City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, Wi 53202

Meeting Agenda

JUDICIARY & LEGISLATION COMMITTEE

ALD. ASHANTI HAMILTON, CHAIR
Ald. Terry Witkowski, Vice-Chair
Ald. James Bohl, Jr., Ald. Joe Davis, Sr., and Ald. Robert Donovan
Staff Assistant, Joanna Polanco, 286-2366
Fax: 286-3456, jpolan@milwaukee.gov
Legislative Liaison, Richard Withers, 286-8532, rwithe@milwaukee.gov

Monday, February 21, 2011 | **1:30 PM** | **Room 301-B, City Hall**

1. **101235** Communication from the Municipal Court relating to paperless processing of court cases and procedures.

Sponsors: THE CHAIR

2. **101166** Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

Sponsors: THE CHAIR

3. **101234** Resolution authorizing payment of the claim of Roberta Mello for property damage.

Sponsors: THE CHAIR

---$9,969.44.

4. **101301** Resolution relating to an appeal from Joseph Kaufman, agent for Supreme Management Services for property damage. (9th Aldermanic District)

Sponsors: THE CHAIR

--$1111.51

5. **101300** Resolution relating to an appeal from Bernice Calmes for property damage. (10th Aldermanic District)

Sponsors: THE CHAIR

---$702.72

6. **101252** Resolution relating to an appeal from Noreen Strand for property damage. (14th Aldermanic District)

Sponsors: THE CHAIR

---$125.00

7. **101240** Resolution relating to an appeal from Doris Smith for property damage. (10th Aldermanic District)

Sponsors: THE CHAIR

---$466.00

8. **101241** Resolution relating to an appeal from ASAP Transportation for property damage.

Sponsors: THE CHAIR

The Judiciary and Legislation Committee may convene into closed session at 1:30 P.M. on Monday, February 21, 2011 in Room 301-B, City Hall, 200 E. Wells St., Milwaukee, Wisconsin, pursuant to s. 19.85(1)(g), Wis. Stats., for the purpose of conferring with the City Attorney who will render oral or written advice with respect to litigation in which the city is or is likely to become involved and then will go into open session for the regular agenda.

9. **101283** Resolution relative to legislative bills.

Sponsors: THE CHAIR

Special Session - State finances, collective bargaining for public employees, compensation and fringe benefits of public employees, the state civil service system, the Medical Assistance program, sale of certain facilities, granting bonding authority, and making an appropriation.

--SB-11
--AB-11

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.

Legislation Details (With Text)

File #:	101235 **Version:** 0		
Type:	Communication	**Status:**	In Committee
File created:	1/19/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Communication from the Municipal Court relating to paperless processing of court cases and procedures.		
Sponsors:	THE CHAIR		
Indexes:	MUNICIPAL COURT		
Attachments:			

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101235
Version
ORIGINAL
Reference

Sponsor

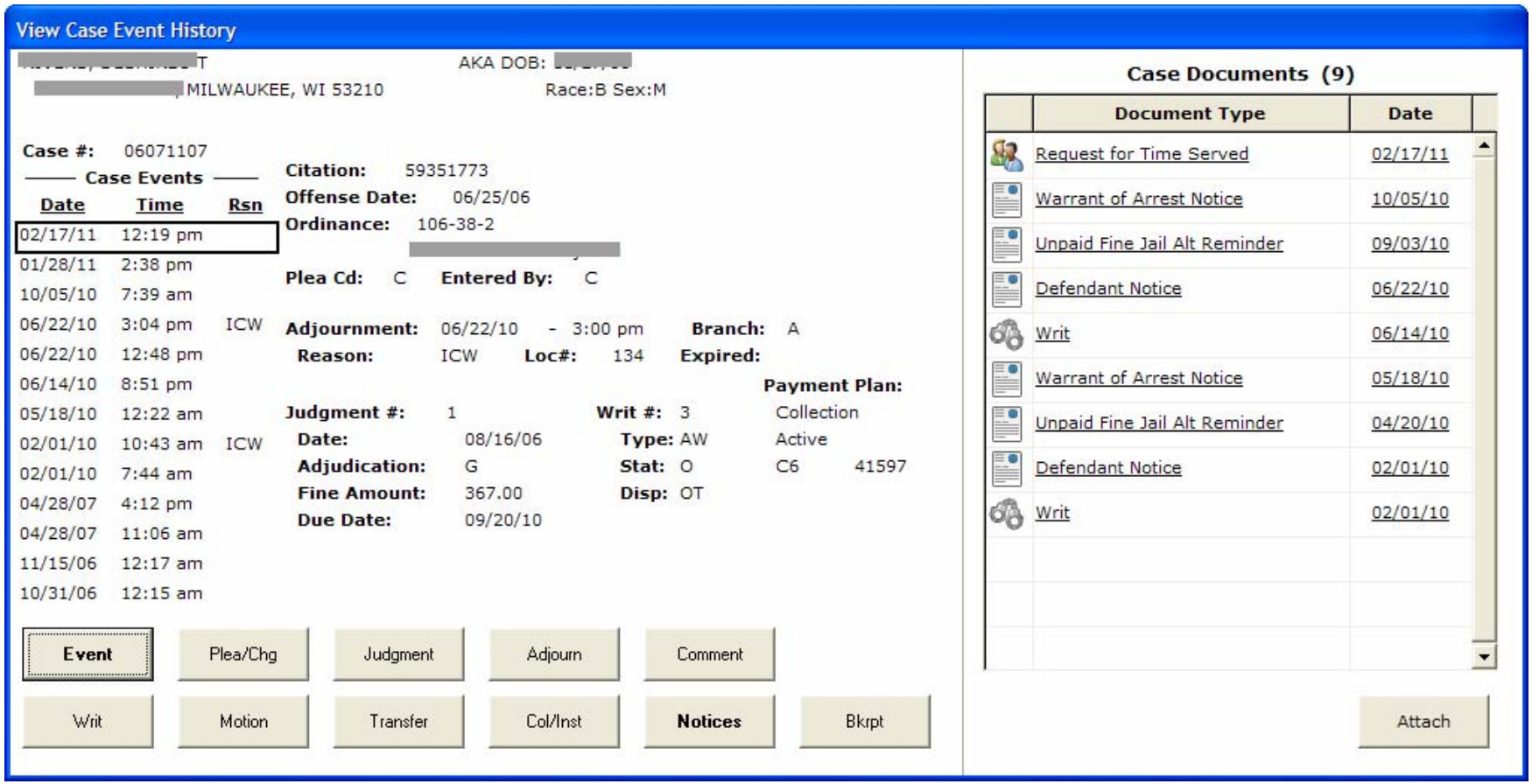
Title
Communication from the Municipal Court relating to paperless processing of court cases and procedures.

Requestor

Drafter
Cc-CC
jp
1/21/11

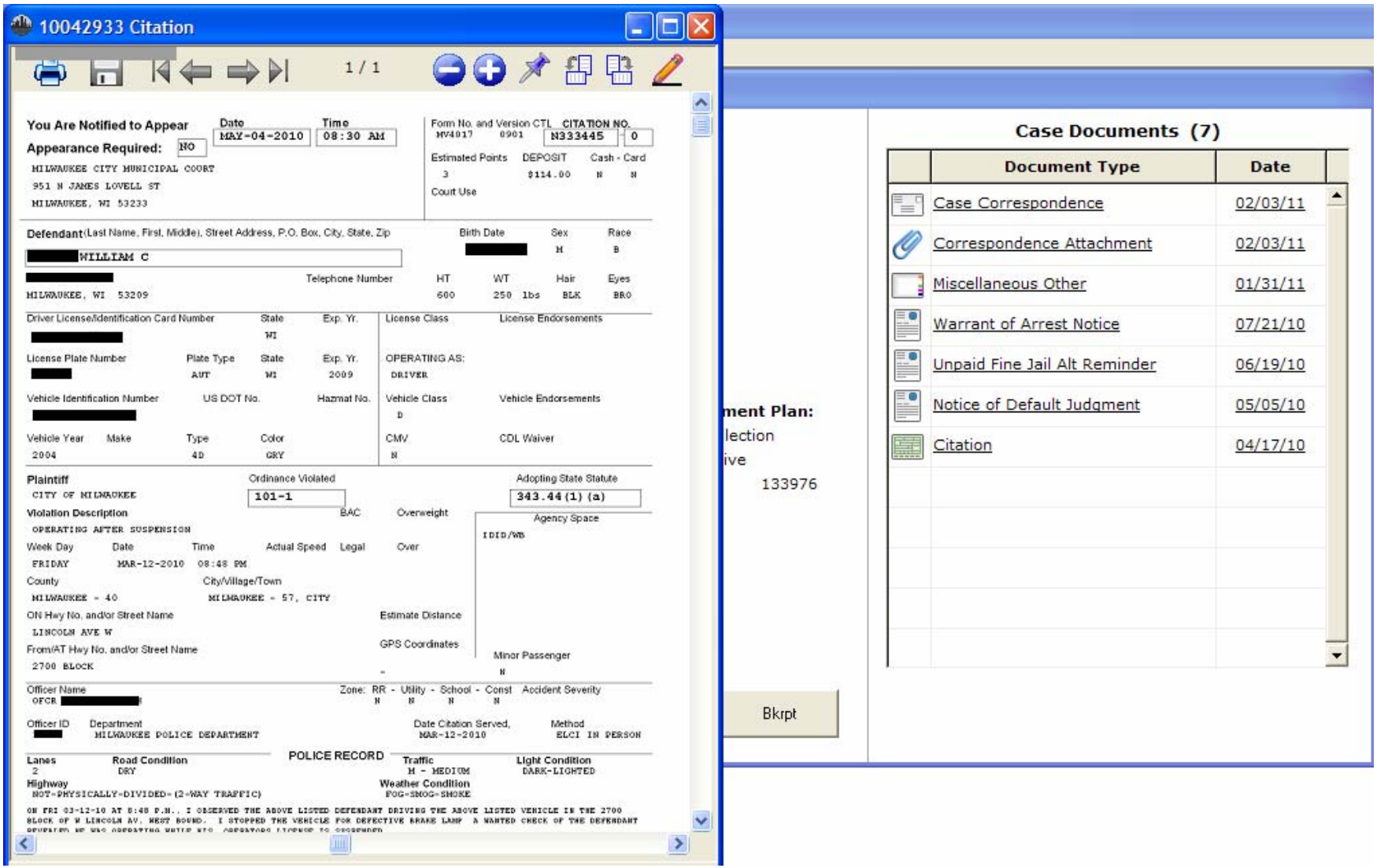
Electronic Documents Attached to a Case

- Any time a case is displayed a list of documents is presented
- Icons are used to categorize documents by their type
- Additional information on the document history is available



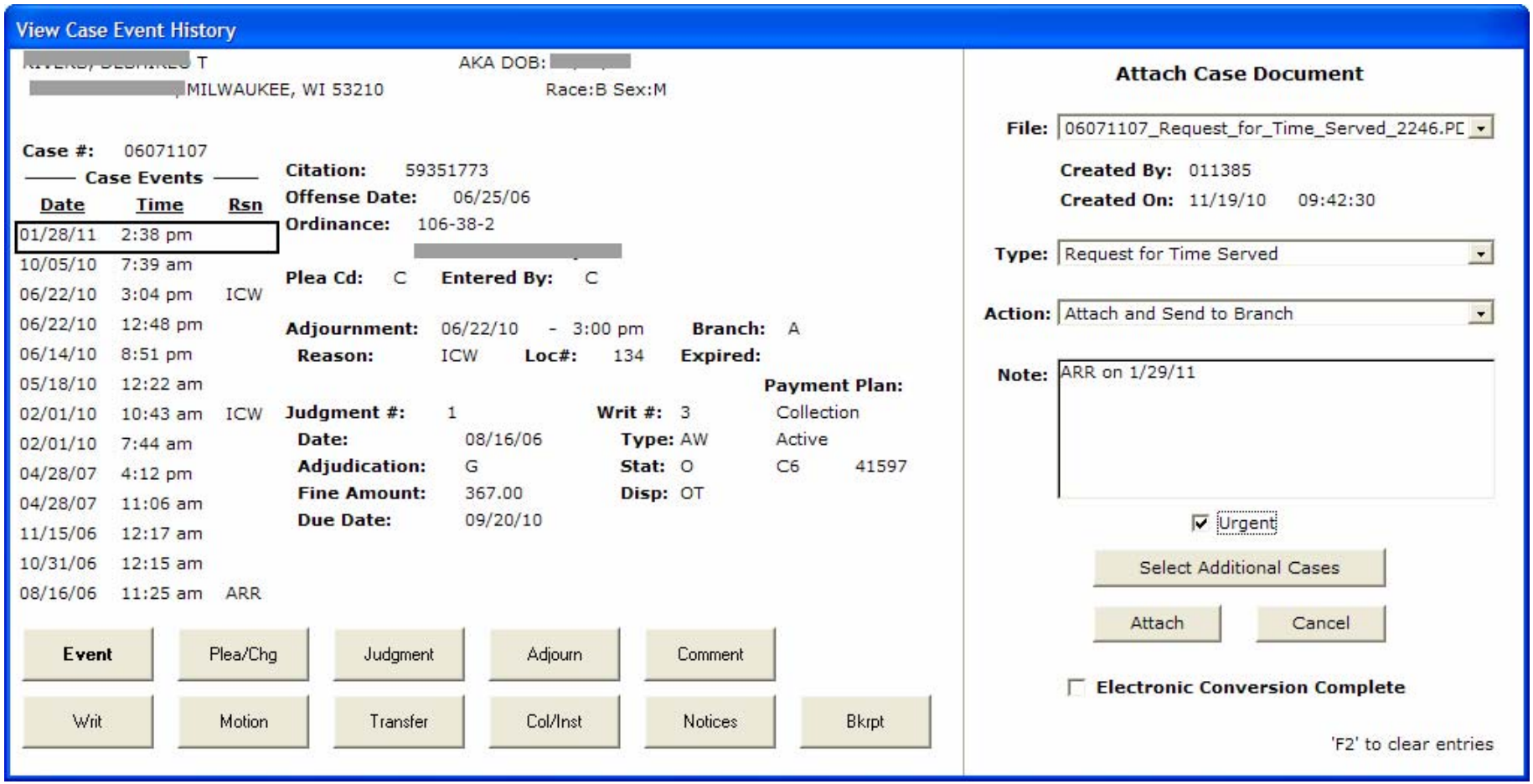
Viewing Documents

- A document is viewed by clicking on its name
- Document can be scaled/rotated/printed as necessary
- Redaction of personal information is available



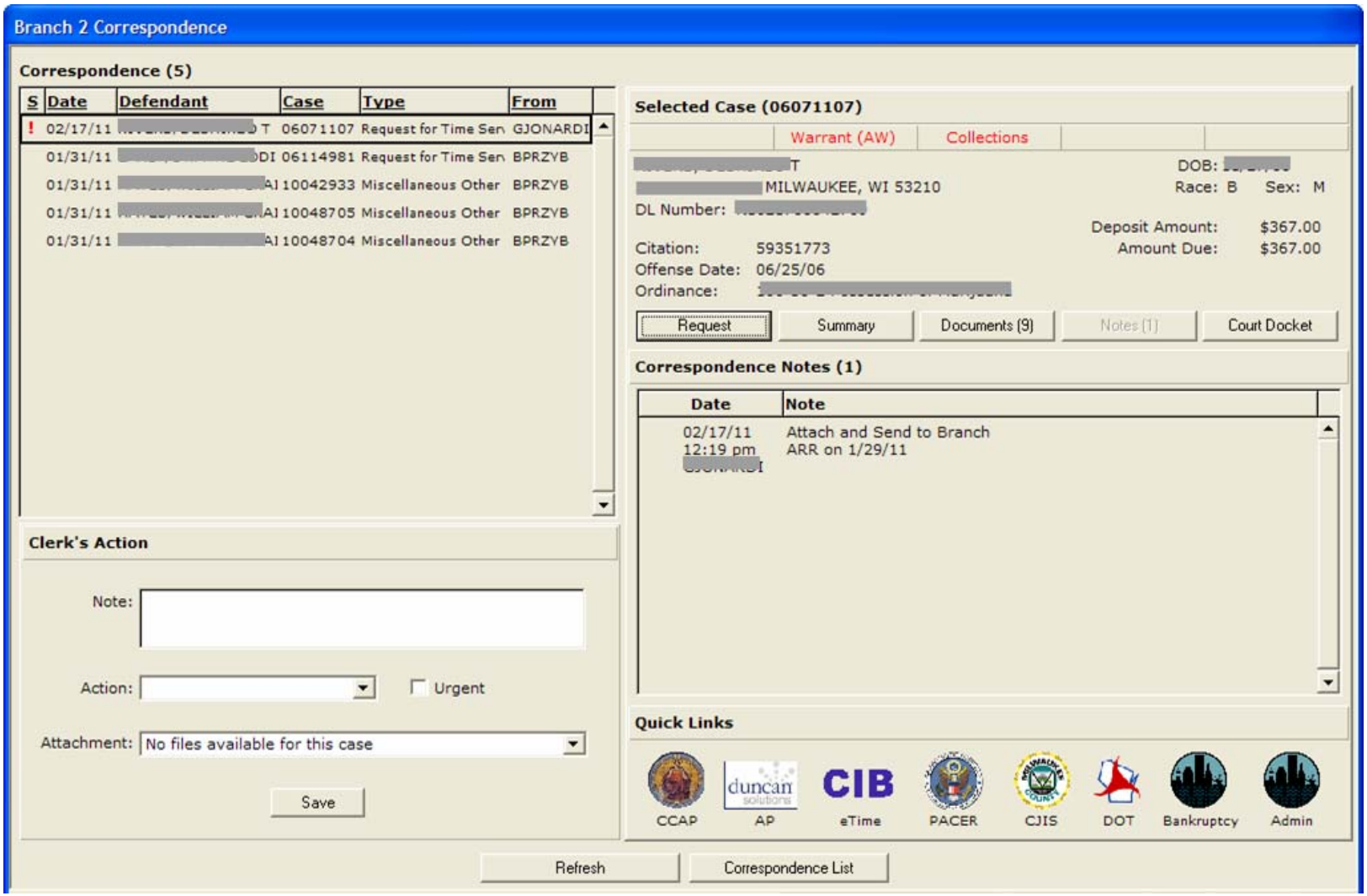
Correspondence Received by the Court

- Court staff scans document and attaches to appropriate case record(s)
- Court staff sends electronic notification to correspondence queue for the clerk in the assigned branch(es)



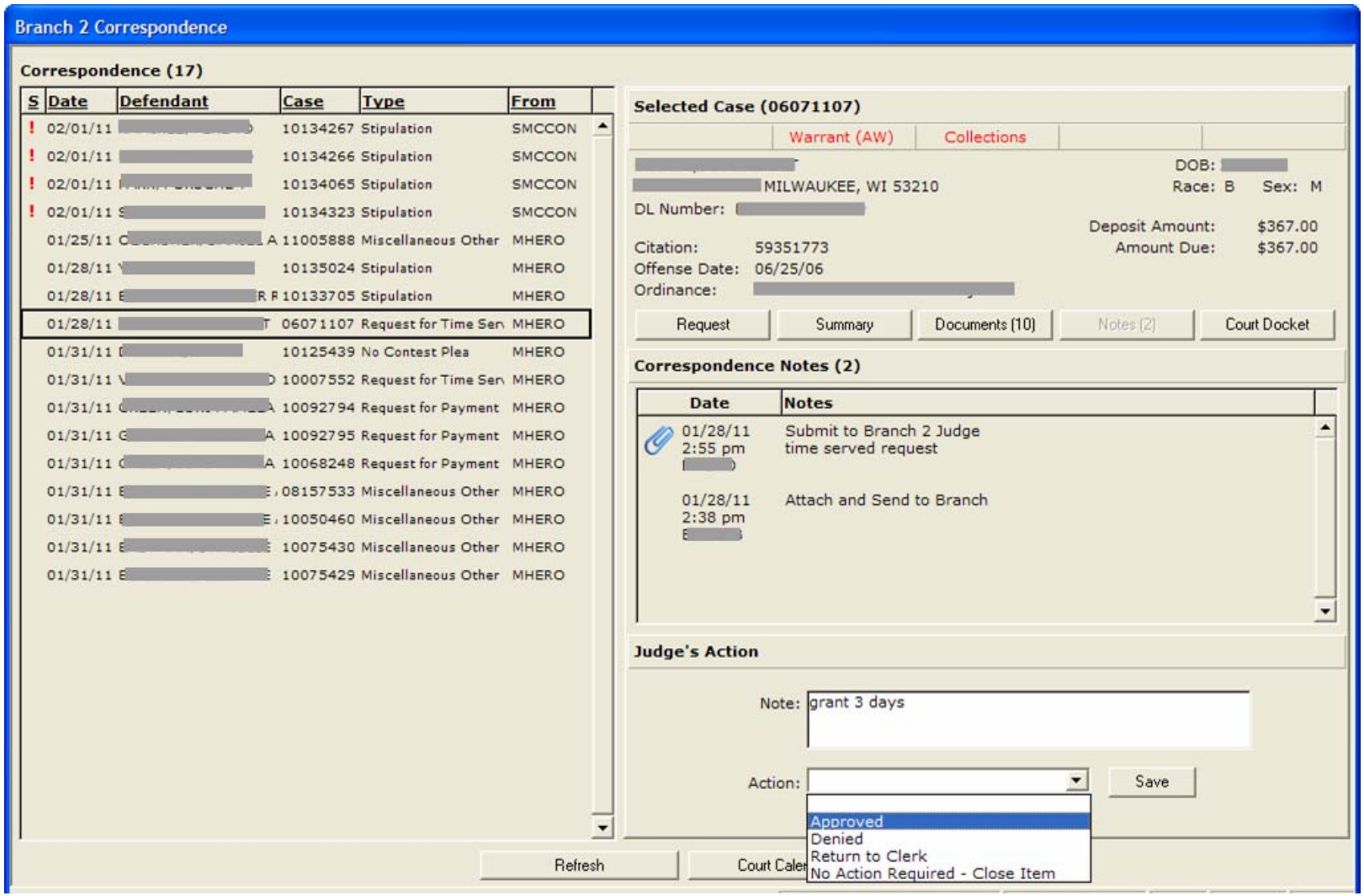
Correspondence Reviewed by Court Clerk

- Court clerk reviews correspondence
- Court clerk performs any research necessary for judge to take action on request
- Court clerk sends electronic notification to correspondence queue for judge



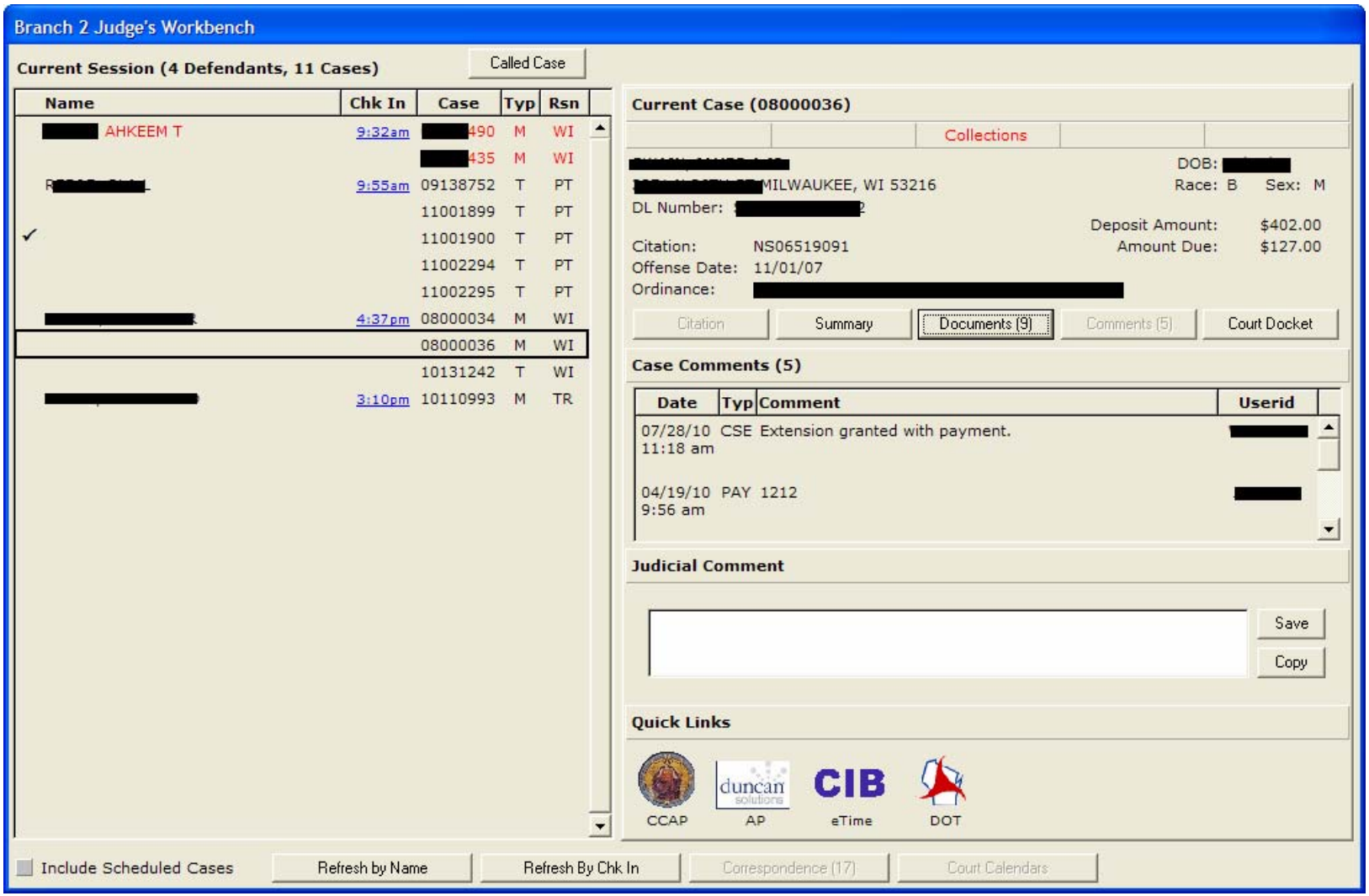
Judge's Correspondence Review

- Judge reviews correspondence and any additional information added by court clerk
- Judge enters order of 'Approved' or 'Denied' along with any additional comments regarding decision
- Judge sends electronic notification back to court clerk for full entry of the decision/order



