.

24 (4) MEDICAL ASSISTANCE ADMINISTRATION APPROPRIATION. In the schedule under
25 section 20.005 (3) of the statutes for the appropriation to the department of health

1 services under section 20.435 (4) (bm) of the statutes, as affected by the acts of 2011,
2 the dollar amount is increased by \$16,000,000 for the second fiscal year of the fiscal
3 biennium in which this subsection takes effect for the purposes for which the
4 appropriation is made.

5 (5) INCOME MAINTENANCE APPROPRIATION. In the schedule under section 20.005
6 (3) of the statutes for the appropriation to the department of health services under
7 section 20.435 (4) (bn) of the statutes, as affected by the acts of 2011, the dollar
8 amount is increased by \$2,500,000 for the second fiscal year of the fiscal biennium
9 in which this subsection takes effect for the purposes for which the appropriation is
10 made.

11 (6) MEDICAL ASSISTANCE TRUST FUND. In the schedule under section 20.005 (3)
12 of the statutes for the appropriation to the department of health services under
13 section 20.435 (4) (w) of the statutes, as affected by the acts of 2011, the dollar amount
14 is increased by \$6,700,000 for the second fiscal year of the fiscal biennium in which
15 this subsection takes effect for the purposes for which the appropriation is made.

16 (7) MEDICAL ASSISTANCE PROGRAM BENEFITS APPROPRIATION INCREASE. In the
17 schedule under section 20.005 (3) of the statutes for the appropriation to the
18 department of health services under section 20.435 (4) (b) of the statutes, as affected
19 by the acts of 2011, the dollar amount is increased by \$6,800,000 for the second fiscal
20 year of the fiscal biennium in which this subsection takes effect to fund the
21 contribution for indigent health care in Milwaukee County.

22 **SECTION 9227. Fiscal changes; Joint Committee on Finance.**

23 (1) FEDERAL PROGRAM SUPPLEMENT. In the schedule under section 20.005 (3) of
24 the statutes for the appropriation to the joint committee on finance under section
25 20.865 (4) (m) of the statutes, as affected by the acts of 2011, the dollar amount is

1 decreased by \$37,000,000 for the second fiscal year of the fiscal biennium in which
2 this subsection takes effect for supplementing federal earned income tax credit
3 payments.

4 (2) GENERAL PURPOSE REVENUE FUNDS GENERAL PROGRAM SUPPLEMENTATION. In the
5 schedule under section 20.005 (3) of the statutes for the appropriation to the joint
6 committee on finance under section 20.865 (4) (a) of the statutes, as affected by the
7 acts of 2011, the dollar amount is decreased by \$4,590,400 for the second fiscal year
8 of the fiscal biennium in which this subsection takes effect to reduce expenditures
9 for the purpose for which the appropriation is made.

10 **SECTION 9230. Fiscal changes; Legislature.**

11 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
12 COSTS DURING THE 2009–11 FISCAL BIENNIUM.

13 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1,
14 2011, the cochairpersons of the joint committee on legislative organization shall take
15 actions to ensure that from general purpose revenue appropriations to the
16 legislature under section 20.765 of the statutes an amount equal to \$717,700 is
17 lapsed from sum certain appropriation accounts or is subtracted from the
18 expenditure estimates for any other type of appropriations, or both.

19 (b) The amount lapsed under paragraph (a) shall be in addition to the amounts
20 that are required to be lapsed or transferred to the general fund under 2009
21 Wisconsin Act 28, section 3416f.

22 **SECTION 9241. Fiscal changes; Revenue.**

23 (1) EARNED INCOME TAX CREDIT. In the schedule under section 20.005 (3) of the
24 statutes for the appropriation to the department of revenue under section 20.835 (2)
25 (kf) of the statutes, as affected by the acts of 2011, the dollar amount is increased by

1 \$37,000,000 for the second fiscal year of the fiscal biennium in which this subsection
2 takes effect for the purposes for which the appropriation is made.