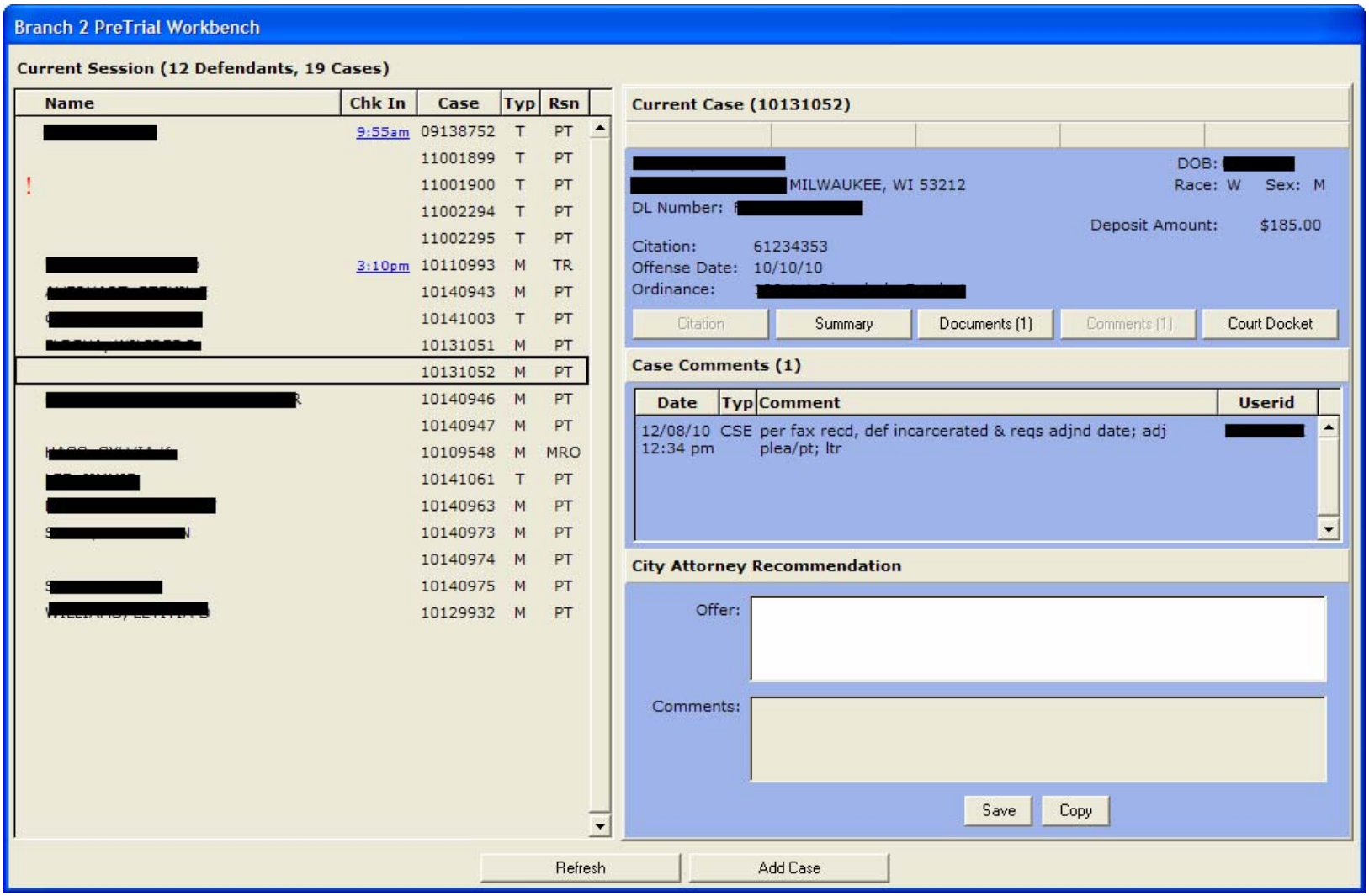
Judges In-Court Workbench

- Judge is presented with a roster of all defendants/cases checked in for court
- Judge can view documents, view case/defendant history, or add/view comments on a single screen
- Clerks In-Court workbench screen is almost identical



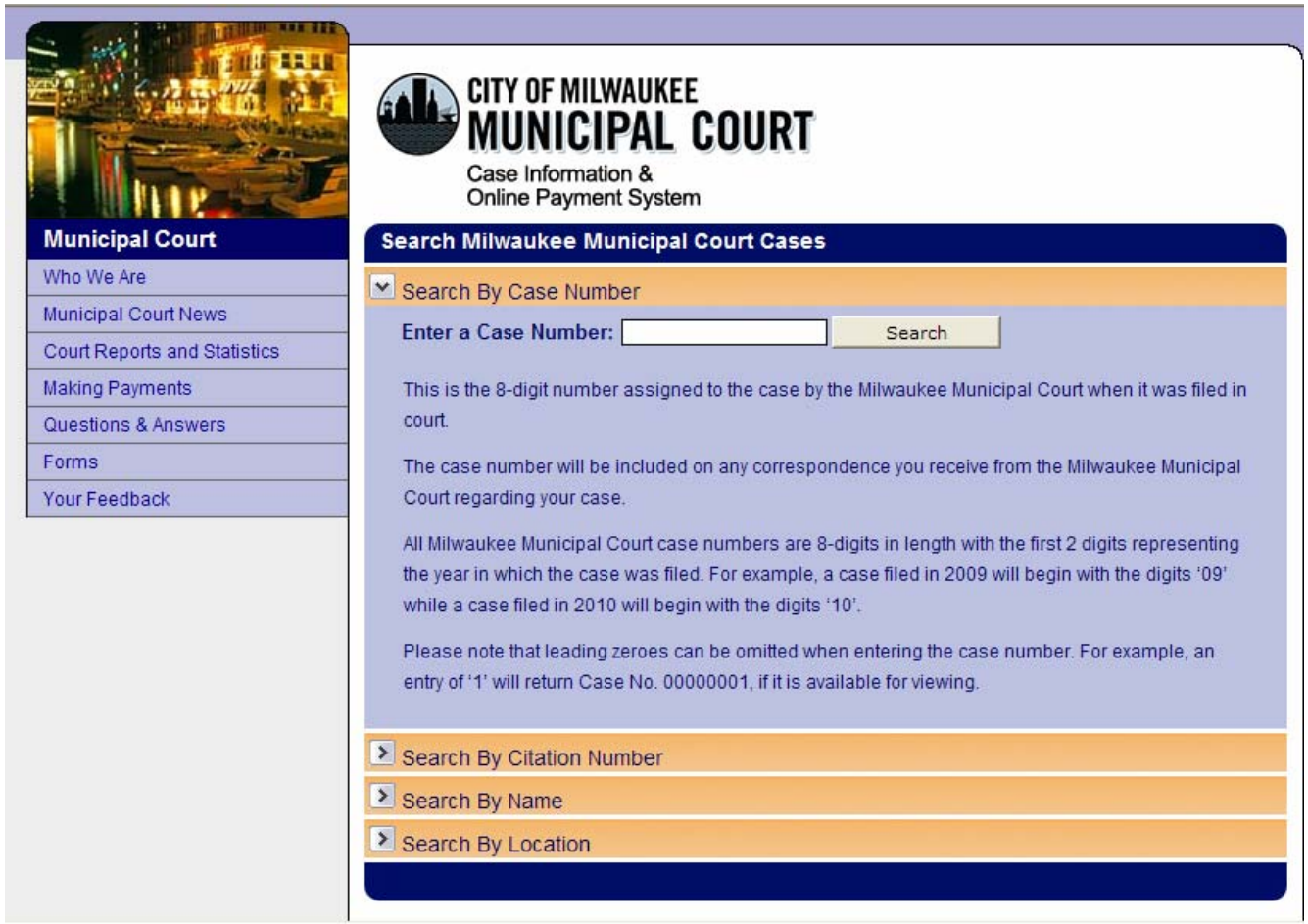
City Attorney In-Court Workbench

- City Attorney is presented with a roster of all defendants/cases scheduled for court
- CA can view documents, view case/defendant history, and send recommendations to the judge



Redesigned Website

- Enhanced search capabilities by location
- Optimized to allow identical searches via smart phone or other wireless device
- Designed to blend into City's website color and design scheme



Redesigned Website

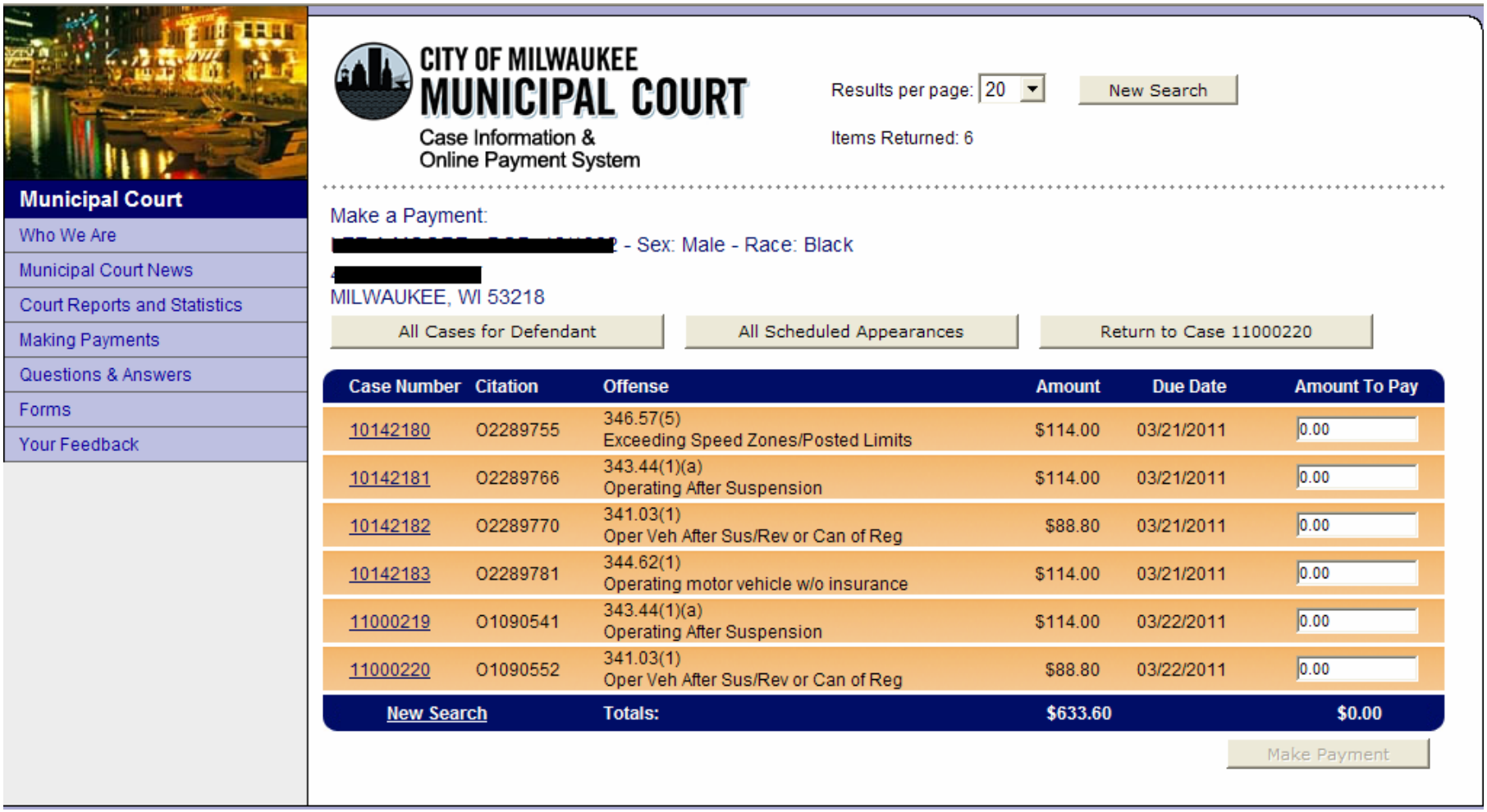
- Location search allows a range of house numbers on a given street

Redesigned Website

- Search results provide case status, show scheduled activity, and allows payments

Redesigned Website

- Payments can be made on multiple cases with a single transaction



Enhancements Underway in 2011 to Complete the Project

• Work underway with Duncan Solutions to provide a fully-electronic review and approval of municipal citations by the City Attorney

• Receive defendant recommendations from Justice2000 electronically

• Receive Summons & Complaint documents from Dept of Neighborhood Services electronically

• Provide self-service stations in the Court lobby for case check-in

• Provide additional services via the Court's website, such as pleas, requests for payment extensions, and request to reschedule court appearance

Legislation Details (With Text)

File #:	101166 **Version:** 0		
Type:	Communication	**Status:**	In Committee
File created:	1/19/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.		
Sponsors:	THE CHAIR		
Indexes:	CITY ATTORNEY, CONSULTANTS		
Attachments:	Cover letter transmitting 2010 & 2011 expenditures		

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101166
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

Requestor

Drafter
CC-CC
lme
1/12/11

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
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Assistant City Attorneys

February 15, 2011

Alderman Ashanti Hamilton, Chair
Judiciary & Legislation Committee
City Hall – Room 205

Re: Expenditures for Outside Counsel and Experts

Dear Alderman Hamilton:

Pursuant to Common Council FN 030083, I am enclosing for your information an itemization of 2010 and 2011 expenditures posted year-to-date from the Outside Counsel/Expert Witness Fund Special Purpose Account. Please contact me if you have any questions.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Enclosures
GFL:bgw
#166301

2011 OUTSIDE COUNSEL/EXPERT EXPENDITURES

February 15, 2011

Account	Dept	Class	Amount	Vendor Name	Case or Matter Description	Bud Ref	Year
634005	1490	S157	1,596.00	BLOCK, PETER	JUDE v. CITY	2011	2011
634005	1490	S157	1,836.00	BLOCK, PETER	JUDE v. CITY	2011	2011
			3,432.00	Sub-total			
			3,432.00	**TOTAL**			

2010 OUTSIDE COUNSEL/EXPERT EXPENDITURES
February 15, 2011

Account	Dept	Class	Amount	Vendor Name	Case or Matter Description	Year
634005	1490	S157	2,289.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,767.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	2,010.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,443.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,779.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,785.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,953.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,671.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,938.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	2,483.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,109.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	565.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,854.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,458.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,821.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,404.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,770.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,893.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,989.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	2,217.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,578.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	2,061.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	2,172.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,869.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	1,764.00	BLOCK, PETER	JUDE v. CITY	2010
634005	1490	S157	2,106.00	BLOCK, PETER	JUDE v. CITY	2010

2010 OUTSIDE COUNSEL/EXPERT EXPENDITURES
February 15, 2011

Account	Dept	Class	Amount	Vendor Name	Case or Matter Description	Year
			46,748.00	**Total**		
634005	1490	S157	174.00	CRIVELLO, CARLSON	SWANSON v. LENA'S FOOD MARKET	2010
			174.00	**Total**		
634005	1490	S157	14.57	FOLEY & LARDNER	KAYE v. CITY	2010
634005	1490	S157	207.50	FOLEY & LARDNER	KAYE v. CITY	2010
			222.07	**Total**		
634005	1490	S157	1,114.44	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	19,669.47	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	213.80	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	105.00	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	377.10	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	160.10	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	892.50	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	457.28	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	6,757.19	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	2,010.31	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	393.50	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	130.00	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	63.86	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	23,756.80	FRIEBERT & FINERTY	MPSO v. City	2010
634005	1490	S157	4,103.11	FRIEBERT & FINERTY	MPSO v. City	2010
			32,344.55	**Total**		
634005	1490	S157	1,450.00	GRZECA LAW GROUP	KHUBBAR, MANJEET	2010
634005	1490	S157	47.50	GRZECA LAW GROUP	KHUBBAR, MANJEET	2010
634005	1490	S157	2,100.00	GRZECA LAW GROUP	QADAH, DIAB	2010
634005	1490	S157	358.80	GRZECA LAW GROUP	QADAH, DIAB	2010

2010 OUTSIDE COUNSEL/EXPERT EXPENDITURES
February 15, 2011

Account	Dept	Class	Amount	Vendor Name	Case or Matter Description	Year
634005	1490	S157	26.50	GRZECA LAW GROUP	KHUBBAR, MANJEET	2010
634005	1490	S157	53.12	GRZECA LAW GROUP	QADAH, DIAB	2010
			4,035.92	Total		
634005	1490	S157	3,723.25	GUNTA REAK	JUDE v. CITY	2010
634005	1490	S157	9,783.25	GUNTA REAK	JUDE v. CITY	2010
634005	1490	S157	4,909.25	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	7,318.93	GUNTA REAK	JUDE v. CITY	2010
634005	1490	S157	1,906.87	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	4,935.75	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	6,177.25	GUNTA REAK	Jacoby v. Dudley	2010
634005	1490	S157	1,362.86	GUNTA REAK	Jacoby v. Dudley	2010
634005	1490	S157	1,300.89	GUNTA REAK	Jacoby v. Dudley	2010
634005	1490	S157	14,143.42	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	38.73	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	13,209.40	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	4,105.65	GUNTA REAK	Jacoby v. Dudley	2010
634005	1490	S157	1,745.50	GUNTA REAK	Jacoby v. Dudley	2010
634005	1490	S157	702.50	GUNTA REAK	Jacoby v. Dudley	2010
634005	1490	S157	6,118.65	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	4,151.55	GUNTA REAK	JUDE v. CITY (BELMORE)	2010
634005	1490	S157	257.00	GUNTA REAK	Jacoby v. Dudley	2010
634005	1490	S157	6,779.07	GUNTA REAK	JUDE v. CITY	2010
634005	1490	S157	9,733.25	GUNTA REAK	JUDE v. CITY	2010
634005	1490	S157	3,228.14	GUNTA REAK	JACOBY v. DUDLEY	2010
634005	1490	S157	1,206.39	GUNTA REAK	JACOBY v. DUDLEY	2010
634005	1490	S157	-3,228.14	GUNTA REAK	ADJ TO PO 0000130074	2010

2010 OUTSIDE COUNSEL/EXPERT EXPENDITURES
February 15, 2011

Account	Dept	Class	Amount	Vendor Name	Case or Matter Description	Year
634005	1490	S157	-1,206.39	GUNTA REAK	ADJ TO PO 0000130074	2010
634005	1490	S157	2,662.25	GUNTA REAK	JUDE v. CITY	2010
			105,065.27	Total		
634005	1490	S157	2,028.10	HAYES, THOMAS	OUTSIDE CONSULTANT	2010
634005	1490	S157	3,046.60	HAYES, THOMAS	OUTSIDE CONSULTANT	2010
634005	1490	S157	2,669.75	HAYES, THOMAS	OUTSIDE CONSULTANT	2010
634005	1490	S157	3,387.71	HAYES, THOMAS	OUTSIDE CONSULTANT	2010
			11,132.16	Total		
634005	1490	S157	9,672.64	KEARNY, ANNE	POST 2874, VFW v. RACM	2010
			9,672.64	Total		
634005	1490	S157	7,057.00	MICHAEL BEST	BOZA Appeals Case No. 28710	2010
			7,057.00	Total		
634005	1490	S157	125.00	MILLER VAN EATON	TELCOMM ADVICE	2010
			125.00	Total		
634005	1490	S157	693.00	PYZYCK, ROGER	SPECIAL PROSECUTOR SERVICES	2010
634005	1490	S157	616.00	PYZYCK, ROGER	SPECIAL PROSECUTOR	2010
			1,309.00	Total		
634005	1490	S157	-2,500.00	RAIN TREE ENGINEERING, INC.	AIM TRANSFER V COM - EXPERT	2010
634005	1490	S157	1,250.00	RAIN TREE ENGINEERING, INC.	AIM TRANSFER & STORAGE V COM	2010
634005	1490	S157	2,500.00	RAIN TREE ENGINEERING, INC.	AIM TRANSFER V COM - EXPERT	2010
			1,250.00	Total		
634005	1490	S157	23,152.50	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	22,977.50	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	41,860.00	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	1,010.00	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	5,202.50	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010

2010 OUTSIDE COUNSEL/EXPERT EXPENDITURES
February 15, 2011

Account	Dept	Class	Amount	Vendor Name	Case or Matter Description	Year
634005	1490	S157	1,925.00	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	41,650.00	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	12,687.50	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	4,532.50	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
634005	1490	S157	2,100.00	SEIBEL LAW GROUP	U.S. Oil v. City Appeal	2010
			157,097.50	Total		
634005	1490	S157	688.50	TARTER KRINSKY	CHRYSLER LLC BANKRUPTCY	2010
634005	1490	S157	-688.50	TARTER KRINSKY	ADJ TO PO 0000126135	2010
			0.00	Total		
634005	1490	S157	236.25	WEBER, ROBERT	PATTON V COM	2010
			236.25	Total		
			376,469.36	Grand Total		

Legislation Details (With Text)

File #:	101234 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	2/8/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution authorizing payment of the claim of Roberta Mello for property damage.		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS PAYMENT		
Attachments:	City Attorney Letter, Claim		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101234
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution authorizing payment of the claim of Roberta Mello for property damage.
Analysis
This Resolution authorizes payment of the claim of Roberta Mello in the amount of $9,969.44.
Body
Whereas, The claimant, Roberta Mello, C.I. File No: 10-L-49, has filed a claim against the City of Milwaukee in the amount of $9,969.44; and

Whereas, The City has agreed to pay the claim in the amount of $9,969.44; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of $9,969.44, payable to the order of Roberta Mello (Claim No. 10-L-49) 3059 North Weil Street, No. 305, Milwaukee, WI 53212, in full and final payment of this claim, upon receipt of a release of claim, approved as to form and execution by the City Attorney; said amount to be charged to Damages and Claims Account-636506 - Fund No. 0001 - Organization 1490 - Program 2631 - Sub Class S118.

Requestor
City Attorney
Drafter
JAS:ms
January 20, 2011
1044-2010-2036:165570

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

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KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
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MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

January 20, 2011

To the Honorable Common Council
of the City of Milwaukee
City Hall, Room 205

RE: Resolution relating to the Claim of ROBERTA MELLO
C.I. File No. 10-L-49

Dear Council Members:

Claimant, Roberta Mello, 3059 North Weil Street, # 305, Milwaukee, WI 53212, alleges through her attorney, Hupy & Abraham, S.C., 100 East Wisconsin Avenue, Suite 1110, Milwaukee, WI 53202, that her convertible was towed and stored with the top down. There was supposed to be heavy thunderstorms that night. It rained and her vehicle was damaged. They claim damages in the amount of $9,969.44.

Our investigation reveals that her vehicle was towed for being Illegally Parked/Prohibited by Official Sign. The vehicle was stored with the top down. There was heavy rain and it damaged the vehicle. Our independent property appraiser later inspected the vehicle and determined that the alleged damages were related to this loss.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this claim in the amount of $9,969.44 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1044-2010-2036:165569

Towing date: June 22nd, 2010
Tow # 1456104
Towing Location: 1715 N. Arlington PL

CITY OF MILWAUKEE
2010 JUL 28 AM 11: 11
RONALD D. LEONHARDT
CITY CLERK

Roberta Mello
3059 N Weil St. 305
Milwaukee, WI 53212
SS# 636-52-7326

Description of incident:

Around 7:15pm, I was driving to get take-out food from Mimma's Café. I noticed there were no available parking spaces close by. I parked by a "Parking Prohibited" sign because I didn't want to double park and it was only going to take 15 minutes to get my dinner.

Around 7:30pm, I left Mimma's Café and noticed that my car was gone. I immediately called Milwaukee City Towing, but there were no answers. I then called the Milwaukee Police Department and they were not able to get in touch with a City Towing representative.

Around 8:30pm, I took my boyfriend's car and drove to Milwaukee City Towing to see if there would be someone on premise that could at least put my convertible top up. The weather forecast indicated that there will be heavy thunderstorms in the Milwaukee area throughout the night. Not only concerned about my car getting flooded, but also my GPS and other belongings that were on the car floor being destroyed.

Around 8:45pm or 9pm, I talked to an older gentleman and asked him to help me by closing the convertible top. He might have been security or works for another towing company. He told me that he is not allowed to touch any vehicles due to liability. I told him I am the owner of the vehicle and would be willing to give him written permission, but he said it was policy.

I then went back home and returned in the morning to take my car to straight to the dealership.

CITY OF MILWAUKEE
RECEIVED
2010 JUL 28 PM 3:13
OFFICE OF
CITY ATTORNEY

OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City a claimant must comply with Section 893.80(1),Wis. Stats., a copy of which is printed at the bottom of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

(The above information may be combined in a single document.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number where the claimant can be reached during business hours as well as the claimant's e-mail address, if any.
3. As detailed a description of the incident as possible, including the date, time and place.

All information should be submitted to:

City Clerk
ATTN: CLAIMS
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.

893.80 Claims against governmental bodies or officers, agents or employees; notice of injury; limitation of damages and suits. (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

DON JACOBS TOYOTA
5727 S 27 TH STREET
MILWAUKEE, WI 53221
414-281-3100
941000029551 / C2665775

Merchant ID: 941000029551
Term ID: 72665775 Ref #: 0008

Sale

XXXXXXXXXXXX1337
VISA Entry Method: Swiped

Total: $ 139.35

06/29/10 12:07:51
Inv #: 009586 Appr Code: 430193
Apprvd: Online Batch#: 000529

Customer Copy

THANK YOU!
PLEASE COME AGAIN!

DON JACOBS DJ TOYOTA

"MORE CARS LESS COST"

2198505 505986

INVOICE

DON JACOBS TOYOTA
5727 South 27th Street
Milwaukee, Wisconsin 53221-4128
(414) 281-3100
www.donjacobstoyota.com

ROBERTA MELLO
117 B W WALKER ST UNIT 2
MILWAUKEE, WI 53204
HOME 414 550 6942 BUS

PAGE 1

SERVICE ADVISOR: 760 ADAM LEEVRE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG
0071/ARTIC	04	TOYOTA SOLARA	4T1FA38P44U032020		84609/84609	L6869

DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
01JAN04 IS					105.00	CASH	28JUN10

R.O. OPENED	READY	OPTIONS
16:37 24JUN10	14:48 28JUN10	STK:41252 ENG:5SPEED TRN:AUTO AXL:C

LINE OPCODE TECH TYPE HOURS	LIST	NET	TOTAL
A C/S VEHCIEL WAS TOWED AND TOWING COMPANY LT TOP DOWN IN A DOWNPOUR SOAKING THE INTERIOR AND CAUSING ELECTRONICS TO FUNCTION ERRATICALLY.			
R WROTE PRELIMANARY ESTIMATE FOR WATER DAMAGE TO INTERIOR			
760 C		0.00	0.00

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00

****

EST: 500.00 24JUN10 16:37 SA: 760

TOYOTA

PARTS AND SERVICE HOURS:
MONDAY & FRIDAY 7:00 AM - 5:00 PM
TUES, WED, THURS
7:00 AM - 7:00 PM
SATURDAY 8:00 AM - 2:00 PM
BODY SHOP HOURS:
MONDAY - FRIDAY 7:30 AM - 5:30 PM
SATURDAY - 9:00 AM - 12:00 PM
FREE SHUTTLE SERVICE - LOW COST RENTAL CARS
24 HOUR EMERGENCY TOWING
ASSISTANCE (414) 645-5682

STATEMENT OF DISCLAIMER

The factory warranty constitutes all of the warranties with respect to the sale of this item\items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	0.00
ADJUSTMENT	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

CUSTOMER SIGNATURE (DATE)

DEALER, GENERAL MANAGER OR AUTHORIZED PERSON

"Motor vehicle repair practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911."

ALL PARTS NEW UNLESS OTHERWISE SPECIFIED
U=USED R=REBUILT C=RECONDITIONED Y=RECYCLED

CUSTOMER COPY

800-ADR-ADR-ADP TO REORDER CATALOG # 800185 | CALL TOLL FREE

DON JACOBS TOYOTA
5727 SOUTH 27TH STREET
MILWAUKEE, WI 53221
OFFICE: 414-281-3100 FAX: 414-423-2077
FEDERAL ID# 39-1288187

CD LOG NO 26396-1 DATE 06/28/10

SHOP:	DON JACOBS TOYOTA	INSP DATE:	06/25/10
ADDRESS:	5727 S 27TH ST	CONTACT:	SCOTT FISLER
CITY STATE:	MILWAUKEE, WI	PHONE 1:	(414)281-3100 EXT 162
ZIP:	53221-	PHONE 2:	(800)572-6490 EXT 162
		FAX:	(414)423-2077
OWNER:	MELLO, ROBERTA	HOME PHONE:	(414)550-6942
ADDRESS:	117 B W WALKER ST #2		
CITY STATE:	MILWAUKEE, WI		
ZIP:	53204		

POINT OF IMPACT: 0

LIC#:	STATE:	VIN:	[redacted]
BODY COLOR:		MILEAGE:	
CONDITION:		ACCTNG CTL#:	

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

CUSTOMER ACKNOWLEDGES THIS IS A PRELIMINARY ESTIMATE ONLY. ADDL PROBLEMS WITH VEHICLES ELECTRICAL SYSTEMS MAY ARISE IN FUTURE. WE DO NOT GUARANTEE THAT REPAIRS PERFORMED WILL ELIMINATE FUTURE ELECTRICAL PROBLEMS.

2004 TOYOTA SOLARA SE 2DOOR CONVERTIBLE 6CYL GASOLINE 3.3
CODE: Y2223B/A OPTNS D/24JC

OPTIONS:
TWO-STAGE - EXTERIOR SURFACES
REAR SPOILER
TWO-STAGE - INTERIOR SURFACES
ALARM SYSTEM

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
E	0865		CLOCK SPRING	8430607040	199.26			1.3	2
			SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR EXPOSURE TO WATER						
E	0853		MODULE,AIRBAG CONTROL	8917006231	300.14			0.7	2
			SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR EXPOSURE TO WATER						
N	0892		CARPET R & I	ADDNL LABOR OPERA				2.6	1

2004 TOYOTA SOLARA SE 2DOOR CONVERTIBLE
CD LOG NO 26396-1

E 0175	01	AIRBAG & SEAT ASSY, LT	7120006520A2	2,202.73	1.0	1
		SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR EXPOSURE TO WATER				
E 0176	01	AIRBAG & SEAT ASSY, RT	71100AA832A0	3,130.49	1.0	1
		SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR WATER EXPOSURE				
E 0878	01	AIRBAG,STEERING WHEEL	4513006152B0	723.31	INC	2
		SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR EXPOSURE TO WATER				
E 0934		AIRBAG,INSTRUMENT PNL	73960AA010	757.50	4.8	2
		SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR EXPOSURE TO WATER				
E 0670	01	SEATBELT,FRONT LT	7322006060B0	214.43	0.8	1
		SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR WATER EXPOSURE				
E 0671	01	SEATBELT,FRONT RT	7321006060B1	214.43	0.8	1
		SAFETY COMPONENTS THAT WAS NOT DESIGNED FOR WATER EXPOSURE				
E 1943		MODULE,COMPUTER	89741AA030	566.71	0.2	2
		FOUND TO BE CAUSING DOOR ANDTOP TO OPEN AND CLOSE IRRATICALLY				

10 ITEMS

MC MESSAGE(S)
01 CALL DEALER FOR EXACT PART NUMBER / PRICE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				8,309.00
PARTS & MATERIAL TOTAL				8,309.00
TAX ON PARTS & MATERIAL	@		5.600%	465.30

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	54.00	3.6	2.6	334.80
2-MECH/ELEC	95.00	7.0		665.00
3-FRAME	54.00			
4-REFINISH	54.00			
5-PAINT MATERIAL	34.00			

LABOR TOTAL			999.80
TAX ON LABOR	@	5.600%	55.99
SUBLET REPAIRS			
TOWING			
STORAGE			
GROSS TOTAL			9,830.09
NET TOTAL			9,830.09

SHOPLINK U4249 ES CD LOG 26396-1 DATE 06/28/10 02:36:42PM R6.37 CD 05/10
PXN: NO GEOCODE
HOST LOG
(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

OUR SYSTEM WILL RETAIN THIS ESTIMATE FOR 60 DAYS.

R493NK

TOW # 145604 SQUAD: 97L RS#: 016052 DATE: 6/22/10 TIME: 7:16pm

MAKE: Toyota MODEL: Solara (2DR) 4DR STW TRK SUV OTHER: Convert

YEAR: 04 COLOR: White LIC#: 297LXA STATE: WI EXP: 7/11

VIN#: [redacted]

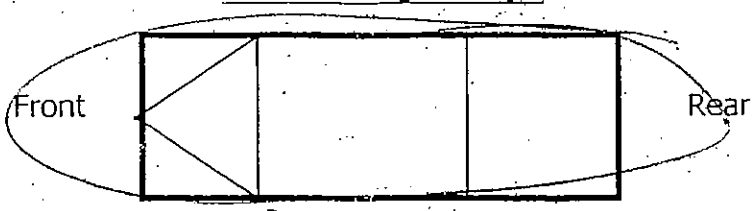
TOW ADDRESS: 1315 N Arlington Pl

CHECK REASON FOR TOW

☐ Illegally Parked ☐ Evidence Auth. By: ☐ Unregistered
☐ Stolen ☐ Safekeeping ☐ Abandoned ☐ Prisoner's Property
☐ Other CITATION NUMBER: 446848301 VIOLATION CODE: 730

3/30

Circle Damaged Areas



Tires Missing	F-L/R B-L/R (N/A)	Stereo/Sound System (Y) N		Column Damage Y (N)		Snow/Dirt (Y) N	
Flat Tires	F-L/R B-L/R (N/A)	Doors Locked Y (N)		Keys Y (N)		Stolen Check (Y) N	
Hubcaps Missing	F-L/R B-L/R (N/A)	Window Damage	Loc. (N/A)	Inventory # (N/A)			

MPD CASE/ IR# NUMBER: COMMENTS: Convertable w Top Down

Minor Scratch + Dents

Tow Authorization Report PT-27 Rev.10/22

City of Milwaukee Vehicle Inventory Form

Tow Number: 145604 Driver Company: 950 Always, CHJ

Number: [redacted] State: WI or

No. [redacted] e Number: 297 LXA State: WI or

Style: 2DR Model: Toy Color: WHT Year: 04

INTAKE RELEASE

Attendant: Date: 6/22/10 Keys: Y or N

Circle Damaged Areas

Stereo/Sound System Y N
Colm. Pld Y Doors Locked Y N
Trunk Punched Y
Window Crkd/Bkn F-L/R B-L/R N/A
Flat Tires F-L/R B-L/R N/A
Tires Missing F-L/R B-L/R N/A
Hub Caps Missing F-L/R B-L/R N/A
Comments:

☐ VIN /Plate Verified ☐ Condition Verified ☐ Verbal Complaint ☐ Written Complaint ☐ Pictures

Tow Number: [redacted] Driver Company: [redacted] Always, [redacted]

Number: [redacted] State: [redacted] or [redacted]

No. [redacted] e Number: [redacted] State: [redacted] or [redacted]

Style: [redacted] Model: [redacted] Color: [redacted] Year: [redacted]

INTAKE RELEASE

Attendant: [redacted] Date: [redacted] Keys: Y or N

Circle Damaged Areas

reo/Sound System Y N
lm. Pld Y Doors Locked Y N
nk Punched Y
ndow Crkd/Bkn F-L/R B-L/R N/A
t Tires F-L/R B-L/R N/A
res Missing F-L/R B-L/R N/A
ub Caps Missing F-L/R B-L/R N/A
omments:

☐ VIN/Plate Verified ☐ Condition Verified

Vehicle Inquiry

(Deal ID: 4562160, Env: 55937101746)

Date/Time: 6/23/2010

Requested by: VYOUNG

Vehicle Information

VIN: [redacted]

Title Number: [redacted]

Plate Number: 297LXA

Plate Type: AUT

Reg Weight: n/a

Reg Number:

Odometer: 00036237

Make: TOYT

Veh Type: AUTO

Title Date: 11/15/2007

Base Year: 2004

Exp Date: 11/14/2010

DMV Reg ID: 31254073197

Reg Effective: 11/15/2009

Odometer Status: AC

Model/Body: CEE/CV

CVT Code: MILWAUKEE (C)

Fleet ID: n/a

Owner Information

MELLO, ROBERTA D
3059 N WEIL ST #305
MILWAUKEE, WI 53212

Lessee and Driver Information

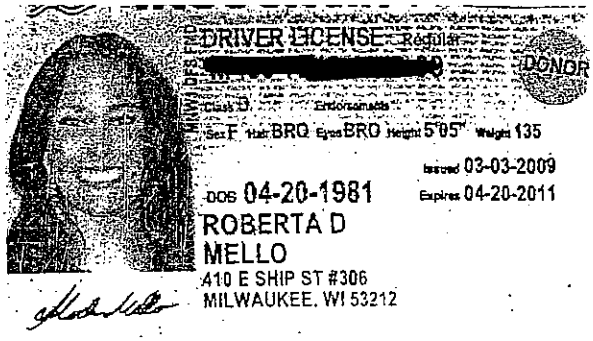
None

Lienholder Information

05031 - JP MORGAN CHASE BANK NA
PO BOX 901098
FORT WORTH, TX 76101

Conditions and Warnings

None


DRIVER LICENSE Regular
[redacted]
DONOR
Class D Endorsements
Sex F Hair BRO Eyes BRO Height 5'05" Weight 135
Issued 03-03-2009
DOB 04-20-1981
Expires 04-20-2011
ROBERTA D
MELLO
410 E SHIP ST #306
MILWAUKEE, WI 53212

MELLO, ROBERTA

Tow No.: 1456104 Process Status: CONFIRMED ON Amount Due: $125.00

Reason: 30 ILLEGAL PARKING/UNPAID Ticket: 446848301 Violation: 730

Stolen: Towable? Moved to Loc:

Location: 1715 N ARLINGTON PL

Disp: / / Fees Last Calculated: 06/23/2010

J-Bid No.: X Bid Amt.: $0.00 Vendor ID: Zone: CS

	Date	Time	Operator	Off. Dist.	Squad	PR No.	
Placarded:	/ /	: AM					
Authorized:	06/22/2010	07:21 PM	TOWDES		975	016052	Crew:
Cancelled:	/ /	: AM					
Dispatched:	06/22/2010	07:24 PM	TOWDESK(		Crew: 007-CHI		
Arrived:	06/22/2010	07:35 PM	CHI04		Driver Name: 950		
Confirm On:	06/22/2010	08:23 PM	KELL	Lot: 1	Row: A	Space: 043NK	
Released:	/ /	: AM			Location of keys: NK		
Confirm Off:	/ /	: AM					

SAYS SHE'S CALLING FOR INS.

Process Status: CON Process Date: / /

Lic No.: WI 297LXA Exp.: 11 Make: TOYT Model: SOL

VIN: [redacted] Style: 2D Year: 04 Color: WHI

Property: Inventory No.:

Missing Tires:	0	Stereo Sound System:	Y	Window Damage:	N
Tires Flat:	0	Doors Locked:	Y	Column Damage:	N
Hub Cups:	0	Keys:	N	Snow/Dirt:	Y

Damage Description: D/S. TOP OPEN

Additional Comments:

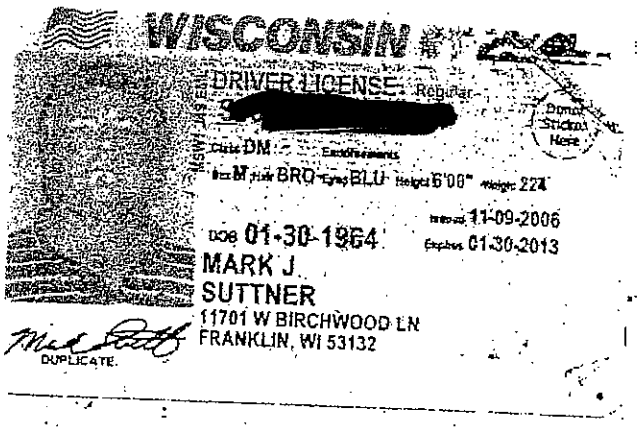
Initial Disposition: 00 OPEN TOW RECORD

Payment History for Tow No. 1456104

Trans. #	Effective Dat	Transactio	Type	Payment M	Status	Ori	CHECKNO	Tot	Vio Fine P.	NSF Pai	Wa	Admin	Cop
<NONE>													

Associated Accounts Tow No. 1456104

Relationship	Resp?	Name	Address	Valid Addr.	Home
Lien Holder	N	JP MORGAN CHASE BANK NA	PO BOX 901098, FORTH WORTH, TX 76101-2098	N	
VIN Owner	N	SAME	WI	Y	
Registered Owner	Y	MELLO, ROBERTA, D	3059 N WEIL ST #305, MILWAUKEE, WI 53212	Y	


WISCONSIN
DRIVER LICENSE
[redacted]
DM
M BRO BLU 5'08" 224
11-09-2006
DOB 01-30-1964
01-30-2013
MARK J
SUTTNER
11701 W BIRCHWOOD LN
FRANKLIN, WI 53132
DUPLICATE

Tow No.: 1456104 Process Status: CONFIRMED OFF Amount Due: $0.00

Reason: 30 ILLEGAL PARKING/UNPAID Ticket: 446848301 Violation: 730

Stolen: Towable? Moved to Loc: REL TO ACE AUTO TOWING

Location: 1715 N ARLINGTON PL

Disp: / / Fees Last Calculated: 06/23/2010

J-Bid No.: X Bid Amt.: $0.00 Vendor ID: Zone: CS

	Date	Time	Operator	Off. Dist.	Squad	PR No.	
Placarded:	/ /	: AM					
Authorized:	06/22/2010	07:21 PM	TOWDES		975	016052	Crew:
Cancelled:	/ /	: AM					
Dispatched:	06/22/2010	07:24 PM	TOWDESKC		Crew: 007-CHI		
Arrived:	06/22/2010	07:35 PM	CHI04		Driver Name: 950		
Confirm On:	06/22/2010	08:23 PM	KELL	Lot: 1	Row: A	Space: 043NK	
Released:	06/23/2010	10:28 AM	YOUNG		Location of keys: NK		
Confirm Off:	06/23/2010	11:05 AM	TOW03				

Process Status: COF Process Date: / /

Lic No.: WI 297LXA Exp.: 11 Make: TOYT Model: SOL

VIN: 4T1FA38P44U032020 Style: 2D Year: 04 Color: WHI

Property: Inventory No.:

Missing Tires: 0 Stereo Sound System: Y Window Damage: N

Tires Flat: 0 Doors Locked: Y Column Damage: N

Hub Cups: 0 Keys: N Snow/Dirt: Y

Damage Description: D/S. TOP OPEN

Additional Comments:

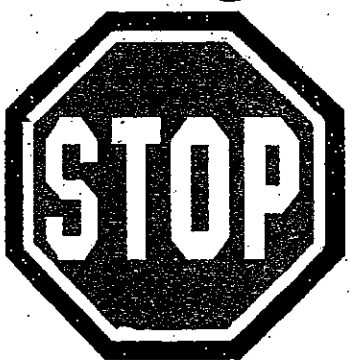
Initial Disposition: 10 PAID CITY TOW LOT

Associated Accounts Tow No. 1456104

Relationship	Resp?	Name	Address	Valid Addr.	Home Phor
Lien Holder	N	JP MORGAN CHASE BANK NA	PO BOX 901098, FORTH WORTH, TX 76101-2098	N	
VIN Owner	N	SAME	WI	Y	
Registered Owner	Y	MELLO, ROBERTA, D	3059 N WEIL ST #305, MILWAUKEE, WI 53212	Y	

2004 Toyt Solara
White

6-23-10



CHECK WITH GATE ATTENDANT UPON ENTERING AND LEAVING TOW LOT

ACE Auto
INSURANCE/TOW COMPANY NAME

INSURANCE AGENT/TOW DRIVERS SIGNATURE

1456104 TOW | A ROW | 43 SPACE | NK

TIME IN _____ TIME OUT _____

INITIALS _____ INITIALS _____

CITY OF MILWAUKEE TOW LOT

145.6104 — *Tow Number*

6/23/10 — *Date*

Roberta Mello — *Owner(s)*

Authorized Person

Owner(s)

Driver

SEARCH FOR (*Circle/Mark All That Apply*):

1. ID/Driver's License or BOTH

Location:

☐ Glove Box ☐ Center Console ☐ Visor ☐ Trunk

☐ Other _____

FOUND YES ☐ NO ☐

2. Title/Valid Registration/Insurance Card

Location:

☐ Glove Box ☐ Center Console ☐ Visor ☐ Trunk

☐ Other _____

FOUND YES ☐ NO ☐

3. OTHER:

☐ **Verify Vin #** _____

DONE YES ☐ NO ☐

_____

AUTHORIZATION *- SIGNATURE OF OWNER/AUTHORIZED PERSON*

Clerk's Initials: _____ ***Attendant's Initials:*** _____

VIEW ONLY/PERSONAL & VIEW (*Circle One*):

Your vehicle will be deemed abandoned, destroyed or sold if you remove personal property without making arrangements to pay towing and storage fees. (See Wisconsin Act 201)

_____

AUTHORIZATION *- SIGNATURE OF OWNER/AUTHORIZED PERSON*

ALL VIEWS ARE LIMITED TO 10 MINUTES PER VEHICLE/ PER DAY. LIST ITEMS REMOVED FROM VEHICLE AND GIVEN TO CLAIMANT:

_____

_____

_____

_____

_____

_____

_____

SIGNATURE OF CLAIMANT RECIEPT

Clerk's Initials: _____ ***Attendant's Initials:*** _____

I/We the below signed owner(s), or authorized agent(s) for the owner(s), of the vehicle with the above tow number, release the City of Milwaukee Tow Lot of any liability for damages or injuries due to the following actions in releasing the above mentioned vehicle. I/We understand that I/We are responsible for the payment of towing and storage fees associated with this vehicle. I/We understand that failure to pay these fees may result in suspension of registration privileges. (See Wisconsin Act 201). I/We understand that if my vehicle does not start for any reason or has any other complication I/We will need to arrange for a private tow.

☐ **I am voluntarily signing the Title to my vehicle over to the City of Milwaukee on:** _____( )

☒ **Release of vehicle** to registered owner(s) or authorized agent(s)

☐ **Release of vehicle** with column damage/other damages

☐ **Allow VIEW ONLY:** _____

☒ **Releasing vehicle to:** ☐ Insurance Company, ☐ Lien Holder, ☐ Locksmith, ☒ Towing Contractor/Private Tow, ☐ Authorized Person(s)

ACE Auto Towing _____( )

Owner/Authorized Signature — *Date* 6/23/10

Owner/Authorized Signature — *Date*

Designated Driver/Towing Contractor/Locksmith Signature — *Date*

PAID RELEASED JUN 23

Clerk's Initials: _____ ***Attendant's Initials:*** _____

BOOTH

Vehicle Released to Signature: _____ **DONE ☐**

- ☐ KEYS ATTACHED
- ☐ KEYS W/VEHICLE
- ☐ KEYS/JAM IGNITION
- ☐ KEYS ON BOARD
- ☒ NO KEYS
- ☐ COLUMN PEELED
- ☐ NEEDS JUMP
- ☐ TIRE /AIR
- ☐ REMOVE PLATES/DESTROY
  Initials: _____
- ☐ REMOVE PLATES/ BRING UP FRONT
  Initials: _____
- ☐ OTHER _____
- ☐ VERIFY VIN BEFORE RELEASE _____
  Initials

Forms:cashierforms/releaseviewsearchform portrait 2/2010

HupyandAbraham s.c.
personal injury lawyers

Andrew J. Norton
Lead Investigator

Tel 414.223.4800
Tel 800.800.5678
Fax 414.223.3155
anorton@mfhupy.com

100 EAST WISCONSIN AVENUE, SUITE 1110
MILWAUKEE, WISCONSIN 53202

Legislation Details (With Text)

File #:	101301 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	2/8/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Joseph Kaufman, agent for Supreme Management Services for property damage. (9th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101301
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Joseph Kaufman, agent for Supreme Management Services for property damage. (9th Aldermanic District)
Drafter
CC-CC
dkf
2/8/11

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GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
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CHRISTINE M. QUINN
Assistant City Attorneys

January 21, 2011

Joseph Kaufman
D/B/A Supreme Management Services
6871 North Green Bay Avenue, # 1
Glendale, WI 53209

RE: Joseph Kaufman
C.I. File No.: 10-S-451

Dear Mr. Kaufman:

We have received your claim in the amount of $1,111.51, relating to damage sustained on November 17, 2010 when the Milwaukee Fire Department (MFD) made a forced exit to your property located at 5921 North Lovers Lane Road, Unit 105.

Our investigation reveals that on November 17, 2010 the MFD dispatched personnel and equipment to 5921 North Lovers Lane Road, Unit 105, in response to a call that a person was having difficulty breathing. They arrived, provided treatment and prepared the patient for transport to the emergency room. The MFD medical vehicle had been moved to the rear of the address in order to ease the movement of the patient out of the location. They moved the patient and attempted to exit through the rear door of the property. The MFD found that the door handle/latch was broken or knocked off. They felt that they could not delay the transport of the patient and made a forced exit. The MFD exercised appropriate action in this forced exit and as such, the City would not be liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1061-2010-3448:165610

Joseph Kaufman Living Trust
c/o Joseph Kaufman
D/B/A Supreme Management Services
6871 N. Green Bay Ave.
Glendale, Wi. 53209
Voice: 414-351-6749
Fax: 414-247-8765

City Clerk
Attn. : Claims
200 E. Wells St. (Room 205)
Milwaukee, Wi. 53202-3567
Voice: 414-286-2221
Fax: 414-286-3456

C. I. File No.: 10-S-451

Dear City Attorney,
We are in possession of your letter dated January 21, 2011. In compliance of the appeal procedure and 21 day time frame, we are answering your assertion that the back door latch which opens said door was broken or knocked off.
We understand the severity and appreciate the due diligence of the MFD in attempting to move the tenant in distress in the most quick and efficient manner. We disagree that the back door latch was broken.

As stated in our initial letter, "The roommate of the tenant in distress was home and witnessed the above incident. Our resident manager was also on sight and offered his aid in whatever manner, but was turned away". The resident manager was on the scene and exited from the rear / back door. The latch was in place and worked literally minutes prior to the MFD taking the patient out from the building through the same back door. The tenant in apartment 104, and who's apartment is adjacent to the back door, also states the door was operable (see the enclosed statement from Dorothy Reynolds). The building resident manager is prepared to testify per the above if necessary. Please also note that this building has 4 other back door entrances. But ironically, only the back door in question, at 5921 N. Lovers Lane Rd., was broken. Is this apparently quite a coincidence?

We did not expect whomever was responsible for breaking through the back door to confess the truth, but if truth be just, we ask you to reconsider your initial decision.

1/31/2011

Joseph Kaufman (owner)
Enclosures:

CITY ATTORNEY
OFFICE OF
2011 FEB -4 AM 8:05
RECEIVED
CITY OF MILWAUKEE

1/31/11

To Whom it May Concern
on the day in question I Dorothy Reynolds
of 5921 N. Loves Lane Rd #104 is stating that
I always check outdoor due to the fact my
apartment is by the door and I check for
safety reasons. On this particular day I check
to see that everything was secure, However
when I awoked the following Morning I found
that the door had been broken, The door jam
was shattered and the latch was on the floor.
I call Jeff at Supreme to report this.
I later found out by my granddaughter as well
as Jeff that the fire department had broke
the door trying to get some one out of the building.

Dorothy Reynolds

CITY OF MILWAUKEE
RECEIVED
2011 FEB -4 AM 8:05
OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE
2011 FEB -1 PM 1:59
RONALD D. LEONHARDT
CITY CLERK

Joseph Kaufman Living Trust
c/o Joseph Kaufman
D/B/A Supreme Management Services
6871 N. Green Bay Ave. (#1)
Glendale, Wi. 53209
Voice: 414-351-6749
Fax: 414-247-8765

MILWAUKEE
CITY OF MILWAUKEE
3:02 2010 DEC 16 PM 2:53
RONALD D.
CITY
ATTORNEY

City Clerk
Attn. : Claims
200 E. Wells St. (Room 205)
Milwaukee, Wi. 53202-3567
Voice: 414-286-2221
Fax: 414-286-3456

I am requesting Reimbursement for an incident in the early morning hours of November17, 2010 whereby an emergency call was placed for a tenant in distress at 5921 N. Lovers Lane Rd. (Unit 105), Milwaukee, Wi. 53225. Fire and ambulance was dispatched. Upon leaving through the back door of above said address, emergency person(s) kicked /pushed through the aforementioned door which in turn broke the lock, the frame and door jam. This was from inside the apartment building. The door opens easily just turning the latch, but instead, and for reasons I do not understand, pushed their way with adequate force enough to break the door, thus causing the door to become inoperable which resulted in a lack of security for the residence.