3 **SECTION 9245. Fiscal changes; Supreme Court.**

4 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
5 COSTS DURING THE 2009-11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to
6 (c) of the statutes, before July 1, 2011, the chief justice of the supreme court shall take
7 actions to ensure that from general purpose revenue appropriations to the judicial
8 branch of government under subchapter VII of chapter 20 of the statutes an amount
9 equal to \$1,153,400 is lapsed from sum certain appropriation accounts or is
10 subtracted from the expenditure estimates for any other type of appropriations, or
11 both.

12 **SECTION 9255. Fiscal changes; Other.**

13 (1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT
14 COSTS DURING THE 2009-11 FISCAL BIENNIUM.

15 (a) In this subsection, “state agency” means any office, department, or
16 independent agency in the executive branch of state government.

17 (b) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1,
18 2011, the secretary of administration shall lapse to the general fund, from the
19 unencumbered balances of general purpose revenue and program revenue
20 appropriations to state agencies, other than sum sufficient appropriations and
21 appropriations of federal revenues, an amount equal to \$27,891,400.

22 (c) The amount lapsed under paragraph (b) shall be in addition to the amounts
23 that are required to be lapsed or transferred to the general fund under 2009
24 Wisconsin Act 28, section 3416d.

1 (d) The secretary of administration may not lapse moneys under paragraph (b)
2 if the lapse would violate a condition imposed by the federal government on the
3 expenditure of the moneys or if the lapse would violate the federal or state
4 constitution. The secretary also may not lapse any amount from program revenue
5 appropriations under section 20.285 of the statutes.

6 **SECTION 9315. Initial applicability; Employee Trust Funds.**

7 (1) HEALTH CARE COVERAGE PREMIUMS. The treatment of sections 40.02 (25) (b)
8 2., 40.05 (4) (ag), (ar), and (c), 40.51 (7), and 40.52 (3) of the statutes and SECTION 9115
9 (1) of this act first apply to employees who are covered by a collective bargaining
10 agreement that contains provisions inconsistent with those sections on the day on
11 which the agreement expires or is terminated, extended, modified, or renewed,
12 whichever occurs first.

13 (2) PAYMENT OF EMPLOYEE REQUIRED CONTRIBUTIONS. The treatment of sections
14 13.111 (2), 40.02 (27), 40.05 (1) (a) (intro.), 1., 2., 3., and 4. and (b), (2m), and (2n),
15 40.32 (1), 59.875, 62.623, and 66.0518 of the statutes and SECTION 9115 (2) of this act
16 first apply to employees who are covered by a collective bargaining agreement that
17 contains provisions inconsistent with those sections on the day on which the
18 agreement expires or is terminated, extended, modified, or renewed, whichever
19 occurs first.

20 (3) CALCULATION OF ANNUITIES UNDER THE WISCONSIN RETIREMENT SYSTEM.

21 (a) Except as provided in paragraph (b), for elected officials, as defined in
22 section 40.02 (24) of the statutes, who are participating employees in the Wisconsin
23 retirement system, the treatment of section 40.23 (2m) (e) 2. of the statutes first
24 applies to creditable service that is performed on the first day of a term of office that
25 begins after the effective date of this paragraph.

(b) For supreme court justices, court of appeals judges, and circuit court judges, who are participating employees in the Wisconsin retirement system, the treatment of section 40.23 (2m) (e) 2. of the statutes first applies to creditable service that is performed on the day on which the next supreme court justice, court of appeals judge, or circuit court judge assumes office after the effective date of this paragraph.

SECTION 9332. Initial applicability; Local Government.

(1) COLLECTIVE BARGAINING; MUNICIPAL EMPLOYEES. The treatment of sections 20.425 (1) (i), 46.2895 (8) (a) 1., 49.825 (3) (b) 4., 49.826 (3) (b) 4., 66.0506, 66.0508, 109.03 (1) (b), 111.70 (1) (a), (b), (cm), (f), (fm), (j), (mm), (n), and (nm), (2), (3) (a) 3., 4., 5., 6., 7., and 9. and (b) 6., (3g), (3m), (3p), (4) (intro.), (c) (title), 1., 2., 3., and 4., (cm) (title), 1., 2., 3., 4., 5., 6., 7., 7g., 7r., 8., 8m., and 9., (d) 2. a., (L), (m), (mb), (mc) (intro.) and 4., (n), and (o), (6), (7), (7m) (b), (c) 1. a. and 3., (e), and (f), and (8) (a), 111.71 (2), (4), and (5), 111.77 (intro.) and (8) (a), 118.22 (4), 118.223, 118.23 (5), 118.245, 118.42 (3) (a) 4. and (5), 119.04 (1), 120.12 (4m) and (15), 120.18 (1) (gm), and 851.71 (4) of the statutes, the amendment of section 111.70 (4) (d) 3. of the statutes, and the creation of section 111.70 (4) (d) 3. b. of the statutes first apply to employees who are covered by a collective bargaining agreement under subchapter IV of chapter 111 of the statutes that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

SECTION 9355. Initial applicability; Other.