We had to make an emergency repair and call out extra personnel to do this. While the door now latches, it is NOT as it was prior to the above incident. We will have to wait till spring to re paint or possibly replace the door frame and jam. I am stating that this above repair is temporary and was done in an expeditious fashion to provide security to the building and tenants therein. We are in the process of getting estimates for a permanent repair. If a permanent estimate is available at the time we submit this claim to you, those estimates shall be attached herein.
Estimates and pictures are attached herein of the damage.

The roommate of the tenant in distress was home and witnessed the above incident. Our resident manager was also on sight and offered his aid in whatever manner, but was turned away. This incident was completely avoidable and created an emergency to which our personnel had to drop everything they were doing to tend to this repair.

The costs incurred are as follows:

$186.51 (temporary immediate repair to secure the building)

$750.00 (permanent repair to bring door and enclosure to same condition as before 11/17/2010)

$175.00 (paint both sides of door and jamb to match)

$1,111.51 Total repair costs

Joseph Kaufman (owner)

Enclosures: Receipts / photos

CITY OF MILWAUKEE
RECEIVED
2010 DEC 17 PM 3:02
OFFICE OF THE
CITY ATTORNEY

THE HOME DEPOT

More saving. More doing.™

4100 NORTH 124TH STREET
WAUWATOSA, WI 53222 (414)456-5471

4923 00008 84208 11/17/10 01:16 PM
CASHIER TRENE - 102693 32

043158177158 SQLGYLDBLTAB <A> 29.84

SALES TAX 1.67
TOTAL $31.51
XXXXXXXXXXXX6018 HOME DEPOT $31.51
AUTH CODE 017854 P06004B TA

SUPREME MANAGEMENT S
JIEAS PETE

4923 08 84208 11/17/2010 3360

RETURN POLICY DEFINITIONS
POLICY ID DAYS POLICY EXPIRES ON
A 90 02/15/2011

THE HOME DEPOT RESERVES THE RIGHT TO LIMIT / DENY RETURNS. PLEASE SEE THE RETURN POLICY SIGN IN STORES FOR DETAILS.

GUARANTEED LOW PRICES
LOOK FOR HUNDREDS OF
LOWER PRICES STOREWIDE

ENTER FOR A CHANCE TO WIN A $5,000 HOME DEPOT GIFT CARD!

Share your opinion-win-up! Complete the brief survey about your store visit and enter for a chance to win at:

www.homedepot.com/opinion

¡PARTICIPE EN UNA OPORTUNIDAD DE GANAR UNA TARJETA DE REGALO DE THD DE $5,000!

¡Comparta su opinión! Complete la breve encuesta sobre su visita a la tienda y tenga la oportunidad de ganar en:

www.homedepot.com/opinion

User ID:
173622 188707

Password:
10857 188699

Entries must be entered by 12/17/2010. Entrants must be 18 or older to enter. See complete rules on website. No purchase necessary.

115263

DATE 11-17-10

NAME Supreme - M&T

ADDRESS 5921 N Haverlane ORDER NO.

CITY, STATE, ZIP Milw WI 53225

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D	PAID OUT

	QUAN.	DESCRIPTION	PRICE	AMOUNT
1		Service Call		60 00
2				
3		Replace Lock		45 00
4				
5		Fix door Frame		50 00
6				
7				
8				
9				
10				
11				
12				
13				
14				

RECEIVED BY Richard Seppelt

TAX

TOTAL 155 00

24705

CITY OF MILWAUKEE RECEIVED 2010 DEC 17 PM 3:02 CITY ATTORNEY

$155.00 LABOR
$ 31.51 GST

$186.51
TOTAL

This is for "TEMPORARY" repair of Door/Lock/Side Jamb.

Proposal

December 10, 2010

TS Enterprises
N2069 Hwy P
Rubicon, WI 53078
414-254-9692

CITY OF MILWAUKEE
RECEIVED
2010 DEC 17 PM 3:02
OFFICE OF
CITY ATTORNEY

Supreme Management
10936 N. Port Washington Rd. #133
Mequon, WI 53092

5931 N. Lovers Lane

Replace front or rear entry doors - door only
- all hardware to be transferred from existing door
- 4-5 week order out

$525.00 @

Replace basement fire door - door only
- all hardware to be transferred from existing door
- 2-3 day order out

$525.00 @

Replace latch side jamb and brick mould on entry door

$225.00

$750.00
TOTAL

PERMANENT REPAIR

Proposal

J & H PAINTING INC.
WE'VE GOT YOU COVERED
2404 E. Denton Ave.
ST. FRANCIS, WI 53235
(414) 483-9845

PROPOSAL SUBMITTED TO: Levine Management	PHONE	DATE: 12-14-10
STREET: 7 Lower Lane	JOB NAME	
CITY, STATE and ZIP CODE: Mulw, wi	JOB LOCATION	
ARCHITECT / DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

Paint rear door 2 coats
1 gallon paint

CITY OF MILWAUKEE RECEIVED 2010 DEC 17 PM 3:02 OFFICE OF CITY ATTORNEY

We Propose hereby to furnish material and labor -- complete in accordance with above specifications, for the sum of:

One hundred seventy five dollars ($ 175.00)

Payment to be made as follows:
Upon completion of job

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

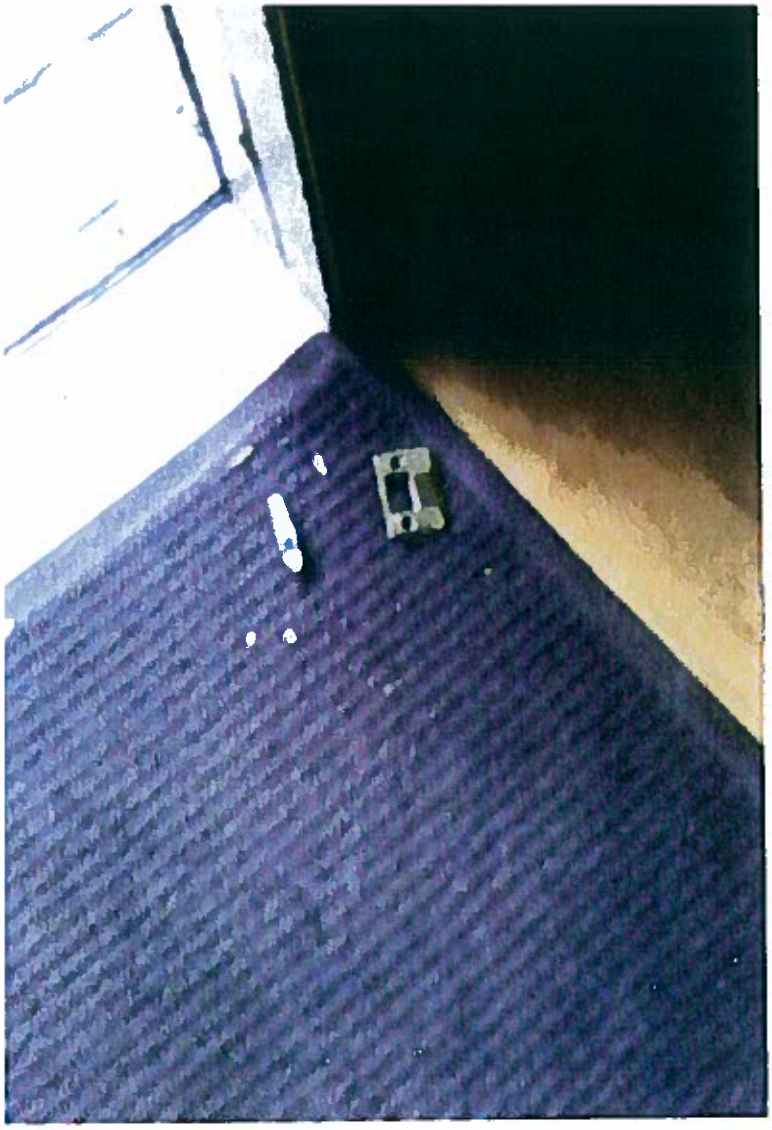
Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Date of Acceptance:

Signature



Legislation Details (With Text)

File #:	101300 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	2/8/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Bernice Calmes for property damage. (10th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101300
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Bernice Calmes for property damage. (10th Aldermanic District)
Drafter
CC-CC
dkf
2/8/11

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GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
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JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

January 21, 2011

Bernice Calmes
2953A North 52nd Street
Milwaukee, WI 53210

RE: Bernice Calmes
C.I. File No.: 10-S-371

Dear Ms. Calmes:

We have received your claim in the amount of $702.72, relating to the alleged damage to your vehicle on October 8, 2010 that occurred during the towing of your car.

Our investigation reveals that your 2000 Oldsmobile was towed to the City of Milwaukee Tow Lot for Unregistered/Improperly Registered Vehicle. The PT-27 form completed prior to the tow, the intake video and tow lot forms show none of the alleged damage to the front bumper. The tow lot manager noted the tow lot never touched the vehicle and you had a private tow from the tow lot due to the lack of auto insurance on the vehicle. Since there is no evidence to support your belief that the alleged damage occurred during the tow process, the City cannot accept liability and we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
c: David Lawrence
1044-2010-2907:165605

Bernice Calmes
2953A N. 52nd St.
Milwaukee, WI 53210

CITY OF MILWAUKEE
2011 FEB -1 PM 1:59
RONALD D. [illegible]
CITY CLERK

January 26, 2011

Dear Mr. Overhault,

I have received your response in regards of my claim #10-S-371, and I want to appeal it. Despite the fact that you are going by what the city tow lots statements, stating that they didn't touch my vehicle, and they have video and forms stating that the damage wasn't there, I beg to differ. The towing company contractor that you used which is Always towing, improperly handled my vehicle and cracked my bumper by pulling on it. You used that contractor to tow my vehicle, so you should be responsible for the repairs. My front bumper was not cracked prior to it being towed. My vehicle being improperly registered and me having a private tow has nothing to do with the damage to my vehicle. When my tow man came, he noticed the crack on my front bumper before he even towed it, and he stressed that the contractor that you used is known for damaging peoples vehicles because they don't care. So we took pictures of the damages. I am requesting a hearing and I would like to see the video and paperwork from when my vehicle was towed.

OFFICE OF
CITY ATTORNEY

2011 FEB -4 AM 8:05

CITY OF MILWAUKEE
RECEIVED

Thank you
Bernice Calmes

October 12, 2010,

CITY OF MILWAUKEE
2010 OCT 18 PM 1:36
RONALD D. LEONARD
CITY CLERK

To Whom It May Concern:

On October 8, 2010, my silver, two doors Oldsmobile Alero, with license plate number 525-KRD and vin number 1G3NL12E6YC353302, was towed from my residency at 2953A N. 52nd St. I was informed of this at 7:00am by Anthony Dodd. I called the tow lot and they informed that my car was there and also told me the steps on retrieving my vehicle since I was out of town.

At around 2:00pm, my car was retrieved by Anthony Dodd and the towing truck because the city wouldn't allow Mr. Dodd to drive the car home because there wasn't any insurance on it. When they reached my place of residency and dropped the car off, Anthony Dodd and the person who towed the car noticed that there was a crack on the left side of my front bumper, which wasn't there when the city of Milwaukee towed my car. Anthony Dodd informed me of this and sent me some pictures of this, and I also agreed that it wasn't there before they towed it.

I called the city of Milwaukee tow lot to find out the necessary steps to take to file a complaint and they informed me that I had to come and fill out a complaint form and then take it to a walk in center located on: 951 North James Lovell Street room 205. Anthony Dodd turned in the complaint form and they told him that I had to write a letter also.

So I'm writing this letter to inform you that when my car was towed, they did not use the proper tow truck or equipment to tow my car. And because of that, they cracked my front bumper and I would like to be compensated for this mishap.

Thank you

Bernice Calmes

Bernice Calmes

CITY OF MILWAUKEE
RECEIVED
2010 OCT 21 PM 2:52
OFFICE OF
CITY ATTORNEY

MAACO COLLISION REPAIR & AUTO PAINTING CENTERS ARE LICENSED BY MAACO FRANCHISING, INC., AND ARE PRIVATELY OWNED AND OPERATED.

NAME: BERNICE CALMES
REPAIR ORDER: 27326
ADDRESS: 2953 A N 52ND
HOME PHONE: 414-364-0235
CITY: MILWAUKEE STATE: WI ZIP: 53210
WORK PHONE:
ESTIMATE: 27326 EST. COMPLETION DATE:

MAACO COLLISION REPAIR & AUTO PAINTING

CENTER: M2407
13306 W SILVER SPRING RD
MENOMONEE FALLS, WI 53051
TEL: (262)783-5447 FAX: (262)783-5918

ESTIMATE DATE 12/13/2010
ESTIMATOR JB
BODY EMPLOYEE

YEAR/MAKE/MODEL: 2000 OLDSMOBILE ALERO
LICENSE/STOCK NO. STATE: WI VIN: 11111111111111111
DATE IN DATE OUT ☐ INS ☐ TRADE & FLEET ☐ WARRANTY
PAINT COLOR: FACTORY
MILEAGE IN OUT:

SURFACE PREPARATION	
PAINT SERVICES	
PROTECTION PACKAGES	
ADDITIONAL PAINT CHARGES	
OTHER PAINT OPTIONS	
PAINT COMMENTS	
SURFACE RECONDITIONING	

	REPAIR	REPLACE	BODY REPAIR WORK	PART #	PRICE	METAL	STRUCT	MECH	SUBLET	SPOT PAINT
1		X	FORNT BUMPER COVER		325.00	2.0				
2	X		REFINISH FRONT BUMPER COVER							250.00

MATERIALS & SUPPLIES	
REMARKS	OTHER DENT/RUST/PART/PAINT REPAIRS EXTRA
	JAMBS AND WET SAND&BUFF EXTRA
	PICKUP: 3 DAY GRACE, $20/DAY THEREAFTER

PAINT	0.00	
SURFACE RECON	0.00	
MATERIALS & SUPPLY	25.00	
PARTS	325.00	
BODY LABOR	104.00	
SUBLET/ENV	10.00	
SPOT PAINT	250.00	
GROSS SALES	714.00	
714.00	AMOUNT TAXABLE	
TAX	36.41	
TOTAL INCLUDING TAX	750.41	
DEPOSIT PAYMENTS		

#10-5-371
#1469785

CITY ATTORNEY OFFICE

2011 JAN 21 AM 11:37

CITY OF MILWAUKEE RECEIVED

ESTIMATE / DAMAGE REPORT

THIS IS NOT A FINAL REPAIR ORDER. FINAL REPAIR ORDER WILL BE ISSUED AT PAYMENT

MAACO COLLISION REPAIR & AUTO PAINTING CENTERS ARE LICENSED BY MAACO FRANCHISING, INC., AND ARE PRIVATELY OWNED AND OPERATED.

NAME: BERNICE CALMES
REPAIR ORDER: 17867
ADDRESS: 7 RIDGE RUN SE
HOME PHONE: 414-364-0235
CITY: MARIETTA STATE: GA ZIP: 30067
WORK PHONE:
ESTIMATE: 17867 EST. COMPLETION DATE:

MAACO COLLISION REPAIR & AUTO PAINTING

CENTER: M2390
1350 S. MARIETTA PKWY
MARIETTA, GA 30067
TEL: (770)4211631 FAX: (770)421-1632

ESTIMATE DATE 01/14/2011
ESTIMATOR SL
BODY EMPLOYEE

YEAR/MAKE/MODEL: 2000 OLDSMOBILE ALERO
LICENSE/STOCK NO. STATE: GA VIN: 1G3NL12E6YC353302
DATE IN DATE OUT ☐ INS ☐ TRADE & FLEET ☐ WARRANTY
PAINT COLOR:
MILEAGE IN: 1 OUT:

SURFACE PREPARATION	
PAINT SERVICES	
PROTECTION PACKAGES	
ADDITIONAL PAINT CHARGES	
OTHER PAINT OPTIONS	
PAINT COMMENTS	
SURFACE RECONDITIONING	

		BODY/REPAIR WORK	PART#	PRICE	METAL	STRUCT	MECH	SUBLET	SPOT PAINT
1	X	Cover,Front Bumper							
			RECONDINTIONED	342.00	2.1				
2		Refinish Cover,Front Bumper							3.5

CITY OF MILWAUKEE
2011 JAN 18 AM 11:50
OFFICE OF CITY ATTORNEY

MATERIALS & SUPPLIES		PAINT	0.00
REMARKS		SURFACE RECON	0.00
		MATERIALS & SUPPLY	0.00
		PARTS	342.00
		BODY LABOR	109.20
		SUBLET/ENV.	0.00
		SPOT PAINT	231.00
		GROSS SALES	682.20
		342.00	AMOUNT TAXABLE
		TAX	20.52
		TOTAL INCLUDING TAX	702.72
		DEPOSIT	
		PAYMENTS	

case number # 1469785
Robert Overhalt 10-S-371

ESTIMATE / DAMAGE REPORT

THIS IS NOT A FINAL REPAIR ORDER. FINAL REPAIR ORDER WILL BE ISSUED AT PAYMENT.

Legislation Details (With Text)

File #:	101252 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	2/8/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Noreen Strand for property damage. (14th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101252
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Noreen Strand for property damage. (14th Aldermanic District)
Drafter
CC-CC
dkf
2/1/11

powered by Legistar™

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

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DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

December 6, 2010

Noreen D. Strand
2150 South Allis Street
Milwaukee, WI 53207-1319

RE: Noreen Strand
C.I. File No.: 10-S-388

Dear Ms. Strand:

We have received your claim in the amount of $125.00, relating to damage allegedly sustained on October 27, 2010 when a branch from a City tree fell onto your property located at 2150 South Allis Street.

Our investigation reveals that this loss occurred solely as a result of high winds and was not in any way related to negligence by the City of Milwaukee. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1068-2010-2994:164125

second letter January 25 - 2011

Dear Sirs: Office of City Clerk:

I am writing to you again about the tree branch that fell on my picket fence last Oct 27, 2010, and landed in my yard because of a wind storm. The city said it was an act of God. It really was a rotten tree branch. Today the city (the 25th of January, 2011) is cutting down the tree next to my yard. I had to hire someone to rebuild my fence and the city refused to reimburse me for the cost. There was something wrong with the tree that lost a big branch. It was a bunch of branches that came out from the trunk of the tree, like Y shape. It wasn't the weather because the next door neighbors tree looked just like the one in front of my house and the Y shape became rotten. I have pictures of the tree that fell on my lawn. This happened on 10-27-10 on a Wednesday. It fell at 12:30 P.M. the city was here at 1:10 PM on Wednesday. The tree was cut down before 2'o'clock P.M. Now the neighbors tree was cut down on January 25, 2011.

CITY OF MILWAUKEE
2011 JAN 27 PM 2:08
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
2011 JAN 31 AM 7:28
OFFICE OF CITY ATTORNEY

They wouldn't be taking it down if there wasn't anything wrong with it. It was the same kind of tree that was in front of my house. I would like to hear from some one as soon as paible.

Thankyou

Sincirely

Noreen D Strand
2150 So. Ellis St.
Milw Wisc.
53207
Phone# 414-481-4192

copy

1st letter

12-1-10

Noreen D Strand
2150 So. Ellis St
Milw Wisc
53207

Office of City Clerk:

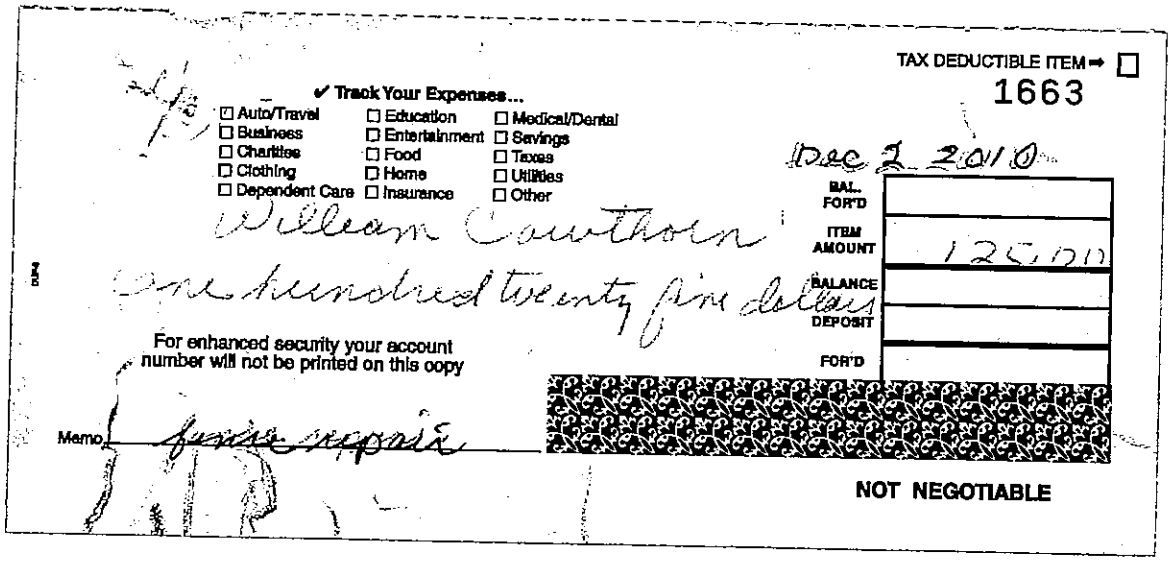
To whom this may concern:

Dear Sirs:

As you know the storm on Oct 27 2010, broke a tree ~~down~~ in front of my house and broke my picket fence. The city took pictures and we took pictures. Since then we hired some one to rebuild the fence. They had to repair an 8 ft. section because runners were broken and some pickets. The man charged me $125.00 for labor and painting. I would like to know if I'm going to be reimbursed for my expenses because it was a city tree that fell. Please call me if possible at 414-481-4192

mailed
Dec 2-2010

reimbursed



TAX DEDUCTIBLE ITEM ➡ ☐

1663

✔ Track Your Expenses...

☑ Auto/Travel ☐ Education ☐ Medical/Dental
☐ Business ☐ Entertainment ☐ Savings
☐ Charities ☐ Food ☐ Taxes
☐ Clothing ☐ Home ☐ Utilities
☐ Dependent Care ☐ Insurance ☐ Other

Dec 2 2010

BAL. FOR'D

ITEM AMOUNT 125.00

BALANCE

DEPOSIT

FOR'D

William Courthorn

One hundred twenty five dollars

For enhanced security your account number will not be printed on this copy

Memo fence repair

NOT NEGOTIABLE

Office of The City Clerk:

Dear Sirs;

Today, October 27-2010, about 12:30 PM, I heard a big crash and looked out side my front window, and saw a big branch from a tree on the street had fallen on my front lawn. It broke my white picket fence in front of property. I called the city at about 12:30 Pm reported it. The city came and took pictures all around the tree. The city trucks came and removed the tree at 1:30 Pm and were done before 2 o'clock PM. I was told to file this claim in order to get my fence replaced. We were fortunate no damage happened to the house.

Sincerely

Noreen D Strand
2150 So. Allis St.
Milw Wisc
53207

P.S. If you wish to contact me, my number is 414-481-4192

CITY OF MILWAUKEE
RECEIVED
2010 OCT 29 PM 1:54
RONALD D. LEONHARD
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
2010 OCT 29 PM 2:46
OFFICE OF
CITY ATTORNEY

Legislation Details (With Text)

File #:	101240 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	2/8/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from Doris Smith for property damage. (10th Aldermanic District)		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101240
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Doris Smith for property damage. (10th Aldermanic District)
Drafter
CC-CC
dkf
1/26/11

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GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
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Deputy City Attorneys

CITY OF MILWAUKEE
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DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

December 29, 2010

Doris Smith
3920 North 71st Street
Milwaukee, WI 53216

RE: Doris Smith
C.I. File No. 10-S-425

Dear Ms. Smith:

We have received your claim in the amount of $466.00, relating to damage allegedly sustained on October 27, 2010 when a branch from a City tree fell onto your property located at 3920 North 71st Street.

Our investigation reveals that this loss occurred solely as a result of high winds and was not in any way related to negligence by the City of Milwaukee. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1068-2010-3296:164796

1/7/11

CITY OF MILWAUKEE
2011 JAN 13 AM 12:10
RONALD D. LEONTMRU
CITY CLERK

To Whom It May Concern:

I'm writing to appeal your decision (C.L. File No 10s-425)
This is in regard to the City's tree that fell on my roof
damaging my gutter on October 27, 2010 at 3920 N. 71st St.
The tree had mushrooms growing out of it. That's a
sign of decaying. When the forestry cut the branch
off the roof, you could see the black in the tree
and branch. When they came back the second time they
cut down the branches off the tree, you could see
the black decay on the tree. On the third time
the tree was cut down to a stump. I know they
saw this (3 times). I went and had the gutter
repair in fear of the snow and the possibilities of
leakage in my bedroom.

I called the City several times and talked to
one of the inspector. I was told that my case
was young and that the inspector need to come
out and they haven't talk or gotten anything
from the forestry. This happen in December.
The inspector came out it was after the fact.
The gutter repaired and the tree was gone.

2011 JAN 18 PM 2:47
CITY OF MILWAUKEE
RECEIVED
CITY CLERK'S OFFICE

What he inspected, I don't Know. If the tree was healthy, why did it fall. All the other trees are still standing. I don't believe that the wind was solely the cause. It was your decaying tree.

Sincerely
Doris Smith

11/22/10

To The City of Milwaukee

On October 27th 2010 a tree branch at 3920 N. 7 1st fell on top of my roof damaging my gutter. This incident happened around 12:00. The City came out and removed the branch and at a later date they removed the entire tree. I have 2 estimates one is for $466.00 and the other is for $523.70. Due to the coming winter I need this repaired asap. I'm going to used the $466.00 service from ATEC.

wk 805-8949
home 449-9238

Thank You
Lora Smith
3920 N. 7 1st St.
Milw. WI. 53216

CITY OF MILWAUKEE
2010 NOV 24 AM 11:29
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
2010 NOV 24 PM 3:12
OFFICE OF
CITY ATTORNEY

INVOICE

On-Track Overhead Door
Brian Grzybowski
3847 South 50th Street
Milwaukee, WI 53220
414.545.2928 414.254.9706

DATE: NOVEMBER 10, 2010
414-449-9238

TO : Doris Smith
3920 N. 71st St.
Milw, WI

SALESPERSON	P.O #	PAYMENT TERMS	DUE DATE
Brian G		down payment rest upon completion	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Standard white 5" gutter		
1	90 Outside corner		
1	3" outlet		
22	Gutter hangers		
LABOR :	Brian		

NOTES : Replacing front gutter with new due to damage from tree falling on house. Replacing outside corner with new and 3" outlet, with all new gutter hangers. Note: reusing down spout and right side 90 angle . Complete install and clean up of all debris.

SUBTOTAL	523.70
5.6% SALES TAX	N/C
TOTAL	**523.70**

Signature _____ **Date** _____
Signature indicates work approved.

Make checks payable to Brian Grzybowski.
Thank you for your business.

Customer Agreement

Agreement Date 11-9-10

Name DORIS SMITH

Address 3920 N 71ST ST.

City MILWAUKEE State WI Zip 53216

Phone 414-444-9252 Cell

Email

American Thermal Energy Corporation

(ATEC)

6926 W. Becher Street
West Allis, WI 53219
1-888-798-2832
414-329-9373

I/We, the owners of the premises described above, agree to contract with American Thermal Energy Corporation hereinafter referred to as "contractor" to furnish, deliver and arrange for installation of all materials necessary to improve the above premises according to the following specifications.

LOF ALF TO INSTALL 32" GAGE GUTTERS IN THE COLOR OF WHITE TO THE FRONT OF THE HOUSE ONLY (APPROX 42 FT.) TO INCLUDE ONE CORNER CUT PIECE IN THE COLOR OF WHITE ALSO

FEATURES - SUPER HANGERS
- PREMIUM GUTTER SEALER ON THE CORNERS

APPROX INSTALL 3-5 WEEKS

CUSTOMER TO RECEIVE 20% OFF ALL FUTURE WORK

NO WORK WILL BE CONSIDERED UNLESS HEREIN SPECIFIED. NO VERBAL AGREEMENT RECOGNIZED

Total Investment $4166.00

Initial Investment $1000.00 (CASH)

Due from lender at loan closing $3165.00 TO BE COLLECTED IN THREE WEEKS ON 11-23-10

Balance due at completion $311.00

CUSTOMER RIGHT TO CANCEL:
You may cancel this agreement by mailing a written notice to American Thermal Energy Corporation, Attention Jason A. Stankowski, 6926 West Becher Street, West Allis, Wisconsin 53219, before midnight of the third business day after you signed this Agreement. If you wish, you may use this page as the notice by writing "I hereby cancel" and adding your name and address. A duplicate of this page is provided by the contractor for your records.

In witness whereof the Buyer has entered into this transaction this 9 day of NOVEMBER 20 10 By signing below this indicates acceptance of the above work and acknowledges that signee has Carefully read and understands both sides of this contract. **All contracts subject to management approval.**

Customer Approval

ATEC Representative

Customer Approval

ATEC Representative

White and Goldenrod - Office Copy Yellow and Pink - Customer Copies

Legislation Details (With Text)

File #:	101241 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	2/8/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relating to an appeal from ASAP Transportation for property damage.		
Sponsors:	THE CHAIR		
Indexes:	CLAIMS APPEAL		
Attachments:	City Attorney Letter, Appeal		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
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2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101241
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from ASAP Transportation for property damage.
Drafter
CC-CC
dkf
1/26/11

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GRANT F. LANGLEY
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DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

January 10, 2011

ASAP Transportation LLC
13760 North Bonniwell Court
Mequon, WI 53097

RE: ASAP Transportation LLC
C.I. File No.: 10-S-310

Dear Sir or Madam:

We have received your claim in the amount of $2,166.52, relating to damage sustained to your vehicle on July 19, 2010 when you allege that a stop sign at the intersection of North 6th Street and West Wright Street was turned so that traffic would not see it, which caused your vehicle to collide with another vehicle.

Our investigation reveals that the Infrastructure Services Division records indicate that prior to July 19, 2010 the City had no notice of this hazard and because of this lack of notice the City would not be liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1029-2010-2524:165055

CITY OF MILWAUKEE

2011 JAN 24 PM 9:51

RONALD D. LEONHARDT
CITY CLERK

1/20/11

I WOULD LIKE TO APPEAL THIS DECISION...

ASAP Transportation LLC

13760 BONNIWELL CT.

MEQUON, WI. 53097

CITY OF MILWAUKEE
RECEIVED

2011 JAN 25 PM 12:47

OFFICE OF
CITY ATTORNEY

Wisconsin Motor Vehicle Accident Report MV4000e 01/2005

9H08XQX

PK2009

POLICE #

ACCIDENT # 102000682

GENERAL INFORMATION

☒ Reportable Accident	☐ On Emergency	☐ Amended	DOT Document Number: 9H08XQX	Document Override Number:
Agency Accident Number: 102000682		Police Number:		
4 - Accident Date: 07/19/2010	5 - Time of Accident (Military Time): 0910	6 - Total Units: 02	7 - Total Injured: 03	8 - Total Killed: 00
2 - County: MILWAUKEE - 40	3 - Municipality: MILWAUKEE - 57 - CITY		4 - Accident Location: INTERSECTION	

14 - On Hwy No.	14 - On Street Name: WRIGHT ST W	14 - Bus/Frnt/Rmp	15 - Est. Dist	Ft/Mi	15 - Hwy. Dir
16 - Fr/At Hwy No.	16 - From/At Street Name: 6TH ST N	16 - Business/Frontage/Ramp			
17 - Structure Type	17 - Structure Number	12 - Latitude	13 - Longitude		

80 - First Harmful Event: MOTOR VEHICLE IN TRANSPORT	93 - Manner of Collision: ANGLE		
112 - Access Control: NO CONTROL	113 - Road Curvature: STRAIGHT	113 - Road Terrain: LEVEL/FLAT	Surface Type: CONCRETE - 1
115 - Traffic Way: NOT-PHYSICALLY-DIVIDED-(2-WAY TRAFFIC)			
117 - Relation To Roadway: ON-ROADWAY			
114 - Light Condition: DAYLIGHT	116 - Road Surface Condition: DRY	118 - Weather: CLEAR	

9 ☐ Hit and Run	9 ☐ Government Property	9 ☐ Fire	9 ☐ Photos Taken	9 ☐ Trailer or Towed
9 ☒ Truck, Bus, or Hazardous Materials	9 ☐ Load Spillage	9 ☐ Construction Zone	9 ☒ Names Exchanged	
101 ☐ Supplemental Reports	102 ☒ Witness Statements	103 ☐ Measurements Taken	79 - E M S Number	

2011 JAN 25 PM 12:41
CITY ATTORNEY'S OFFICE

CITY OF MILWAUKEE RECEIVED

Operator/Pedestrian

OPERATOR/PEDESTRIAN 01

Unit Status	81 - Most Harmful Event: Collision With: MOTOR VEHICLE IN TRANSPORT	23 - Dir Of Travel: WEST	24 - Speed Limit: 30
36 - Operating as Classified: D CLASS	37 - Endorsements	35 ☐ Operating Commercial Motor Vehicle	
29 - Driver's License Number: C150792634506	30 - State: WI	31 - Expiration Year: 2013	44 - On Duty Accident
25 - Operator/Pedestrian Last Name: CABAN	25 - First Name: STEVEN	25 - Middle Initial: L	25 - Suffix
32 - Date Of Birth: 09/25/1963	33 - Sex: MALE		
26 - Address Street & Number: 3730 N 4TH ST		26 - PO Box	
27 - City: MILWAUKEE	27 - State: WI	27 - Zip Code: 53212	28 - Telephone Number: (414) 550-6772 EXT.
39 - Seat Position: FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR)		40 - Safety Equipment: SHOULDER-BELT-AND-LAP-BELT-USED	
38 - Injury Severity: C - POSSIBLE INJURY	41 - Airbag: NON-DEPLOYED	42 - Ejected: NOT-EJECTED	44 ☐ Medical Transport
43 - Trapped/Extricated: NOT-TRAPPED	92 - Pedestrian Location	92 - Pedestrian Action	
119 - What Driver Was Doing: GOING-STRAIGHT	120 - Traffic Control: NO-CONTROL		62 - No. of Citations Issued: 0
64 - 1st Statute No.	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.	64 - 5th Statute No.
122 - Driver Factors: NOT-APPLICABLE				
88 - Driver or Pedestrian Cond: APPEARED NORMAL	89 - Substance Presence: NEITHER-ALCOHOL-NOR-DRUGS-PRESENT			
90 - Alcohol Test: TEST NOT GIVEN	90 - Alcohol Content	91 - Drug Test: TEST-NOT-GIVEN		

91 - Drugs Reported	
124 - Highway Factors	NOT-APPLICABLE

Vehicle

VEHICLE 01

21 - Unit Type: TRUCK		Vehicle Type: UTILITY-TRUCK			22 - Total Occupants: 2
56 - License Plate Number: GP6882	57 - Plate Type: LTK	58 - State: WI	59 - Exp Year: 2011	55 - Vehicle Identification Number: 1N6SD11S3RC421888	
50 - Year: 1994	51 - Make: NISS	52 - Model: STANDARD	53 - Body Style: PK	54 - Color: BLK	100 - Skidmarks to Impact (Ft)
94 - Vehicle Damage: FRONT, FRONT PASSENGER SIDE, FRONT DRIVER SIDE					
95 - Extent Of Damage: MODERATE	96: ☐ Vehicle Towed Due To Damage		97 - Vehicle Removed By: OWNER		
123 - Vehicle Factors: NOT-APPLICABLE					

Vehicle Owner

VEH OWNER 01

45: ☒ Vehicle Owner Same As Operator				
46 - Vehicle Owner Last Name: CABAN	46 - First Name: STEVEN	46 - Middle Initial: L	46 - Suffix:	Date Of Birth: 09/25/1963
46 - Company Name:				
47 - Address Street & Number: 3730 N 4TH ST		47 - PO Box:		
48 - City: MILWAUKEE	48 - State: WI	48 - Zip Code: 53212	49 - Telephone Number: (414) 550-6772 EXT.	

Insurance

INS 01

63 - Liability Insurance Company: WEST-BEND-MUTUAL-INS-CO	60: ☒ Policy Holder Same As Owner
61 - Policy Holder Last Name: CABAN	61 - Policy Holder First Name: STEVEN
61 - Policy Holder Company:	

School Bus

BUS 01

Bus Travelling to/from: ○ To ○ From	School Name	Body Make	Seating Capacity
School District Contracted With			

Operator/Pedestrian

Unit Status	81 - Most Harmful Event: Collision With: MOTOR VEHICLE IN TRANSPORT		23 - Dir Of Travel: SOUTH	24 - Speed Limit: 25
38 - Operating as Classified: D CLASS	37 - Endorsements	35: ☐ Operating Commercial Motor Vehicle		
29 - Driver License Number: S124540742620	30 - State: WI	31 - Expiration Year: 2013	34 - OnDuty Accident	
25 - Operator/Pedestrian Last Name: SHEPSHELEVICH	25 - First Name: MIKHAIL	25 - Middle Initial:	25 - Suffix	
32 - Date Of Birth: 07/22/1974	33 - Sex: MALE			

OPERATOR/PEDESTRIAN 02

26 - Address Street & Number 13760 N BONNIVELL CT			28 - PO Box
27 - City MEQUON	27 - State WI	27 - Zip Code 53097	28 - Telephone Number (414) 899-9399 EXT.
39 - Seat Position FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR)		40 - Safety Equipment SHOULDER-BELT-AND-LAP-BELT-USED	
38 - Injury Severity N - NO APPARENT INJURY	41 - Airbag NON-DEPLOYED	42 - Ejected NOT-EJECTED	44 ☐ Medical Transport
43 - Trapped/Extricated NOT-TRAPPED	92 - Pedestrian Location	92 - Pedestrian Action	
119 - What Driver Was Doing GOING-STRAIGHT	120 - Traffic Control STOP-SIGN		62 - No. of Citations Issued 1
64 - 1st Statute No. 346.57(2)	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.	64 - 5th Statute No.
122 - Driver Factors EXCEEDING-SPEED-LIMIT				
88 - Driver or Pedestrian Cond APPEARED NORMAL	89 - Substance Presence NEITHER-ALCOHOL-NOR-DRUGS-PRESENT		
90 - Alcohol Test TEST NOT GIVEN	90 - Alcohol Content	91 - Drug Test TEST-NOT-GIVEN	
91 - Drugs Reported			
124 - Highway Factors NOT-APPLICABLE			

Vehicle

VEHICLE 02

21 - Unit Type AUTOMOBILE	Vehicle Type PASSENGER-CAR				22 - Total Occupants 4
56 - License Plate Number 461ZYE	57 - Plate Type AUT	58 - State WI	59 - Exp Year 2010	60 - Vehicle Identification Number 1FDEE14H7SHB21699	
50 - Year 1995	51 - Make FORD	52 - Model ECONOLINE	53 - Body Style VN	54 - Color GRN	100 - Skidmarks to Impact (Ft)
94 - Vehicle Damage REAR DRIVER SIDE					
95 - Extent Of Damage MODERATE	98 ☐ Vehicle Towed Due To Damage		97 - Vehicle Removed By OWNER		
123 - Vehicle Factors NOT-APPLICABLE					

Vehicle Owner

VEH OWNER 02

45 ☒ Vehicle Owner Same As Operator				
46 - Vehicle Owner Last Name SHEPSHELEVICH	46 - First Name MIKHAIL	46 - Middle Initial	46 - Suffix	Date Of Birth 07/22/1974
46 - Company Name				
47 - Address Street & Number 13760 N BONNIVELL CT		47 - PO Box		
48 - City MEQUON	48 - State WI	48 - Zip Code 53097	49 - Telephone Number (414) 899-9399 EXT.	

Insurance

INS 02

63 - Liability Insurance Company	60
NATIONAL-CONTINENTAL-INS-CO	☒ Policy Holder Same As Owner
61 - Policy Holder Last Name: SHEPSHELEVICH	61 - Policy Holder First Name: MIKHAIL
61 - Policy Holder Company	

School Bus

BUS 02

Bus Travelling to/from ○ To ○ From	School Name	Body Make	Seating Capacity
School District Contracted With			

Occupant

OCCUPANT 01

☐ Address Same As Operator

65 - Unit No	66 - Occupant Last Name	66 - First Name	66 - Middle Initial	66 - Suffix
01	HAMILTON	STEPHEN	A	

68 - Address Street & Number	68 - PO Box
6656 N 42ND ST	

68 - City	68 - State	68 - Zip Code
MILWAUKEE	WI	53209

67 - Date of Birth	69 - Sex
06/25/1965	MALE

71 - Seat Position	72 - Safety Equipment
FRONT-SEAT-RIGHT-SIDE-(TRAIN ENGINEER)	SHOULDER-BELT-AND-LAP-BELT-USED

70 - Injury Severity	73 - Airbag	75 - Ejected	77
B - NON-INCAPACITATING INJURY	NON-DEPLOYED	NOT-EJECTED	☒ Medical Transport

76 - Trapped/Extricated	78 - Agency Space
NOT-TRAPPED	

Occupant

OCCUPANT 02

☐ Address Same As Operator

65 - Unit No	66 - Occupant Last Name	66 - First Name	66 - Middle Initial	66 - Suffix
02	LETSER	MARIYA		

68 - Address Street & Number	68 - PO Box
1700 E RIVER PARK CT	

68 - City	68 - State	68 - Zip Code
SHOREWOOD	WI	53211

67 - Date of Birth	69 - Sex
02/16/1931	FEMALE

71 - Seat Position	72 - Safety Equipment
FRONT-SEAT-RIGHT-SIDE-(TRAIN ENGINEER)	SHOULDER-BELT-AND-LAP-BELT-USED

70 - Injury Severity	73 - Airbag	75 - Ejected	77
N - NO APPARENT INJURY	NON-DEPLOYED	NOT-EJECTED	☐ Medical Transport

76 - Trapped/Extricated	78 - Agency Space
NOT-TRAPPED	

Occupant

OCCUPANT 03

☐ Address Same As Operator

65 - Unit No	66 - Occupant Last Name	66 - First Name	66 - Middle Initial	66 - Suffix
02	JAMISON	HATTIE		

68 - Address Street & Number	68 - PO Box
2531 N 6TH ST	

68 - City	68 - State	68 - Zip Code
MILWAUKEE	WI	53206

67 - Date of Birth	69 - Sex
05/03/1921	FEMALE

71 - Seat Position	72 - Safety Equipment
SECOND-SEAT-RIGHT	SHOULDER-BELT-AND-LAP-BELT-USED

70 - Injury Severity	73 - Airbag	75 - Ejected	77
N - NO APPARENT INJURY	NOT APPLICABLE	NOT-EJECTED	☐ Medical Transport

76 - Trapped/Extricated	78 - Agency Space
NOT-TRAPPED	

Occupant

OCCUPANT 04

☐ Address Same As Operator

65 - Unit No	66 - Occupant Last Name	66 - First Name	66 - Middle Initial	66 - Suffix
02	ALLEN	LINDA	M	

68 - Address Street & Number	68 - PO Box
2434 N 40TH ST	

68 - City	68 - State	68 - Zip Code
MILWAUKEE	WI	53216

67 - Date of Birth	69 - Sex
03/29/1952	FEMALE

71 - Seat Position	72 - Safety Equipment
SECOND-SEAT-LEFT-SIDE-(MC/BIKE PASSENGER, TRAIN BREAKMA	SHOULDER-BELT-AND-LAP-BELT-USED

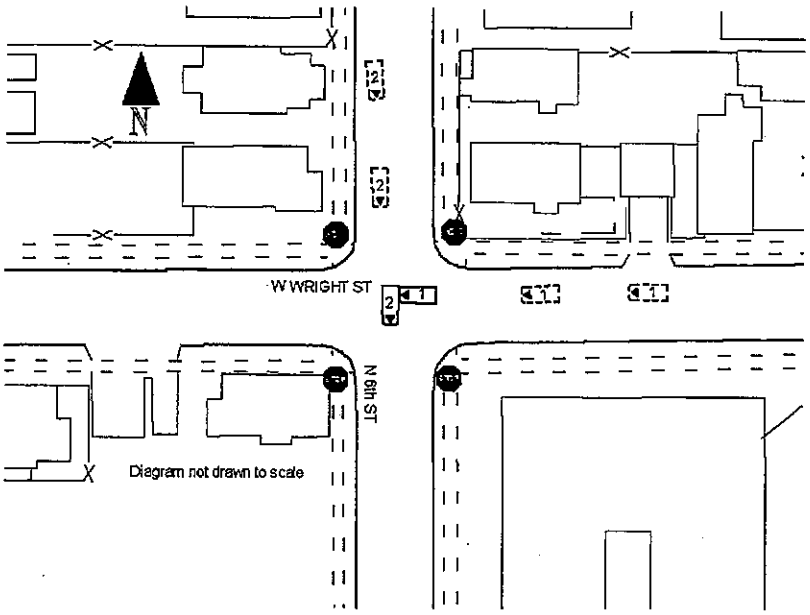
70 - Injury Severity	73 - Airbag	75 - Ejected	77
B - NON-INCAPACITATING INJURY	NON-DEPLOYED	NOT-EJECTED	☒ Medical Transport

76 - Trapped/Extricated	78 - Agency Space
NOT-TRAPPED	

Diagram and Narrative

DIAGRAM AND NARRATIVE

105 - PHOTOS BY



UNIT # 1 WAS TRAVELING W/B IN THE 500 BLOCK OF W. WRIGHT ST, WHEN UNIT # 2 PROCEEDED THROUGH THE INTERSECTION, S/B ON N. 6TH ST, AT A HIGH RATE OF SPEED. THIS CAUSED UNIT # 1 TO COLLIDE WITH UNIT # 2.

THIS SUPPLEMENTAL REPORT IS BEING WRITTEN BY P.O. KIM LASTRILLA ASSIGNED TO DISTRICT 5, DAY SHIFT. ON MONDAY, JULY 19, 2010 AT 9:25AM, I, P.O. LASTRILLA RESPONDED TO AN ACCIDENT AT N. 6TH ST AND W. WRIGHT ST.

I SPOKE WITH THE DRIVER OF UNIT # 1, STEVEN L CABAN, WHO STATED HE WAS TRAVELING W/B ON W. WRIGHT ST, WHEN HE OBSERVED A GREEN VAN (UNIT #2) TRAVELING S/B ON N. 6TH ST, AT A HIGH RATE OF SPEED. CABAN STATED THE VAN THEN DID NOT STOP AT THE STOP SIGN AT W. WRIGHT ST, AND THEN PROCEEDED INTO THE INTERSECTION. CABAN STATED HE WAS UNABLE TO STOP IN TIME AND COLLIDED WITH THE DRIVERS SIDE OF THE VAN. CABAN FURTHER STATED HE IS HAVING PAIN TO HIS WRIST, LEGS AND BACK.

CABAN TOOK HIMSELF TO THE HOSPITAL FOR TREATMENT. HE WAS ADMITTED TO COLUMBIA HOSPITAL BY DR. WYATT JAFFE. HE WAS TREATED AND RELEASE FOR HIS INJURIES.

THE FRONT SEAT PASSENGER IN UNIT # 1, STEPHEN A HAMILTON, WAS CONVEYED BY BELL # 454 TO COLUMBIA HOSPITAL AND WAS TREATED FOR SWELLING TO HIS RIGHT KNEE. HE WAS TREATED BY DR. JAFFE WYATT AND

RELEASED.

I SPOKE WITH THE DRIVER OF UNIT #2, MIKHAIL SHEPSHELEVICH, WHO STATED HE JUST PICKED UP A PASSENGER MID-BLOCK AND STARTED TO TRAVEL S/B ON N. 6TH ST. WHEN A BLACK PICK UP TRUCK COLLIDED WITH HIS VEHICLE. AS SOON AS HE ENTERED THE INTERSECTION. MIKHAIL STATED ONCE HE STOPPED, HE NOTICED SOMEBODY HAD TURNED THE STOP SIGN AND HE DIDN'T SEE IT. MIKHAIL FURTHER STATED HE WAS DRIVING VERY SLOW, BECAUSE HE JUST PICKED SOMEBODY UP.

THE REAR PASSENGER IN UNIT #2, LINDA M. ALLEN, WAS INJURED IN THE ACCIDENT. SHE WAS CONVEYED BY BELL# 457 TO MT. SINAI HOSPITAL. SHE WAS TREATED BY DR. AMGAD ASMC FOR NECK AND BACK PAIN. SHE WAS TREATED AND RELEASED FOR HER INJURIES.

I THEN SPOKE WITH A WITNESS TO THE ACCIDENT, ADRIANE GRIFFIN, WHO STATED SHE WAS WALKING TO THE BUILDING, AT 2460 N 6TH ST, AND SHE OBSERVED THE GREEN VAN (UNIT # 2) TRAVELING ABOUT 45-50 MPH, S/B ON N. 6TH ST. GRIFFIN STATED THE VAN DID NOT STOP AT THE STOP SIGN ON W. WRIGHT ST AND DROVE DIRECTLY IN FRONT OF THE BLACK PICK UP TRUCK (UNIT #1). GRIFFIN STATED THE BLACK PICK UP TRUCK THEN COLLIDED WITH THE GREEN VAN. GRIFFIN STATED IT APPEARED THE BLACK PICK UP TRUCK WAS TRAVELING THE SPEED LIMIT, IF NOT SLOWER.

I DID OBSERVE THE STOP SIGN ON N. 6TH ST AND IT WAS TURNED IN A DIRECTION THAT PEOPLE WHO WERE TRAVELING S/B ON N. 6TH ST, WOULD NOT HAVE SEEN IT.

Witness

WITNESS 01

107 - Witness Last Name	107 - First Name	107 - Middle Initial
GRIFFIN	ADRIANE	

108 - Address Street & Number	108 - PO Box	109 - Date of Birth
4138 N 12TH ST		11/9/1955

110 - City	State	110 - Zip Code	111 - Telephone Number
MILWAUKEE	WI	53206	(414) 372-3770 EXT.

Officer Information

OFFICER INFORMATION

125 - Officer Last Name	125 - First Name	125 - Middle Initial	131 - Officer ID
LASTRILLA	KIM	M	11315

129 - Law Enforcement Agency No.	130 - Law Enforcement Agency Name
006	MILWAUKEE POLICE DEPARTMENT

126 - Law Enforcement Agency Address Street & Number: 749 WEST STATE STREET

127 - City	127 - State	127 - Zip Code	128 - Telephone Number
MILWAUKEE	WI	53233	(414) 933-4444 EXT.

132 - Date Notified	133 - Time Notified (Military Time)	134 - Time Arrived (Military Time)	135 - Date Of Report
07/19/2010	0925	0928	07/19/2010

Agency Accident Number	Police Number	19 - Special Study
102000682		

18 - Agency Space:

PROGRESSIVE®

September 7, 2010

City Clerk
ATTN: CLAIMS
200 E Wells St Room 205
Milwaukee WI 53202-3567

RE: Our Insured: ASAP Transportation LLC
Our Claim Number: 10-4230847
Date of Loss: 07-19-10

To Whom It May Concern:

This letter is you advise you that on the July 19, 2010 an accident occurred at the intersection of West Wright and N 6th Street. It was observed that the stop sign on N 6th Street was turned in a direction that people who were traveling south bound on N 6th street would not have seen it.

Sincerely,

Donna M Forte

Donna M. Forte
Claims Representative

PO Box 89401
Cleveland OH 44101
#800-678-2624 X7238344
FAX #888-226-7234
email: donna_forte@progressive.com

RECEIVED
2010 SEP 13 AM 9:43
RONALD D. [illegible]
CITY CLERK

Legislation Details (With Text)

File #:	101283 **Version:** 0		
Type:	Resolution	**Status:**	In Committee
File created:	2/8/2011	**In control:**	JUDICIARY & LEGISLATION COMMITTEE
On agenda:		**Final action:**	
Effective date:			
Title:	Resolution relative to legislative bills.		
Sponsors:	THE CHAIR		
Indexes:	FEDERAL LEGISLATION, STATE LEGISLATION		
Attachments:	Agenda 02-21-11.pdf, JR1AB-11, JR1SB-11		

Date	Ver.	Action By	Action	Result	Tally
2/8/2011	0	COMMON COUNCIL	ASSIGNED TO		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/15/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101283
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relative to legislative bills.
Drafter
IRD
Mo
2/4/11

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LEGISLATIVE HEARING CALENDAR

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, FEBRUARY 21, 2011 AT 1:30 PM

Room 301-B City Hall

Special Session SB-11 Special Session AB-11	**State finances, collective bargaining for public employees, compensation and fringe benefits of public employees, the state civil service system, the Medical Assistance program, sale of certain facilities, granting bonding authority, and making an appropriation.**

State of Wisconsin
2011 − 2012 LEGISLATURE

January 2011 Special Session

LRB−1426/1
CMH/RAC/TJD:all:all

ASSEMBLY BILL 11

February 15, 2011 − Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION, by request of Governor Scott Walker. Referred to Joint Committee on Finance. Referred to Joint Survey Committee on Retirement Systems.