(1) COLLECTIVE BARGAINING; STATE EMPLOYEES, UNIVERSITY OF WISCONSIN EMPLOYEES, AND EMPLOYEES OF AUTHORITIES.

(a) The treatment of sections 16.705 (3), 20.921 (1) (a) 2. and (b), 73.03 (68), 111.80, 111.81 (1), (3h), (3n), (7) (g), (gm), (h), and (i), (9), (9g), (9k), (12) (intro.), (12m),

(15r), and (16), 111.815 (1) and (2), 111.82, 111.825 (1) (intro.) and (g), (1m), (2g), (3), (4), (4m), and (5), 111.83 (1), (4), (5m), and (7), 111.84 (1) (b), (d), and (f), (2) (c), and (3), 111.845, 111.85 (1), (2), (4), and (5), 111.90 (2), 111.905, 111.91 (1) (a), (am), (b), (c), (cg), (cm), (d), and (e), (2) (intro.) and (gu), (2c), (3), and (3q), 111.92 (1) (a) and (b) and (2m), 118.40 (2r) (b) 3. a., 146.59, 230.10 (1), 230.34 (1) (ar), 230.35 (1s), and 978.12 (1) (c) of the statutes, the renumbering of sections 111.825 (6) and 111.83 (3) of the statutes, the renumbering and amendment of sections 111.92 (3) and 111.93 (3) of the statutes, and the creation of sections 111.825 (6) (b), 111.83 (3) (b), 111.92 (3) (b), and 111.93 (3) (b) of the statutes first apply to employees who are covered by a collective bargaining agreement under subchapter V of chapter 111 of the statutes that contains provisions inconsistent with those sections on the day on which the agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

(b) The treatment of sections 7.33 (4), 13.111 (2), 15.07 (1) (a) 6., 15.96, 16.50 (3) (e), 16.705 (3), 19.82 (1), 19.85 (3), 19.86, 20.425 (1) (a) and (i), 20.545 (1) (k) and (km), 20.865 (1) (ci), (cm), (ic), (im), (si), and (sm), 20.917 (3) (b), 20.921 (1) (a) 2. and (b), 20.923 (6) (intro.), 20.928 (1), 36.09 (1) (j), 36.25 (13g) (c), 40.02 (25) (b) 8., 40.05 (4) (ar), (b), and (bw), (4g) (a) 4., (5) (intro.) and (b) 4., and (6) (a), 40.62 (2), 40.95 (1) (a) 2., 111.02 (1), (2), (3), (6) (am), (7) (a) (intro.), 1., 2., 3., and 4. and (b) 1., (7m), (9m), and (10m), 111.05 (2), (3g), (5), (6), and (7), 111.06 (1) (c) 1., (d), (i), and (m) and (2) (i), 111.075, 111.115 (title), (1) (intro.), (a), and (b), and (2), 111.17 (intro.), (1) and (2), 230.01 (3), 230.046 (10) (a), 230.12 (3) (e) 1., 230.35 (2d) (e) and (3) (e) 6., 230.88 (2) (b), and 233.02 (1) (h) and (8), 233.03 (7), 233.04 (2) and (4r), 233.10 (1), (2) (intro.), (3) (a) (intro.), (b), (c) (intro.), and (d), and (3m) and subchapter VI of chapter 111 of the statutes first applies to employees who are covered by a collective bargaining

1 agreement under subchapter I or VI of chapter 111 of the statutes that contains
2 provisions inconsistent with those sections on the day on which the agreement
3 expires or is terminated, extended, modified, or renewed, whichever occurs first.

4 **(END)**