AN ACT **relating to:** state finances, collective bargaining for public employees, compensation and fringe benefits of public employees, the state civil service system, the Medical Assistance program, sale of certain facilities, granting 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 of 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

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.~~ 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:

13.172 **(1)** In this section, "agency" means an office, department, 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, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52,~~ 231, 233, 234, 238, or 279.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 12. 15.96 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

16.045 **(1)** (a) "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, 232, 233, 234, 235, 237, 238, or 279.

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

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

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

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

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

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

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

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

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

16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. 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 28. 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

16.54 **(9)** (a) 1. "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, which 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 29. 16.70 (2) of the statutes is amended to read:

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

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

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

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

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

16.765 **(2)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16.85 **(2)** To furnish engineering, architectural, project management, and other building construction services whenever requisitions therefor are presented to the department by any agency. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. 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, which 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 42. 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). 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, 232, 233, 234, 235, 237, 238, or 279.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40.03 **(6)** (j) May contract with the department of health services and may contract with 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, as well as for any other consulting services related to plans offered by the group insurance board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 109. 46.2898 of the statutes is repealed.

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

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

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

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

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

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

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

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

3. Ensuring the long−term viability and sustainability of Medical Assistance programs.

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

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

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

7. Supporting responsibility and choice of medical assistance recipients.

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

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

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

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

4. Revise provider reimbursement models for particular services.

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

6. Restrict or eliminate presumptive eligibility.

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

8. Set standards for establishing and verifying eligibility requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 131. 49.46 (1) (n) of the statutes is created to read:

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

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

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

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

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

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

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

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

49.47 **(4)** (a) (intro.) ~~Any~~ Unless otherwise provided by the department by rule under s. 49.45 (2m) (c), any individual who meets the limitations on income and resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be 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),

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

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

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

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

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

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

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

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

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

SECTION 147. Chapter 52 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Each local governmental unit that is collectively bargaining with its employees shall 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 same method the department of revenue uses under s. 73.03 (68).

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

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

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

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

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

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

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

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

73.03 **(68)** At the request of the Wisconsin Employment Relations Commission, as provided under s. 111.91 (3q), to determine the average annual percentage change in the U.S. 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 request from the Wisconsin Employment Relations Commission.

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

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

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

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

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

101.177 **(1)** (d) "State agency" means any office, department, 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, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority, but excluding the Health Insurance Risk−Sharing Plan Authority and the Lower Fox River Remediation Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 181. 111.075 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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~~

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

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

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

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

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

111.70 **(1)** (f) "Fair−share agreement" means an agreement between a municipal employer and a labor organization that represents public safety employees under which all or any of the public safety employees in the 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. ~~Such an agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the employees affected by said agreement 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~~

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

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

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

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

111.70 **(2)** RIGHTS OF MUNICIPAL EMPLOYEES. Municipal 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, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection~~, and such employees shall~~. Municipal employees have the right to refrain from any and all such activities ~~except that employees~~. A general municipal employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit. A public safety employee, however, maybe required to pay dues in the manner provided in a fair−share agreement~~. Such~~; a fair−share agreement covering a public safety employee must contain a provision requiring the municipal employer to deduct the amount of dues as certified by the labor

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The fact finder appointed under subd. 3. a. may establish dates and place of hearings which shall be where feasible, and shall conduct the hearings pursuant to rules established by the commission. Upon request, the commission shall issue subpoenas for hearings conducted by the fact finder. The fact finder may administer oaths. Upon completion of the hearing, the fact finder shall make written findings of fact and recommendations for solution of the dispute and shall cause the same to be served on the parties and the commission. Cost of fact−finding proceedings shall 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 239. 111.80 of the statutes is repealed.

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

111.81 **(1)** "Collective bargaining" means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3), with respect to general employees, with the intention of reaching an agreement, or to resolve questions arising under such an agreement. 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.

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 274. 111.84 (2) (c) of the statutes is amended to read:

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

SECTION 275. 111.84 (3) of the statutes is amended to read:

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

SECTION 276. 111.845 of the statutes is created to read:

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

SECTION 277. 111.85 (1), (2) and (4) of the statutes are amended to read:

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

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

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

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

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

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

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

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

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

SECTION 278. 111.85 (5) of the statutes is repealed.

SECTION 279. 111.90 (2) of the statutes is amended to read:

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

SECTION 280. 111.905 of the statutes is repealed.

SECTION 281. 111.91 (1) (a) of the statutes is amended to read:

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

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

SECTION 290. 111.91 (2) (gu) of the statutes is amended to read:

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

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

SECTION 292. 111.91 (3) of the statutes is created to read:

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

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

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

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

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

SECTION 293. 111.91 (3q) of the statutes is created to read:

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

SECTION 294. 111.92 (1) (a) of the statutes is amended to read:

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

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

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

SECTION 300. 111.93 (3) (b) of the statutes is created to read:

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

SECTION 301. Subchapter VI of chapter 111 [precedes 111.95] of the statutes is repealed.

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

SECTION 303. 118.223 of the statutes is created to read:

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

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

SECTION 305. 118.245 of the statutes is created to read:

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

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

SECTION 306. 118.40 (2r) (b) 3. a. of the statutes is amended to read:

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

SECTION 307. 118.42 (3) (a) 4. of the statutes is amended to read:

118.42 **(3)** (a) 4. Implement changes in administrative and personnel 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

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

SECTION 312. 120.18 (1) (gm) of the statutes is amended to read:

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

SECTION 313. 146.59 of the statutes is repealed.

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

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

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

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

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

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

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

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

SECTION 318. 230.046 (10) (a) of the statutes is amended to read:

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

SECTION 319. 230.08 (2) (e) 1. of the statutes is amended to read:

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

SECTION 320. 230.08 (2) (e) 2. of the statutes is amended to read:

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

SECTION 321. 230.08 (2) (e) 2m. of the statutes is amended to read:

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

SECTION 322. 230.08 (2) (e) 3e. of the statutes is amended to read:

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

SECTION 323. 230.08 (2) (e) 4f. of the statutes is amended to read:

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

SECTION 324. 230.08 (2) (e) 5. of the statutes is amended to read:

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

SECTION 325. 230.08 (2) (e) 6. of the statutes is amended to read:

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

SECTION 326. 230.08 (2) (e) 8. of the statutes is amended to read:

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

SECTION 327. 230.08 (2) (e) 8h. of the statutes is created to read:

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

SECTION 328. 230.08 (2) (e) 8j. of the statutes is created to read:

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

SECTION 329. 230.08 (2) (e) 9m. of the statutes is amended to read:

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~~,~~

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

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

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

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

b. 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 participation in purported mass resignations or sick calls.

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

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

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

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

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

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

230.35 **(2d)** (e) 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 347. 230.35 (3) (e) 6. of the statutes is amended to read:

230.35 **(3)** (e) 6. 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 paragraph shall apply unless otherwise provided in a collective bargaining agreement.

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

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

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

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

233.10 **(2)** (intro.) Subject to subs. (3), ~~(3m),~~ (3r) and (3t) and ch. 40 ~~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~~, the authority shall establish any of the following:

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

233.10 **(3)** (a) (intro.) In this subsection and ~~subs. (3m) and~~ sub. (4), "carry−over employee" means an employee of the authority who satisfies all of the following:

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

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

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

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

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

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

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

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

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

285.59 **(1)** (b) "State agency" means any office, department, 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 which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority.

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

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

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

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

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

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

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

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

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

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

SECTION 9101. Nonstatutory provisions; Administration.

(1) EVALUATION OF STAFFING NEEDS AT THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION. The department of administration shall evaluate the staffing requirements of the Wisconsin employment relations commission and shall submit the report of the evaluation to the joint committee on finance under section 13.10 of the statutes.

(2) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of administration are decreased by 1.0 FED position, funded from the appropriation under section 20.505 (1) (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 administration are decreased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (kr) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(c) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (ka) of the statutes, to provide for an unclassified division administrator.

(d) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (kr) of the statutes, to provide for an unclassified division administrator.

(e) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (5) (ka) of the statutes, to provide for an unclassified division administrator.

SECTION 9103. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of agriculture, trade and consumer protection are decreased by 3.0 GPR positions, funded from the appropriation under section 20.115 (8) (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 agriculture, trade and consumer protection are increased by 3.0 GPR positions, funded from the appropriation under section 20.115 (8) (a) of the statutes, to provide for additional unclassified division administrators.

SECTION 9108. Nonstatutory provisions; Children and Families.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of children and families are decreased by 1.0 PR position, funded from the appropriation under section 20.437 (3) (k) 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 children and families are decreased by 1.85 GPR positions, funded from the appropriation under section 20.437 (3) (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 children and families are decreased by 0.15 FED position, funded from the appropriation under section 20.437 (3) (n) of the statutes, for the purpose for which the appropriation is made. 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. Employees covered under section 40.05 (4) (ag) 2. of the statutes, as affected by this act, 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 under section 40.51 (6) of the statutes; $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 under section 40.51 (6) of the statutes; 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 under section 40.51 (6) of the statutes.

2. Eligible employees covered under section 40.02 (25) (b) 2. of the statutes, as affected by this act, shall pay 50 percent of the amounts required for employees under subdivision 1.

3. Employees covered under section 40.05 (4) (ag) 1. of the statutes, as affected by this act, and craft employees, as defined in section 111.81 (4) of the statutes, and related nonrepresented employees shall pay the same amounts that they are required to pay on the day before the effective date of this subdivision.

(b) If an employer is unable to modify payroll procedures in sufficient time to collect employees' increased share of the premium costs for health care coverage under paragraph (a), the employer shall recover all amounts that employees owe for the increased share of premium costs before July 1, 2011.

(2) EMPLOYER AND EMPLOYEE REQUIRED CONTRIBUTIONS FOR 2011. Notwithstanding the employer and employee required contributions rates established for 2011 under section 40.05 (1) and (2), 2009 stats., beginning on the first day of the first pay period after March 13, 2011, the employee required contributions under section 40.05 (1) (a) of the statutes, as affected by this act, shall be in effect for the remainder of 2011, and

the employer required contributions under section 40.05 (2) of the statutes shall be adjusted to reflect the increases in employee required contributions for the remainder of 2011. In addition, beginning on the first day of the first pay period after March 13, 2011, for the purpose of calculating employee required contributions, the benefit adjustment contribution established under section 40.05 (2m), 2009 stats., shall be treated as an employer required contribution for the remainder of 2011. If an employer is unable to modify payroll procedures in sufficient time to collect the increased employee required contributions before the first day of the first pay period after March 13, 2011, the employer shall recover all amounts that employees owe before July 1, 2011.

(3) MODIFICATIONS TO WISCONSIN RETIREMENT SYSTEM.

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

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

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

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

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

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

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

(4) ALLOCATION OF CERTAIN EXCESS RESERVES IN THE PUBLIC EMPLOYEE TRUST FUND TO REDUCE EMPLOYER HEALTH INSURANCE COSTS DURING 2011. Notwithstanding any action of the group insurance board under section 40.03 (6) (d) of the statutes, from reserve accounts established under section 20.515 (1) (r) of the statutes for group health insurance and pharmacy benefits for state employees, the secretary of employee trust funds shall allocate an amount equal to $28,000,000 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.

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

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

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

SECTION 9117. Nonstatutory provisions; Financial Institutions.

(1) POSITION INCREASES AND DECREASES.

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

SECTION 9121. Nonstatutory provisions; Health Services.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of health services are 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. "General municipal employee" has the meaning given in section 111.70 (1) (fm) of the statutes, as created by this act.

2. "School district employee" has the meaning given in section 111.70 (1) (ne) of the statutes.

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

SECTION 9135. Nonstatutory provisions; Natural Resources.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of natural resources are decreased by 1.0 SEG position, funded from the appropriation under section 20.370 (1) (mu) 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 natural resources are decreased by 2.0 SEG positions, funded from the appropriation under section 20.370 (8) (mu) 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 natural resources are increased by 1.0 SEG position, funded from the appropriation under section 20.370 (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.

(a) The authorized FTE positions for the department of revenue are decreased by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (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 revenue are decreased by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

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

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

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

(1) HEALTH INSURANCE OPTIONS. The director of the office of state employment relations and the secretary of employee trust funds shall study the feasibility of offering to employees eligible who receive health care coverage under subchapter IV of chapter 40 of the statutes, beginning on January 1, 2013, the options 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 in 26 USC 223. The director of the office of state employment relations and the secretary of employee trust funds shall also study the feasibility of requiring state employees to receive health care coverage through a health benefits exchange

established pursuant to the federal Patient Protection and Affordable Care Act of 2010 and creating a health care insurance purchasing pool for all state and local government 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.

(2) COMPENSATION FOR REPRESENTED STATE EMPLOYEES. Upon termination of any collective bargaining agreement between the state and a labor organization representing employees in a collective bargaining unit under section 111.825 (1) or (2) of the statutes, as affected by this act, the director of the office of state employment relations may continue to administer those provisions of the collective bargaining agreements that the director determines necessary for the orderly administration of the state civil services system until the compensation plan under section 230.12 of the statutes is established for the 2011−13 fiscal biennium.

(3) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the office of state employment relations are decreased by 1.0 PR position, funded from the appropriation under section 20.545 (1) (k) 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 office of state employment relations are increased by 1.0 PR position, funded from the appropriation under section 20.545 (1) (k) of the statutes, to provide for an unclassified division administrator.

SECTION 9147. Nonstatutory provisions; Tourism.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of tourism are decreased by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) 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 tourism are increased by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of the statutes, to provide for an unclassified division administrator.

SECTION 9148. Nonstatutory provisions; Transportation.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of transportation are decreased by 3.0 SEG positions, funded from the appropriation under section 20.395 (4) (aq) 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 transportation are increased by 3.0 SEG positions, funded from the appropriation under section 20.395 (4) (aq) of the statutes, to provide for additional unclassified division administrators.

SECTION 9151. Nonstatutory provisions; University of Wisconsin Hospitals and Clinics Board.

(1) TERMINATION OF CONTRACTUAL SERVICES AGREEMENT. On the effective date of this subsection any contractual services agreement between the University of Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals and Clinics Authority under section 233.04 (4) of the statutes is terminated.

(2) TRANSFER OF EMPLOYEES TO UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. On the effective date of this subsection, all employees of the University of Wisconsin Hospitals and Clinics Board are transferred to the University of Wisconsin Hospitals and Clinics Authority. The University of Wisconsin Hospitals and Clinics Authority shall adhere to the terms of any collective bargaining

agreement covering the employees that is in force on the effective date of this subsection, including specifically terms relating to employer payment of any employee required contributions under the Wisconsin Retirement System and employer payment of any health insurance premiums on behalf of employees. Upon termination of the collective bargaining agreement, the University of Wisconsin Hospitals and Clinics Authority shall establish the compensation and benefits of the employees under section 233.10 (2) of the statutes.

SECTION 9154. Nonstatutory provisions; Workforce Development.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of workforce development are decreased by 2.0 PR positions, funded from the appropriation under section 20.445 (1) (kc) 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 workforce development are increased by 2.0 PR positions, funded from the appropriation under section 20.445 (1) (kc) of the statutes, to provide for additional unclassified division administrators.

SECTION 9155. Nonstatutory provisions; Other.

(1) UNION REPRESENTATIVE CERTIFICATION VOTE.

(a) In this subsection, "general employee" has the meaning given in section 111.81 (9g) of the statutes, as created by this act.

(b) Each collective bargaining unit under subchapter V of chapter 111 of the statutes, as affected by this act, containing general employees shall vote to certify or decertify their representatives as provided in section 111.83 (3) (b) of the statutes,

as created by this act. Notwithstanding the date provided under section 111.83 (3) (b) of the statutes, as created by this act, the vote shall be held in April 2011.

(2) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL PROPERTY, AND CONTRACTS.

(a) On the effective date of this paragraph, the assets and liabilities of the Wisconsin Quality Home Care Authority shall become the assets and liabilities of the department of health services.

(b) On the effective date of this paragraph, all tangible personal property, including records, of the Wisconsin Quality Home Care Authority is transferred to the department of health services.

(c) All contracts entered into by the Wisconsin Quality Home Care Authority in effect on the effective date of this paragraph remain in effect and are transferred to the department of health services. The department of health services shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of health services to the extent allowed under the contract.

SECTION 9208. Fiscal changes; Children and Families.

(1) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT FUNDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of children and families under section 20.437 (2) (md) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $37,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to support an increase in the earned income tax credit.

(2) INCOME AUGMENTATION LAPSE.

(a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund from the appropriation account to the department of children and

families under section 20.437 (1) (kx) of the statutes, as affected by the acts of 2011, $2,011,200 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

(b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary of administration shall apply the lapse under paragraph (a) to the lapse requirement for the 2009−11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

SECTION 9211. Fiscal changes; Corrections.

(1) ADULT CORRECTIONAL SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $19,537,900 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purpose for which the appropriation is made.

(2) TRANSFERS.

(a) There is transferred from the appropriation account under section 20.410 (1) (f) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $5,362,500 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(b) There is transferred from the appropriation account under section 20.410 (1) (ab) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $2,825,300 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(c) There is transferred from the appropriation account under section 20.410 (2) (a) of the statutes to the appropriation account under section 20.410 (1) (a) of the

statutes $100,200 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(d) There is transferred from the appropriation account under section 20.410 (3) (cg) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $71,000 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(e) There is transferred from the appropriation account under section 20.410 (1) (bm) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $10,700 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(f) There is transferred from the appropriation account under section 20.410 (3) (a) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $36,600 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(g) There is transferred from the appropriation account under section 20.410 (3) (cg) of the statutes to the appropriation account under section 20.410 (1) (b) of the statutes $2,138,400 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

SECTION 9219. Fiscal changes; Governor.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the governor shall take actions to ensure that from general purpose revenue appropriations to the office of the governor under section 20.525 of the statutes an amount equal to $37,500 is lapsed from sum certain

appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

SECTION 9221. Fiscal changes; Health Services.

(1) INCOME AUGMENTATION LAPSE.

(a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund from the appropriation account to the department of health services under section 20.435 (8) (mb) of the statutes, as affected by the acts of 2011, $4,500,000 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

(b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary of administration shall apply the lapse under paragraph (a) to the lapse requirement for the 2009−11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

(2) COMMUNITY AIDS APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (7) (b) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by $3,100,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(3) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $127,200,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(4) MEDICAL ASSISTANCE ADMINISTRATION APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health

services under section 20.435 (4) (bm) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $16,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(5) INCOME MAINTENANCE APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (bn) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $2,500,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(6) MEDICAL ASSISTANCE TRUST FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $6,700,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(7) MEDICAL ASSISTANCE PROGRAM BENEFITS APPROPRIATION INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $6,800,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to fund the contribution for indigent health care in Milwaukee County.

SECTION 9227. Fiscal changes; Joint Committee on Finance.

(1) FEDERAL PROGRAM SUPPLEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (m) of the statutes, as affected by the acts of 2011, the dollar amount is

decreased by $37,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for supplementing federal earned income tax credit payments.

(2) GENERAL PURPOSE REVENUE FUNDS GENERAL PROGRAM SUPPLEMENTATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by $4,590,400 for the second fiscal year of the fiscal biennium in which this subsection takes effect to reduce expenditures for the purpose for which the appropriation is made.

SECTION 9230. Fiscal changes; Legislature.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM.

(a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the cochairpersons of the joint committee on legislative organization shall take actions to ensure that from general purpose revenue appropriations to the legislature under section 20.765 of the statutes an amount equal to $717,700 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

(b) The amount lapsed under paragraph (a) shall be in addition to the amounts that are required to be lapsed or transferred to the general fund under 2009 Wisconsin Act 28, section 3416f.

SECTION 9241. Fiscal changes; Revenue.

(1) EARNED INCOME TAX CREDIT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.835 (2) (kf) of the statutes, as affected by the acts of 2011, the dollar amount is increased by

$37,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

SECTION 9245. Fiscal changes; Supreme Court.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the chief justice of the supreme court shall take actions to ensure that from general purpose revenue appropriations to the judicial branch of government under subchapter VII of chapter 20 of the statutes an amount equal to $1,153,400 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

SECTION 9255. Fiscal changes; Other.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM.

(a) In this subsection, "state agency" means any office, department, or independent agency in the executive branch of state government.

(b) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the secretary of administration shall lapse to the general fund, from the unencumbered balances of general purpose revenue and program revenue appropriations to state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $27,891,400.

(c) The amount lapsed under paragraph (b) shall be in addition to the amounts that are required to be lapsed or transferred to the general fund under 2009 Wisconsin Act 28, section 3416d.

(d) The secretary of administration may not lapse moneys under paragraph (b) if the lapse would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse would violate the federal or state constitution. The secretary also may not lapse any amount from program revenue appropriations under section 20.285 of the statutes.

SECTION 9315. Initial applicability; Employee Trust Funds.

(1) HEALTH CARE COVERAGE PREMIUMS. The treatment of sections 40.02 (25) (b) 2., 40.05 (4) (ag), (ar), and (c), 40.51 (7), and 40.52 (3) of the statutes and SECTION 9115 (1) of this act first apply to employees who are covered by a collective bargaining agreement 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.

(2) PAYMENT OF EMPLOYEE REQUIRED CONTRIBUTIONS. The treatment of sections 13.111 (2), 40.02 (27), 40.05 (1) (a) (intro.), 1., 2., 3., and 4. and (b), (2m), and (2n), 40.32 (1), 59.875, 62.623, and 66.0518 of the statutes and SECTION 9115 (2) of this act first apply to employees who are covered by a collective bargaining agreement 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.

(3) CALCULATION OF ANNUITIES UNDER THE WISCONSIN RETIREMENT SYSTEM.

(a) Except as provided in paragraph (b), for elected officials, as defined in section 40.02 (24) of the statutes, 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 first day of a term of office that 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

agreement under subchapter I or VI 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.

(END)

State of Wisconsin
2011 − 2012 LEGISLATURE

January 2011 Special Session

LRB−1383/2
CMH/RAC/TJD:all:all

SENATE BILL 11

February 14, 2011 − Introduced by COMMITTEE ON SENATE ORGANIZATION, by request of Governor Scott Walker. Referred to Joint Committee on Finance.

AN ACT **relating to:** state finances, collective bargaining for public employees, compensation and fringe benefits of public employees, the state civil service system, the Medical Assistance program, sale of certain facilities, granting 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 of 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

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.~~ 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:

13.172 **(1)** In this section, "agency" means an office, department, 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, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. ~~52,~~ 231, 233, 234, 238, or 279.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 12. 15.96 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

16.045 **(1)** (a) "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, 232, 233, 234, 235, 237, 238, or 279.

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

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

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

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

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

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

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

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

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

16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. 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 28. 16.54 (9) (a) 1. of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

16.54 **(9)** (a) 1. "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, which 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 29. 16.70 (2) of the statutes is amended to read:

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

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

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

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

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

16.765 **(2)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16.85 **(2)** To furnish engineering, architectural, project management, and other building construction services whenever requisitions therefor are presented to the department by any agency. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. 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, which 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 42. 16.865 (8) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). 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, 232, 233, 234, 235, 237, 238, or 279.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40.03 **(6)** (j) May contract with the department of health services and may contract with 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, as well as for any other consulting services related to plans offered by the group insurance board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 109. 46.2898 of the statutes is repealed.

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

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

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

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

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

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

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

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

3. Ensuring the long−term viability and sustainability of Medical Assistance programs.

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

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

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

7. Supporting responsibility and choice of medical assistance recipients.

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

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

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

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

4. Revise provider reimbursement models for particular services.

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

6. Restrict or eliminate presumptive eligibility.

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

8. Set standards for establishing and verifying eligibility requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49.45 **(24r)** (a) The department shall implement any waiver granted by the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide family planning, as defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages of 15 and 44 whose family income does not exceed 200% of the poverty line for a family the size of the woman's family. If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent it conflicts with the rule.

SECTION 127. 49.45 (24r) (b) of the statutes is amended to read:

49.45 **(24r)** (b) The department may request an amended waiver from the secretary to permit the department to conduct a demonstration project to provide family planning to any man between the ages of 15 and 44 whose family income does not exceed 200 percent of the poverty line for a family the size of the man's family. If the amended waiver is granted, the department may implement the waiver. If the department promulgates a rule under sub. (2m) (c) 10., this paragraph does not apply to the extent it conflicts with the rule.

SECTION 128. 49.45 (25g) (c) of the statutes is amended to read:

49.45 **(25g)** (c) The department's proposal under par. (b) shall specify increases in reimbursement rates for providers that satisfy the conditions under par. (b), and shall provide for payment of a monthly per−patient care coordination fee to those providers. The department shall set the increases in reimbursement rates and the monthly per−patient care coordination fee so that together they provide sufficient

incentive for providers to satisfy a condition under par. (b) 1. or 2. The proposal shall specify effective dates for the increases in reimbursement rates and the monthly per−patient care coordination fee that are no sooner than January 1, 2011. The increases in reimbursement rates and monthly per−patient care coordination fees that are not provided by the federal government shall be paid from the appropriation under. s. 20.435 (1) (am). If the department promulgates a rule under sub. (2m) (c) 4., this paragraph does not apply to the extent it conflicts with the rule.

SECTION 129. 49.45 (27) of the statutes is amended to read:

49.45 **(27)** ELIGIBILITY OF ALIENS. A person who is not a U.S. citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law may not receive medical assistance benefits except as provided under 8 USC 1255a (h) (3) or 42 USC 1396b (v), unless otherwise provided by the department by rule promulgated under sub. (2m) (c).

SECTION 130. 49.45 (39) (b) 1. of the statutes is amended to read:

49.45 **(39)** (b) 1. 'Payment for school medical services.' If a school district or a cooperative educational service agency elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district or the cooperative educational service agency for 60% of the federal share of allowable charges for the school medical services that it provides, unless otherwise provided by the department by rule promulgated under sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the department of public instruction for 60% of the federal share of allowable charges for the school

medical services that the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing provides, unless otherwise provided by the department by rule promulgated under sub. (2m) (c), and, as specified in subd. 2., for allowable administrative costs. A school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, claims for common carrier transportation costs as a school medical service unless the department receives notice from the federal health care financing administration that, under a change in federal policy, the claims are not allowed. If the department receives the notice, a school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, unreimbursed claims for common carrier transportation costs incurred before the date of the change in federal policy. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. All other expenses for the school medical services provided by a school district or a cooperative educational service agency shall be paid for by the school district or the cooperative educational service agency with funds received from state or local taxes. The school district, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the cooperative educational service agency shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.

SECTION 131. 49.46 (1) (n) of the statutes is created to read:

49.46 **(1)** (n) If the department promulgates a rule under s. 49.45 (2m) (c) 8., 9., or 10., this subsection does not apply to the extent that it conflicts with the rule.

SECTION 132. 49.46 (2) (a) (intro.) of the statutes is amended to read:

49.46 **(2)** (a) (intro.) Except as provided in par. (be) and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following federally mandated benefits:

SECTION 133. 49.46 (2) (b) (intro.) of the statutes is amended to read:

49.46 **(2)** (b) (intro.) Except as provided in pars. (be) and (dc) and unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), the department shall audit and pay allowable charges to certified providers for medical assistance on behalf of recipients for the following services:

SECTION 134. 49.465 (2) (intro.) of the statutes is amended to read:

49.465 **(2)** (intro.) ~~A~~ Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), a pregnant woman is eligible for medical assistance benefits, as provided under sub. (3), during the period beginning on the day on which a qualified provider determines, on the basis of preliminary information, that the woman's family income does not exceed the highest level for eligibility for benefits under s. 49.46 (1) or 49.47 (4) (am) or (c) 1. and ending as follows:

SECTION 135. 49.47 (4) (a) (intro.) of the statutes is amended to read:

49.47 **(4)** (a) (intro.) ~~Any~~ Unless otherwise provided by the department by rule under s. 49.45 (2m) (c), any individual who meets the limitations on income and resources under pars. (b) to (c) and who complies with pars. (cm) and (cr) shall be 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),

an individual is eligible for and shall receive medical assistance under this section if all of the following conditions are met:

SECTION 142. 49.472 (4) (b) (intro.) of the statutes is amended to read:

49.472 **(4)** (b) (intro.) The department may waive monthly premiums that are calculated to be below $10 per month. ~~The~~ Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), the department may not assess a monthly premium for any individual whose income level, after adding the individual's earned income and unearned income, is below 150% of the poverty line.

SECTION 143. 49.473 (2) (intro.) of the statutes is amended to read:

49.473 **(2)** (intro.) ~~A~~ Unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c), a woman is eligible for medical assistance as provided under sub. (5) if, after applying to the department or a county department, the department or a county department determines that she meets all of the following requirements:

SECTION 144. 49.473 (5) of the statutes is amended to read:

49.473 **(5)** The department shall audit and pay, from the appropriation accounts under s. 20.435 (4) (b) and (o), allowable charges to a provider who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who meets the requirements under sub. (2) for all benefits and services specified under s. 49.46 (2), unless otherwise provided by the department by rule promulgated under s. 49.45 (2m) (c).

SECTION 145. 49.825 (3) (b) 4. of the statutes is repealed.

SECTION 146. 49.826 (3) (b) 4. of the statutes is repealed.

SECTION 147. Chapter 52 of the statutes is repealed.

SECTION 148. 59.875 of the statutes is created to read:

59.875 Payment of contributions in an employee retirement system of populous counties. (1) In this section, "county" means any county having a population of 500,000 or more.

(2) Beginning on the effective date of this subsection .... [LRB inserts date], in any employee retirement system of a county, except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111, employees shall pay half of all actuarially required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee's share of the actuarially required contributions.

SECTION 149. 62.623 of the statutes is created to read:

62.623 Payment of contributions in an employee retirement system of a 1st class city. Beginning on the effective date of this section .... [LRB inserts date], in any employee retirement system of a 1st class city, except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111, employees shall pay half of all actuarially required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee's share of the actuarially required contributions.

SECTION 150. 66.0506 of the statutes is created to read:

66.0506 Referendum; increase in employee wages. (1) In this section, "local governmental unit" means any city, village, town, county, metropolitan sewerage district, long−term care district, transit authority under s. 59.58 (7) or 66.1039, local cultural arts district under subch. V of ch. 229, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state.

(2) If any local governmental unit wishes to increase the total base wages of its general municipal employees, as defined in s. 111.70 (1) (fm), in an amount that exceeds the limit under s. 111.70 (4) (mb) 2., the governing body of the local governmental unit shall adopt a resolution to that effect. The resolution shall specify the amount by which the proposed total base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum called for that purpose. The referendum shall occur in November for collective bargaining agreements that begin the following January 1. The results of a referendum apply to the total base wages only in the next collective bargaining agreement.

(3) The referendum question shall be substantially as follows: "Shall the .... [general municipal employees] in the .... [local governmental unit] receive a total increase in wages from $....[current total base wages] to $....[proposed total base wages], which is a percentage wage increase that is .... [x] percent higher than the percent of the consumer price index increase, for a total percentage increase in wages of .... [x]?"

SECTION 151. 66.0508 of the statutes is created to read:

66.0508 Collective bargaining. (1) In this section, "local governmental unit" has the meaning given in s. 66.0506 (1).

(1m) Except as provided under subch. IV of ch. 111, no local governmental unit may collectively bargain with its employees.

(2) If a local governmental unit has in effect on the effective date of this subsection .... [LRB inserts date], an ordinance or resolution that is inconsistent with sub. (1m), the ordinance or resolution does not apply and may not be enforced.

(3) Each local governmental unit that is collectively bargaining with its employees shall 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 same method the department of revenue uses under s. 73.03 (68).

SECTION 152. 66.0518 of the statutes is created to read:

66.0518 Defined benefit pension plans. A local governmental unit, as defined in s. 66.0131 (1) (a), may not establish a defined benefit pension plan for its employees unless the plan requires the employees to pay half of all actuarially required contributions for funding benefits under the plan and prohibits the local governmental unit from paying on behalf of an employee any of the employee's share of the actuarially required contributions.

SECTION 153. 66.1104 (1) (a) of the statutes is amended to read:

66.1104 **(1)** (a) "Authority" means a body created under s. 66.1201, 66.1333, or 66.1335; under subch. II of ch. 114 or subch. III of ch. 149; or under ch. ~~52,~~ 231, 232, 233, 234, 235, 237, or 279.

SECTION 154. 70.11 (41s) of the statutes is repealed.

SECTION 155. 71.26 (1) (be) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin Hospitals and Clinics Authority, of the Health Insurance Risk−Sharing Plan Authority, ~~of the Wisconsin Quality Home Care Authority,~~ of the Fox River Navigational System Authority, of the Wisconsin Economic Development Corporation, and of the Wisconsin Aerospace Authority.

SECTION 156. 73.03 (68) of the statutes is created to read:

73.03 **(68)** At the request of the Wisconsin Employment Relations Commission, as provided under s. 111.91 (3q), to determine the average annual percentage change in the U.S. 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 request from the Wisconsin Employment Relations Commission.

SECTION 157. 77.54 (9a) (a) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.

SECTION 158. 100.45 (1) (dm) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

100.45 **(1)** (dm) "State agency" means any office, department, 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 which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Fox River Navigational System Authority.

SECTION 159. 101.177 (1) (d) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

101.177 **(1)** (d) "State agency" means any office, department, 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, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority, but excluding the Health Insurance Risk−Sharing Plan Authority and the Lower Fox River Remediation Authority.

SECTION 160. 109.03 (1) (b) of the statutes is amended to read:

109.03 **(1)** (b) School district and private school employees who voluntarily request payment over a 12−month period for personal services performed during the school year, unless ~~such~~, with respect to private school employees, the employees are covered under a valid collective bargaining agreement which precludes this method of payment.

SECTION 161. 111.02 (1) of the statutes is amended to read:

111.02 **(1)** ~~The term "all−union~~ "All−union agreement" ~~shall mean~~ means an agreement between an employer ~~other than the University of Wisconsin Hospitals and Clinics Authority~~ and the representative of the employer's employees in a collective bargaining unit whereby all or any of the employees in such unit are required to be members of a single labor organization.

SECTION 162. 111.02 (2) of the statutes is amended to read:

111.02 **(2)** "Collective bargaining" ~~is the negotiating~~ means the negotiation by an employer and a majority of the employer's employees in a collective bargaining unit, or their representatives, concerning representation or terms and conditions of employment of such employees~~, except as provided under ss. 111.05 (5) and 111.17 (2)~~, in a mutually genuine effort to reach an agreement with reference to the subject under negotiation.

SECTION 163. 111.02 (3) of the statutes is amended to read:

111.02 **(3)** "Collective bargaining unit" means all of the employees of one employer, employed within the state, ~~except as provided in s. 111.05 (5) and (7) and~~ except that where a majority of the employees engaged in a single craft, division, department or plant have voted by secret ballot as provided in s. 111.05 (2) to constitute such group a separate bargaining unit they shall be so considered, but, in appropriate cases, and to aid in the more efficient administration of ss. 111.01 to 111.19, the commission may find, where agreeable to all parties affected in any way thereby, an industry, trade or business comprising more than one employer in an association in any geographical area to be a "collective bargaining unit". A collective bargaining unit thus established by the commission shall be subject to all rights by termination or modification given by ss. 111.01 to 111.19 in reference to collective bargaining units otherwise established under ss. 111.01 to 111.19. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees in each separate unit have voted by secret ballot as provided in s. 111.05 (2) so to do.

SECTION 164. 111.02 (6) (am) of the statutes is repealed.

SECTION 165. 111.02 (7) (a) (intro.) and 1. of the statutes are consolidated, renumbered 111.02 (7) (a) and amended to read:

111.02 **(7)** (a) "Employer" means a person who engages the services of an employee, and includes ~~all of the following: 1. A~~ a person acting on behalf of an employer within the scope of his or her authority, express or implied.

SECTION 166. 111.02 (7) (a) 2., 3. and 4. of the statutes are repealed.

SECTION 167. 111.02 (7) (b) 1. of the statutes is amended to read:

111.02 **(7)** (b) 1. ~~Except as provided in par. (a) 4., the~~ The state or any political subdivision thereof.

SECTION 168. 111.02 (7m) of the statutes is repealed.

SECTION 169. 111.02 (9m) of the statutes is repealed.

SECTION 170. 111.02 (10m) of the statutes is repealed.

SECTION 171. 111.05 (2) of the statutes is amended to read:

111.05 **(2)** ~~Except as provided in subs. (5) and (7), whenever~~ Whenever a question arises concerning the determination of a collective bargaining unit ~~as defined in s. 111.02 (3)~~, it shall be determined by secret ballot, and the commission, upon request, shall cause the ballot to be taken in such manner as to show separately the wishes of the employees in any craft, division, department or plant as to the determination of the collective bargaining unit.

SECTION 172. 111.05 (3g) of the statutes is repealed.

SECTION 173. 111.05 (5) of the statutes is repealed.

SECTION 174. 111.05 (6) of the statutes is repealed.

SECTION 175. 111.05 (7) of the statutes is repealed.

SECTION 176. 111.06 (1) (c) 1. of the statutes is amended to read:

111.06 **(1)** (c) 1. To encourage or discourage membership in any labor organization, employee agency, committee, association or representation plan by discrimination in regard to hiring, tenure or other terms or conditions of employment except in a collective bargaining unit where an all−union~~, fair−share or maintenance of membership~~ agreement is in effect. ~~An employer is not prohibited from entering into an all−union agreement with the voluntarily recognized representative of the employees in a collective bargaining unit, where at least a majority of such employees voting have voted affirmatively, by secret ballot, in favor of such all−union agreement in a referendum conducted by the commission, except that where the bargaining representative has been certified by either the commission or the national labor relations board as the result of a representation election, no referendum is required to authorize the entry into such an all−union agreement. Such authorization of an all−union agreement shall be deemed to continue thereafter, subject to the right of either party to the all−union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of such petition, the commission shall determine whether there is reasonable ground to believe that the employees concerned have changed their attitude toward the all−union agreement and upon so finding the commission shall conduct a referendum. If the continuance of the all−union agreement is supported on any such referendum by a vote at least equal to that provided in this subdivision for its initial authorization, it may be continued in force thereafter, subject to the right to petition for a further vote by the procedure set forth in this subdivision. If the continuance of the all−union agreement is not thus supported on any such referendum, it is deemed terminated at the termination of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is~~

~~earlier. The commission shall declare any all−union agreement terminated whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer, and each such all−union agreement shall be made subject to this duty of the commission. Any person interested may come before the commission as provided in s. 111.07 and ask the performance of this duty.~~ Any all−union agreement in effect on October 4, 1975, made in accordance with the law in effect at the time it is made is valid.

SECTION 177. 111.06 (1) (d) of the statutes is amended to read:

111.06 **(1)** (d) To refuse to bargain collectively with the representative of a majority of the employer's employees in any collective bargaining unit with respect to representation or terms and conditions of employment, ~~except as provided under ss. 111.05 (5) and 111.17 (2);~~ provided, however, that where an employer files with the commission a petition requesting a determination as to majority representation, the employer shall not be deemed to have refused to bargain until an election has been held and the result thereof has been certified to the employer by the commission.

SECTION 178. 111.06 (1) (i) of the statutes is amended to read:

111.06 **(1)** (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable at the end of any year of its life by the employee giving at least thirty days' written notice of such termination unless there is an all−union~~, fair−share or maintenance of membership~~ agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

SECTION 179. 111.06 (1) (m) of the statutes is repealed.

SECTION 180. 111.06 (2) (i) of the statutes is amended to read:

111.06 **(2)** (i) To fail to give the notice of intention to engage in a strike provided in s. 111.115 ~~(2) or~~ (3).

SECTION 181. 111.075 of the statutes is repealed.

SECTION 182. 111.115 (title) of the statutes is amended to read:

111.115 (title) **Notice of certain proposed ~~lockouts or~~ strikes.**

SECTION 183. 111.115 (1) (intro.) and (b) of the statutes are consolidated, renumbered 111.115 (1) and amended to read:

111.115 **(1)** In this ~~subsection: (b) "Strike"~~ section, "strike" includes any concerted stoppage of work by employees, and any concerted slowdown or other concerted interruption of operations or services by employees, or any concerted refusal of employees to work or perform their usual duties as employees, for the purpose of enforcing demands upon an employer.

SECTION 184. 111.115 (1) (a) of the statutes is repealed.

SECTION 185. 111.115 (2) of the statutes is repealed.

SECTION 186. 111.17 (intro.) and (1) of the statutes are consolidated, renumbered 111.17 and amended to read:

111.17 Conflict of provisions; effect. Wherever the application of the provisions of other statutes or laws conflict with the application of the provisions of this subchapter, this subchapter shall prevail, except that: ~~**(1)** In~~ in any situation where the provisions of this subchapter cannot be validly enforced the provisions of such other statutes or laws shall apply.

SECTION 187. 111.17 (2) of the statutes is repealed.

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~~

~~government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety, and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.~~

SECTION 189. 111.70 (1) (b) of the statutes is amended to read:

111.70 **(1)** (b) "Collective bargaining unit" means a unit consisting of municipal employees ~~who are school district employees or of municipal employees who are not school district employees~~ that is determined by the commission under sub. (4) (d) 2. a. to be appropriate for the purpose of collective bargaining.

SECTION 190. 111.70 (1) (cm) of the statutes is created to read:

111.70 **(1)** (cm) "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 191. 111.70 (1) (f) of the statutes is amended to read:

111.70 **(1)** (f) "Fair−share agreement" means an agreement between a municipal employer and a labor organization that represents public safety employees under which all or any of the public safety employees in the 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. ~~Such an agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the employees affected by said agreement 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~~

~~of the collective bargaining agreement deemed null and void~~ that covers public safety employees.

SECTION 196. 111.70 (1) (nm) of the statutes is amended to read:

111.70 **(1)** (nm) "Strike" includes any strike or other concerted stoppage of work by municipal employees, and any concerted slowdown or other concerted interruption of operations or services by municipal employees, or any concerted refusal to work or perform their usual duties as municipal employees, for the purpose of enforcing demands upon a municipal employer. ~~Such conduct by municipal employees which is not authorized or condoned by a labor organization constitutes a "strike", but does not subject such labor organization to the penalties under this subchapter. This paragraph does not apply to collective bargaining units composed of municipal employees who are engaged in law enforcement or fire fighting functions.~~

SECTION 197. 111.70 (2) of the statutes is amended to read:

111.70 **(2)** RIGHTS OF MUNICIPAL EMPLOYEES. Municipal 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, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection~~, and such employees shall~~. Municipal employees have the right to refrain from any and all such activities ~~except that employees~~. A general municipal employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit. A public safety employee, however, maybe required to pay dues in the manner provided in a fair−share agreement~~. Such~~; a fair−share agreement covering a public safety employee must contain a provision requiring the municipal employer to deduct the amount of dues as certified by the labor

organization from the earnings of the public safety employee affected by the fair−share agreement and to pay the amount deducted to the labor organization. A fair−share agreement ~~shall be~~ covering a public safety employee is subject to the right of the municipal employer or a labor organization to petition the commission to conduct a referendum. Such petition must be supported by proof that at least 30% of the public safety employees in the collective bargaining unit desire that the fair−share agreement be terminated. Upon so finding, the commission shall conduct a referendum. If the continuation of the agreement is not supported by at least the majority of the eligible public safety employees, it shall ~~be deemed terminated~~ terminate. The commission shall declare any fair−share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, creed, or sex to receive as a member any public safety employee of the municipal employer in the bargaining unit involved, and such agreement ~~shall be made~~ is subject to this duty of the commission. Any of the parties to such agreement or any ~~municipal~~ public safety employee covered ~~thereby~~ by the agreement may come before the commission, as provided in s. 111.07, and ask the performance of this duty.

SECTION 198. 111.70 (3) (a) 3. of the statutes is amended to read:

111.70 **(3)** (a) 3. To encourage or discourage a membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment; but the prohibition shall not apply to a fair−share agreement that covers public safety employees.

SECTION 199. 111.70 (3) (a) 4. of the statutes is amended to read:

111.70 **(3)** (a) 4. To refuse to bargain collectively with a representative of a majority of its employees in an appropriate collective bargaining unit. Such refusal

~~shall include~~ includes action by the employer to issue or seek to obtain contracts, including those provided for by statute, with individuals in the collective bargaining unit while collective bargaining, mediation, or fact−finding concerning the terms and conditions of a new collective bargaining agreement is in progress, unless such individual contracts contain express language providing that the contract is subject to amendment by a subsequent collective bargaining agreement. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in an appropriate bargaining unit does in fact have that support, it may file with the commission a petition requesting an election to that claim. An employer shall not be deemed to have refused to bargain until an election has been held and the results thereof certified to the employer by the commission. The violation shall include, though not be limited thereby, to the refusal to execute a collective bargaining agreement previously agreed upon. ~~The term of any collective bargaining agreement covering municipal employees who are not school district employees shall not exceed 3 years, and the term of any collective bargaining agreement covering school district employees shall not exceed 4 years.~~

SECTION 200. 111.70 (3) (a) 5. of the statutes is amended to read:

111.70 **(3)** (a) 5. To violate any collective bargaining agreement previously agreed upon by the parties with respect to wages, hours and conditions of employment affecting ~~municipal~~ public safety employees, including an agreement to arbitrate questions arising as to the meaning or application of the terms of a collective bargaining agreement or to accept the terms of such arbitration award, where previously the parties have agreed to accept such award as final and binding upon them or to violate any collective bargaining agreement affecting general

municipal employees, that was previously agreed upon by the parties with respect to wages.

SECTION 201. 111.70 (3) (a) 6. of the statutes is amended to read:

111.70 **(3)** (a) 6. To deduct labor organization dues from ~~an employee's or supervisor's~~ the earnings of a public safety employee, unless the municipal employer has been presented with an individual order therefor, signed by the ~~municipal~~ public safety employee personally, and terminable by at least the end of any year of its life or earlier by the ~~municipal~~ public safety employee giving at least 30 days' written notice of such termination to the municipal employer and to the representative organization, except ~~where there is~~ when a fair−share agreement is in effect.

SECTION 202. 111.70 (3) (a) 7. of the statutes is repealed.

SECTION 203. 111.70 (3) (a) 9. of the statutes is amended to read:

111.70 **(3)** (a) 9. ~~After~~ If the collective bargaining unit contains a public safety employee, after a collective bargaining agreement expires and before another collective bargaining agreement takes effect, to fail to follow any fair−share agreement in the expired collective bargaining agreement.

SECTION 204. 111.70 (3) (b) 6. of the statutes is repealed.

SECTION 205. 111.70 (3g) of the statutes is created to read:

111.70 **(3g)** WAGE DEDUCTION PROHIBITION. A municipal employer may not deduct labor organization dues from the earnings of a general municipal employee or supervisor.

SECTION 206. 111.70 (3m) of the statutes is repealed.

SECTION 207. 111.70 (3p) of the statutes is repealed.

SECTION 208. 111.70 (4) (intro.) of the statutes is amended to read:

111.70 **(4)** POWERS OF THE COMMISSION. (intro.) The commission shall conduct any election under this subsection by secret ballot and shall ~~be governed by~~ adhere to the following provisions relating to bargaining in municipal employment in addition to other powers and duties provided in this subchapter:

SECTION 209. 111.70 (4) (c) (title) of the statutes is amended to read:

111.70 **(4)** (c) (title) *Methods for peaceful settlement of disputes; ~~law enforcement and fire fighting personnel~~ public safety employees.*

SECTION 210. 111.70 (4) (c) 1. of the statutes is amended to read:

111.70 **(4)** (c) 1. 'Mediation.' The commission may function as a mediator in labor disputes involving a collective bargaining unit containing a public safety employee. Such mediation may be carried on by a person designated to act by the commission upon request of one or both of the parties or upon initiation of the commission. The function of the mediator ~~shall be~~ is to encourage voluntary settlement by the parties but no mediator ~~shall have~~ has the power of compulsion.

SECTION 211. 111.70 (4) (c) 2. of the statutes is amended to read:

111.70 **(4)** (c) 2. 'Arbitration.' a. Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement involving a collective bargaining unit containing a public safety employee may agree in writing to have the commission or any other appropriate agency serve as arbitrator or may designate any other competent, impartial and disinterested person to so serve.

b. A collective bargaining agreement involving a collective bargaining unit containing a public safety employee may, notwithstanding s. 62.13 (5), contain dispute resolution procedures, including arbitration, that address the suspension, reduction in rank, suspension and reduction in rank, or removal of such personnel. If the procedures include arbitration, the arbitration hearing shall be public and the

decision of the arbitrator shall be issued within 180 days of the conclusion of the hearing.

SECTION 212. 111.70 (4) (c) 3. of the statutes is amended to read:

111.70 **(4)** (c) 3. 'Fact−finding.' ~~If~~ Unless s. 111.77 applies, if a dispute involving a collective bargaining unit containing a public safety employee has not been settled after a reasonable period of negotiation and after the settlement procedures, if any, established by the parties have been exhausted, and the parties are deadlocked with respect to any dispute between them arising in the collective bargaining process, either party, or the parties jointly, may petition the commission, in writing, to initiate fact−finding, ~~as provided hereafter,~~ and to make recommendations to resolve the deadlock~~.~~, as follows:

a. Upon receipt of ~~a~~ the petition to initiate fact−finding, the commission shall make an investigation with or without a formal hearing, to determine whether a deadlock in fact exists. After its investigation the commission shall certify the results thereof. If the commission decides that fact−finding should be initiated, it shall appoint a qualified, disinterested person or 3−member panel, when jointly requested by the parties, to function as a fact finder.

b. The fact finder appointed under subd. 3. a. may establish dates and place of hearings which shall be where feasible, and shall conduct the hearings pursuant to rules established by the commission. Upon request, the commission shall issue subpoenas for hearings conducted by the fact finder. The fact finder may administer oaths. Upon completion of the hearing, the fact finder shall make written findings of fact and recommendations for solution of the dispute and shall cause the same to be served on the parties and the commission. Cost of fact−finding proceedings shall 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

bargaining agreement, if any, and shall set forth any additional information the commission may require on a form provided by the commission.

2. 'Presentation of initial proposals; open meetings.' The meetings between parties to a collective bargaining agreement or proposed collective bargaining agreement under this subchapter ~~which~~ that involve a collective bargaining unit containing a general municipal employee and that are held for the purpose of presenting initial bargaining proposals, along with supporting rationale, shall be open to the public. Each party shall submit its initial bargaining proposals to the other party in writing. Failure to comply with this subdivision is not cause to invalidate a collective bargaining agreement under this subchapter.

3. 'Mediation.' The commission or its designee shall function as mediator in labor disputes involving general municipal employees upon request of one or both of the parties, or upon initiation of the commission. The function of the mediator shall be to encourage voluntary settlement by the parties. No mediator has the power of compulsion.

4. 'Grievance arbitration.' Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement involving a collective bargaining unit containing a general municipal employee may agree in writing to have the commission or any other appropriate agency serve as arbitrator or may designate any other competent, impartial and disinterested person to so serve.

SECTION 215. 111.70 (4) (cm) 5., 6., 7., 7g., 7r. and 8. of the statutes are repealed.

SECTION 216. 111.70 (4) (cm) 8m. of the statutes is amended to read:

111.70 **(4)** (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for the initial collective bargaining agreement between the parties and except as the

parties otherwise agree, every collective bargaining agreement covering general municipal employees ~~subject to this paragraph~~ shall be for a term of ~~2 years, but in no case may a collective bargaining agreement for any collective bargaining unit consisting of municipal employees subject to this paragraph other than school district employees be for a term exceeding 3 years nor may a collective bargaining agreement for any collective bargaining unit consisting of school district employees subject to this paragraph be for a term exceeding 4 years~~ one year and may not be extended. No ~~arbitration award may contain a provision for reopening of negotiations during the term of a~~ collective bargaining agreement~~,~~ covering general municipal employees may be reopened for negotiations unless both parties agree to ~~such a provision~~ reopen the collective bargaining agreement. The requirement for agreement by both parties does not apply to a provision for reopening of negotiations with respect to any portion of an agreement that is declared invalid by a court or administrative agency or rendered invalid by the enactment of a law or promulgation of a federal regulation.

SECTION 217. 111.70 (4) (cm) 9. of the statutes is repealed.

SECTION 218. 111.70 (4) (d) 2. a. of the statutes is amended to read:

111.70 **(4)** (d) 2. a. The commission shall determine the appropriate collective bargaining unit for the purpose of collective bargaining and shall whenever possible~~, unless otherwise required under this subchapter,~~ avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal workforce. ~~In making such a determination, the~~ The commission may decide whether, in a particular case, the municipal employees in the same or several departments, divisions, institutions, crafts, professions, or other 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

employees voting in each collective bargaining unit vote to combine. ~~Any vote taken under this subsection shall be by secret ballot.~~

SECTION 219. 111.70 (4) (d) 3. of the statutes is amended to read:

111.70 **(4)** (d) 3. a. Whenever, in a particular case, a question arises concerning representation or appropriate unit, calling for a vote, the commission shall certify the results in writing to the municipal employer and the labor organization involved and to any other interested parties.

c. Any ballot used in a representation proceeding under this subdivision shall include the names of all persons having an interest in representing or the results. The ballot should be so designed as to permit a vote against representation by any candidate named on the ballot. The findings of the commission, on which a certification is based, shall be conclusive unless reviewed as provided by s. 111.07 (8).

SECTION 220. 111.70 (4) (d) 3. b. of the statutes is created to read:

111.70 **(4)** (d) 3. b. Annually, the commission shall conduct an election to certify the representative of the collective bargaining unit that contains a general municipal employee. The election shall occur no later than December 1 for a collective bargaining unit containing school district employees and no later than May 1 for a collective bargaining unit containing general municipal employees who are not school district employees. The commission shall certify any representative that receives at least 51 percent of the votes of all of the general municipal employees in the collective bargaining unit. If no representative receives at least 51 percent of the votes of all of the general municipal employees in the collective bargaining unit, at the expiration of the collective bargaining agreement, the commission shall decertify the current representative and the general municipal employees shall be nonrepresented. Notwithstanding sub. (2), if a representative is decertified under

this subd. 3. b., the affected general municipal employees may not be included in a substantially similar collective bargaining unit for 12 months from the date of decertification. The commission shall assess and collect a certification fee for each election conducted under this subd. 3. b. Fees collected under this subd. 3. b. shall be credited to the appropriation account under s. 20.425 (1) (i).

SECTION 221. 111.70 (4) (L) of the statutes is amended to read:

111.70 **(4)** (L) *Strikes prohibited.* ~~Except as authorized under par. (cm) 5. and 6. c., nothing~~ Nothing contained in this subchapter constitutes a grant of the right to strike by any municipal employee or labor organization, and such strikes are hereby expressly prohibited. ~~Paragraph (cm) does not authorize any strike after an injunction has been issued against such strike under sub. (7m).~~

SECTION 222. 111.70 (4) (m) of the statutes is repealed.

SECTION 223. 111.70 (4) (mb) of the statutes is created to read:

111.70 **(4)** (mb) *Prohibited subjects of bargaining; general municipal employees.* The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a general municipal employee with respect to any of the following:

1. Any factor or condition of employment except wages, which includes only total base wages and excludes any other compensation, which includes, but is not limited to, overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions.

2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any proposal that does any of the following:

a. If there is an increase in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement

that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.

b. If there is a decrease in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement decreased by a percentage of that expenditure that is equal to the decrease in the consumer price index change.

SECTION 224. 111.70 (4) (mc) (intro.) of the statutes is amended to read:

111.70 **(4)** (mc) *Prohibited subjects of bargaining; public safety employees*. (intro.) The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a public safety employee with respect to any of the following:

SECTION 225. 111.70 (4) (mc) 4. of the statutes is repealed.

SECTION 226. 111.70 (4) (n) and (o) of the statutes are repealed.

SECTION 227. 111.70 (6) of the statutes is repealed.

SECTION 228. 111.70 (7) of the statutes is repealed.

SECTION 229. 111.70 (7m) (b) of the statutes is repealed.

SECTION 230. 111.70 (7m) (c) 1. a. of the statutes is amended to read:

111.70 **(7m)** (c) 1. a. Any labor organization that represents public safety employees which violates sub. (4) (L) ~~shall be penalized by the suspension of~~ may not collect any dues ~~check−off~~ under a collective bargaining agreement ~~and~~ or under a fair−share agreement ~~between the municipal employer and such labor organization~~ from any public safety employee covered by either agreement for a period of one year.

At the end of the period of suspension, any such agreement shall be reinstated unless the labor organization is no longer authorized to represent the ~~municipal~~ public safety employees covered by ~~such dues check−off~~ the collective bargaining agreement or fair−share agreement or the agreement is no longer in effect.

SECTION 231. 111.70 (7m) (c) 3. of the statutes is repealed.

SECTION 232. 111.70 (7m) (e) and (f) of the statutes are repealed.

SECTION 233. 111.70 (8) (a) of the statutes is amended to read:

111.70 **(8)** (a) This section, except ~~subs. (1) (nm),~~ sub. (4) (cm) ~~and (7m)~~, applies to law enforcement supervisors employed by a 1st class city. This section, except ~~subs. (1) (nm),~~ sub. (4) (cm) and (jm) ~~and (7m)~~, applies to law enforcement supervisors employed by a county having a population of 500,000 or more. For purposes of such application, the ~~term~~ terms "municipal employee" ~~includes~~ and "public safety employee" include such a supervisor.

SECTION 234. 111.71 (2) of the statutes is amended to read:

111.71 **(2)** The commission shall assess and collect a filing fee for filing a complaint alleging that a prohibited practice has been committed under s. 111.70 (3). The commission shall assess and collect a filing fee for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact−finding under s. 111.70 (4) (c) 3. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect a filing fee for filing a request that the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(cm) 6. or~~ (jm) or 111.77 (3). For the

performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3.~~,~~ and 4. ~~and 6.,~~ and (jm) and 111.77 (3), the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the dispute, the commission may not subsequently assess or collect a filing fee to initiate fact−finding or arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact−finding, mediation or arbitration. A complaint or request for fact−finding, mediation or arbitration is not filed until the date such fee or fees are paid, except that the failure of the respondent party to pay the filing fee for having the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(cm) 6. or~~ (jm) or 111.77 (3) ~~shall~~ may not prohibit the commission from initiating such arbitration. The commission may initiate collection proceedings against the respondent party for the payment of the filing fee. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (i).

SECTION 235. 111.71 (4) of the statutes is repealed.

SECTION 236. 111.71 (5) of the statutes is repealed.

SECTION 237. 111.77 (intro.) of the statutes is amended to read:

111.77 Settlement of disputes ~~in collective bargaining units composed of law enforcement personnel and fire fighters.~~ (intro.) ~~In fire departments and city and county law enforcement agencies municipal~~ Municipal employers and ~~employees~~ public safety employees, as provided in sub. (8), have the duty to bargain collectively in good faith including the duty to refrain from strikes or lockouts and to comply with the ~~procedures set forth below~~ following:

SECTION 238. 111.77 (8) (a) of the statutes is amended to read:

111.77 **(8)** (a) This section applies to ~~law enforcement~~ public safety employees who are supervisors employed by a county having a population of 500,000 or more. For purposes of such application, the term "municipal employee" includes such a supervisor.

SECTION 239. 111.80 of the statutes is repealed.

SECTION 240. 111.81 (1) of the statutes is amended to read:

111.81 **(1)** "Collective bargaining" means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.91 (1), with respect to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3), with respect to general employees, with the intention of reaching an agreement, or to resolve questions arising under such an agreement. 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.

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:

111.81 **(12)** (intro.) "Labor organization" means any employee organization whose purpose is to represent employees in collective bargaining with the employer, or its agents, on matters ~~pertaining to terms and conditions of employment~~ that are subject to collective bargaining under s. 111.91 (1) or (3), whichever is applicable; but the term shall not include any organization:

SECTION 249. 111.81 (12m) of the statutes is amended to read:

111.81 **(12m)** "Maintenance of membership agreement" means an agreement between the employer and a labor organization representing public safety employees ~~or supervisors specified in s. 111.825 (5)~~ which requires that all of the public safety employees ~~or supervisors~~ whose dues are being deducted from earnings under s. 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement, and that dues shall be deducted from the earnings of all public safety employees ~~or supervisors~~ who are hired on or after the effective date of the agreement.

SECTION 250. 111.81 (15r) of the statutes is created to read:

111.81 **(15r)** "Public safety employee" means any individual under s. 40.02 (48) (am) 7. or 8.

SECTION 251. 111.81 (16) of the statutes is amended to read:

111.81 **(16)** "Referendum" means a proceeding conducted by the commission in which public safety employees~~, or supervisors specified in s. 111.825 (5),~~ in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair−share or maintenance of membership agreement or to terminate such an agreement.

SECTION 252. 111.815 (1) of the statutes is amended to read:

111.815 **(1)** In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements ~~except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g)~~. To coordinate the employer position in the negotiation of agreements, the office~~, or the department of health services with regard to collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g),~~ shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining ~~units~~ unit specified in s. 111.825 ~~(1m),~~ (2) (f)~~, and (2g)~~, the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. ~~With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter.~~ With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm) is responsible for the employer functions under this subchapter. ~~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

basis with one collective bargaining unit for each of the following occupational groups:

SECTION 256. 111.825 (1) (g) of the statutes is created to read:

111.825 **(1)** (g) Public safety employees.

SECTION 257. 111.825 (1m) of the statutes is repealed.

SECTION 258. 111.825 (2g) of the statutes is repealed.

SECTION 259. 111.825 (3) of the statutes is amended to read:

111.825 **(3)** The commission shall assign employees to the appropriate collective bargaining units set forth in subs. (1)~~, (1m),~~ and (2)~~, and (2g)~~.

SECTION 260. 111.825 (4) of the statutes is amended to read:

111.825 **(4)** Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit specified in sub. (1)~~, (1m),~~ or (2)~~, or (2g)~~ in accordance with the election procedures set forth in s. 111.83, provided the petition is accompanied by a 30% showing of interest in the form of signed authorization cards. Each additional labor organization seeking to appear on the ballot shall file petitions within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10% of the employees in the collective bargaining unit want it to be their representative.

SECTION 261. 111.825 (4m) of the statutes is repealed.

SECTION 262. 111.825 (5) of the statutes is amended to read:

111.825 **(5)** Although supervisors are not considered employees for purposes of this subchapter, the commission may consider a petition for a statewide collective bargaining unit of professional supervisors or a statewide unit of nonprofessional supervisors in the classified service, but the representative of supervisors may not be affiliated with any labor organization representing employees. For purposes of

this subsection, affiliation does not include membership in a national, state, county or municipal federation of national or international labor organizations. The certified representative of supervisors who are not public safety employees may not bargain collectively with respect to any matter other than wages ~~and fringe benefits~~ as provided in s. 111.91 (3), and the certified representative of supervisors who are public safety employees may not bargain collectively with respect to any matter other than wages and fringe benefits as provided in s. 111.91 (1).

SECTION 263. 111.825 (6) of the statutes is renumbered 111.825 (6) (a).

SECTION 264. 111.825 (6) (b) of the statutes is created to read:

111.825 **(6)** (b) The commission may assign only a public safety employee to the collective bargaining unit under sub. (1) (g).

SECTION 265. 111.83 (1) of the statutes is amended to read:

111.83 **(1)** Except as provided in ~~subs.~~ sub. (5) ~~and (5m)~~, a representative chosen for the purposes of collective bargaining by a majority of the employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present grievances to the employer in person, or through representatives of their own choosing, and the employer shall confer with said employee or group of employees in relation thereto if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

SECTION 266. 111.83 (3) of the statutes is renumbered 111.83 (3) (a).

SECTION 267. 111.83 (3) (b) of the statutes is created to read:

111.83 **(3)** (b) Annually, no later than December 1, the commission shall conduct an election to certify the representative of a collective bargaining unit that contains a general employee. There shall be included on the ballot the names of all labor organizations having an interest in representing the general employees participating in the election. The commission may exclude from the ballot one who, at the time of the election, stands deprived of his or her rights under this subchapter by reason of a prior adjudication of his or her having engaged in an unfair labor practice. The commission shall certify any representative that receives at least 51 percent of the votes of all of the general employees in the collective bargaining unit. If no representative receives at least 51 percent of the votes of all of the general employees in the collective bargaining unit, at the expiration of the collective bargaining agreement, the commission shall decertify the current representative and the general employees shall be nonrepresented. Notwithstanding s. 111.82, if a representative is decertified under this paragraph, the affected general employees may not be included in a substantially similar collective bargaining unit for 12 months from the date of decertification. The commission's certification of the results of any election is conclusive unless reviewed as provided by s. 111.07 (8). The commission shall assess and collect a certification fee for each election conducted under this paragraph. Fees collected under this paragraph shall be credited to the appropriation account under s. 20.425 (1) (i).

SECTION 268. 111.83 (4) of the statutes is amended to read:

111.83 **(4)** Whenever an election has been conducted under sub. (3) (a) in which the name of more than one proposed representative appears on the ballot and results in no conclusion, the commission may, if requested by any party to the proceeding within 30 days from the date of the certification of the results of the election, conduct

a runoff election. In that runoff election, the commission shall drop from the ballot the name of the representative who received the least number of votes at the original election. The commission shall drop from the ballot the privilege of voting against any representative if the least number of votes cast at the first election was against representation by any named representative.

SECTION 269. 111.83 (5m) of the statutes is repealed.

SECTION 270. 111.83 (7) of the statutes is repealed.

SECTION 271. 111.84 (1) (b) of the statutes is amended to read:

111.84 **(1)** (b) Except as otherwise provided in this paragraph, to initiate, create, dominate or interfere with the formation or administration of any labor or employee organization or contribute financial support to it. Except as provided in ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin retirement system under ch. 40 and no action by the employer that is authorized by such a law constitutes a violation of this paragraph unless an applicable collective bargaining agreement covering a collective bargaining unit under s. 111.825 (1) (g) specifically prohibits the change or action. No such change or action affects the continuing duty to bargain collectively with a collective bargaining unit under s. 111.825 (1) (g) regarding the Wisconsin retirement system under ch. 40 to the extent required by s. 111.91 (1). It is not an unfair labor practice for the employer to reimburse an employee at his or her prevailing wage rate for the time spent during the employee's regularly scheduled hours conferring with the employer's officers or agents and for attendance at commission or court hearings necessary for the administration of this subchapter. Professional supervisory or craft personnel may maintain membership in professional or craft organizations; however, as members

of such organizations they shall be prohibited from those activities related to collective bargaining in which the organizations may engage.

SECTION 272. 111.84 (1) (d) of the statutes is amended to read:

111.84 **(1)** (d) To refuse to bargain collectively on matters set forth in s. 111.91 (1) or (3), whichever is appropriate, with a representative of a majority of its employees in an appropriate collective bargaining unit. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in appropriate collective bargaining unit does in fact have that support, it may file with the commission a petition requesting an election as to that claim. It is not deemed to have refused to bargain until an election has been held and the results thereof certified to it by the commission. A violation of this paragraph includes, but is not limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 273. 111.84 (1) (f) of the statutes is amended to read:

111.84 **(1)** (f) To deduct labor organization dues from ~~an employee's~~ the earnings of a public safety employee, unless the employer has been presented with an individual order therefor, signed by the public safety employee personally, and terminable by at least the end of any year of its life or earlier by the public safety employee giving at least 30 but not more than 120 days' written notice of such termination to the employer and to the representative labor organization, except if there is a fair−share or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

SECTION 274. 111.84 (2) (c) of the statutes is amended to read:

111.84 **(2)** (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (b) to ~~(g)~~ (f) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 275. 111.84 (3) of the statutes is amended to read:

111.84 **(3)** It is an unfair labor practice for any person to do or cause to be done on behalf of or in the interest of employers or employees, or in connection with or to influence the outcome of any controversy as to employment relations, any act prohibited by ~~subs.~~ sub. (1) ~~and~~ or (2).

SECTION 276. 111.845 of the statutes is created to read:

111.845 Wage deduction prohibition. The employer may not deduct labor organization dues from a general employee's earnings.

SECTION 277. 111.85 (1), (2) and (4) of the statutes are amended to read:

111.85 **(1)** (a) No fair−share or maintenance of membership agreement covering public safety employees may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30% of the public safety employees ~~or supervisors specified in s. 111.825 (5)~~ in a collective bargaining unit desire that a fair−share or maintenance of membership agreement be entered into between the employer and a labor organization. A petition may specify that a referendum is

requested on a maintenance of membership agreement only, in which case the ballot shall be limited to that question.

(b) For a fair−share agreement to be authorized, at least two−thirds of the eligible public safety employees ~~or supervisors~~ voting in a referendum shall vote in favor of the agreement. For a maintenance of membership agreement to be authorized, at least a majority of the eligible public safety employees ~~or supervisors~~ voting in a referendum shall vote in favor of the agreement. In a referendum on a fair−share agreement, if less than two−thirds but more than one−half of the eligible public safety employees ~~or supervisors~~ vote in favor of the agreement, a maintenance of membership agreement is authorized.

(c) If a fair−share or maintenance of membership agreement is authorized in a referendum, the employer shall enter into such an agreement with the labor organization named on the ballot in the referendum. Each fair−share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the public safety employees ~~or supervisors~~ affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, the agreement shall take effect 60 days after certification by the commission that the referendum vote authorized the agreement. The employer shall be held harmless against any claims, demands, suits and other forms of liability made by public safety employees ~~or supervisors~~ or local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits and other forms of liability are the responsibility of the labor organization entering into the agreement.

(d) Under each fair−share or maintenance of membership agreement, ~~an~~ a public safety employee ~~or supervisor~~ who has religious convictions against dues payments to a labor organization based on teachings or tenets of a church or religious body of which he or she is a member shall, on request to the labor organization, have his or her dues paid to a charity mutually agreed upon by the public safety employee ~~or supervisor~~ and the labor organization. Any dispute concerning this paragraph may be submitted to the commission for adjudication.

(2) (a) Once authorized, a fair−share or maintenance of membership agreement covering public safety employees shall continue in effect, subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum. Such petition must be supported by proof that at least 30% of the public safety employees ~~or supervisors~~ in the collective bargaining unit desire that the fair−share or maintenance of membership agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair−share or maintenance of membership agreement is approved in the referendum by at least the percentage of eligible voting public safety employees ~~or supervisors~~ required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuation of the agreement is not supported in any referendum, it is deemed terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier.

(b) The commission shall declare any fair−share or maintenance of membership agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has

refused on the basis of race, color, sexual orientation or creed to receive as a member any public safety employee ~~or supervisor~~ in the collective bargaining unit involved, and the agreement shall be made subject to the findings and orders of the commission. Any of the parties to the agreement, or any public safety employee ~~or supervisor~~ covered thereby, may come before the commission, as provided in s. 111.07, and petition the commission to make such a finding.

(4) The commission may, under rules adopted for that purpose, appoint as its agent an official of a state agency whose public safety employees are entitled to vote in a referendum to conduct a referendum provided for herein.

SECTION 278. 111.85 (5) of the statutes is repealed.

SECTION 279. 111.90 (2) of the statutes is amended to read:

111.90 **(2)** ~~Subject to s. 111.91 (1) (am), manage~~ Manage the employees of a state agency; hire, promote, transfer, assign or retain employees in positions within the agency; and in that regard establish reasonable work rules.

SECTION 280. 111.905 of the statutes is repealed.

SECTION 281. 111.91 (1) (a) of the statutes is amended to read:

111.91 **(1)** (a) Except as provided in pars. (b) to ~~(e)~~ (d), with regard to a collective bargaining unit under s. 111.825 (1) (g), matters subject to collective bargaining to the point of impasse are wage rates, consistent with sub. (2), the assignment and reassignment of classifications to pay ranges, determination of an incumbent's pay status resulting from position reallocation or reclassification, and pay adjustments upon temporary assignment of classified public safety employees to duties of a higher classification or downward reallocations of a classified public safety employee's position; fringe benefits consistent with sub. (2); hours and conditions of 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:

111.91 **(2)** (intro.) The employer is prohibited from bargaining ~~on~~ with a collective bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

SECTION 290. 111.91 (2) (gu) of the statutes is amended to read:

111.91 **(2)** (gu) The right of ~~an~~ a public safety employee, who is an employee, as defined in s. 103.88 (1) (d), and who is a fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

SECTION 291. 111.91 (2c) of the statutes is repealed.

SECTION 292. 111.91 (3) of the statutes is created to read:

111.91 **(3)** The employer is prohibited from bargaining with a collective bargaining unit containing a general employee with respect to any of the following:

(a) Any factor or condition of employment except wages, which includes only total base wages and excludes any other compensation, which includes, but is not limited to, overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions.

(b) Unless the electors in a statewide referendum approve a total base wages increase that exceeds the total base wages expenditure described in this paragraph, any proposal that does any of the following:

1. If there is an increase in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.

2. If there is a decrease in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement decreased by a percentage of that expenditure that is equal to the decrease in the consumer price index change.

SECTION 293. 111.91 (3q) of the statutes is created to read:

111.91 **(3q)** For purposes of determining compliance with sub. (3), the commission shall provide, upon request, to the employer or to any representative of a collective bargaining unit containing a general employee, the consumer price index change during any 12−month period. The commission may get the information from the department of revenue.

SECTION 294. 111.92 (1) (a) of the statutes is amended to read:

111.92 **(1)** (a) Any tentative agreement reached between the office~~, or, as provided in s. 111.815 (1), the department of health services, acting for the state,~~ and any labor organization representing a collective bargaining unit specified in s. 111.825 (1)~~,~~ or (2) (a) to (e)~~, or (2g)~~ shall, after official ratification by the labor organization, be submitted by the office ~~or department of health services~~ to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed 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:

111.93 **(3)** (intro.) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), ~~if~~ all of the following apply:

(a) If a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit under s. 111.825 (1) (g), the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the University of Wisconsin System, related to wages, fringe benefits, hours, and conditions of employment whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

SECTION 300. 111.93 (3) (b) of the statutes is created to read:

111.93 **(3)** (b) If a collective bargaining agreement exists between the employer and a labor organization representing general employees in a collective bargaining unit, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the board of regents of the University of Wisconsin System, related to wages, whether or not the matters contained in those statutes, rules, and policies are set forth in the collective bargaining agreement.

SECTION 301. Subchapter VI of chapter 111 [precedes 111.95] of the statutes is repealed.

SECTION 302. 118.22 (4) of the statutes is repealed.

SECTION 303. 118.223 of the statutes is created to read:

118.223 Collective bargaining. Except as provided under subch. IV of ch. 111, no school board may collectively bargain with its employees.

SECTION 304. 118.23 (5) of the statutes is repealed.

SECTION 305. 118.245 of the statutes is created to read:

118.245 Referendum; increase in employee wages. (1) If a school board wishes to increase the total base wages of its employees in an amount that exceeds the limit under s. 111.70 (4) (mb) 2., the school board shall adopt a resolution to that effect. The resolution shall specify the amount by which the proposed total base wages increase will exceed the limit under s. 111.70 (4) (mb) 2. The resolution may not take effect unless it is approved in a referendum called for that purpose. The referendum shall occur in April for collective bargaining agreements that begin in July of that year. The results of a referendum apply to the total base wages only in the next collective bargaining agreement.

(2) The question submitted in the referendum shall be substantially as follows: "Shall the employees in the .... [school district] receive a total increase on wages from $....[current total base wages] to $....[proposed total base wages], which is a percentage wage increase that is .... [x] percent higher than the percent of the consumer price index increase, for a total percentage increase in wages of .... [x]?"

SECTION 306. 118.40 (2r) (b) 3. a. of the statutes is amended to read:

118.40 **(2r)** (b) 3. a. Delegate to the governing board of the charter school the board of regents' authority to establish and adjust all compensation ~~and fringe benefits~~ of instructional staff, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 that covers the instructional staff. In the absence of a collective bargaining agreement, the governing board may establish and adjust all compensation ~~and fringe benefits~~ of the instructional staff only with the approval of the chancellor of the University of Wisconsin−Parkside.

SECTION 307. 118.42 (3) (a) 4. of the statutes is amended to read:

118.42 **(3)** (a) 4. Implement changes in administrative and personnel 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

defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall not be construed to eliminate a school district's duty to bargain with the employee's collective bargaining representative over any calendaring proposal which is primarily related to wages, hours and conditions of employment.~~

SECTION 312. 120.18 (1) (gm) of the statutes is amended to read:

120.18 **(1)** (gm) Payroll and related benefit costs for all school district employees in the previous school year. ~~Costs~~ Payroll costs for represented employees shall be based upon the costs of wages of any collective bargaining agreements covering such employees for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employees ~~and the school district and the representative have been required to submit final offers under s. 111.70 (4) (cm) 6.~~, increased costs ~~limited to the lower of the school district's offer or the representative's offer shall be~~ of wages reflected in the report shall be equal to the maximum wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2. for the employees. The school district shall amend the annual report to reflect any change in such costs as a result of any ~~award or settlement under s. 111.70 (4) (cm) 6.~~ collective bargaining agreement entered into between the date of filing the report and October 1. Any such amendment shall be concurred in by the certified public accountant licensed or certified under ch. 442 certifying the school district audit.

SECTION 313. 146.59 of the statutes is repealed.

SECTION 314. 196.025 (7) of the statutes is created to read:

196.025 **(7)** REGULATION OF CERTAIN PLANTS. If the department of administration sells or contracts for the operation of any plant under s. 16.896 (1), and the purchaser or contractor is not a public utility because the purchaser or contractor does not use the plant to provide service directly or indirectly to or for the public, the commission shall, upon petition at any time by the department of administration, regulate the purchaser or contractor as a public utility under this chapter if the commission determines that such regulation is in the public interest.

SECTION 315. 230.01 (3) of the statutes is amended to read:

230.01 **(3)** Nothing in this chapter shall be construed to either infringe upon or supersede the rights guaranteed state employees under subch. V ~~or VI~~ of ch. 111.

SECTION 316. 230.03 (3) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

230.03 **(3)** "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. ~~52,~~ 231, 232, 233, 234, 235, 237, 238, or 279. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

SECTION 317. 230.04 (16) of the statutes is amended to read:

230.04 **(16)** The director may appoint either a deputy director or an executive assistant outside the classified service.

SECTION 318. 230.046 (10) (a) of the statutes is amended to read:

230.046 **(10)** (a) Conduct off−the−job employee development and training programs relating to functions under this chapter or subch. V ~~or VI~~ of ch. 111.

SECTION 319. 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 **(2)** (e) 1. Administration — ~~14~~ 13.

SECTION 320. 230.08 (2) (e) 2. of the statutes is amended to read:

230.08 **(2)** (e) 2. Agriculture, trade and consumer protection — ~~6~~ 9.

SECTION 321. 230.08 (2) (e) 2m. of the statutes is amended to read:

230.08 **(2)** (e) 2m. Children and families — ~~5~~ 8.

SECTION 322. 230.08 (2) (e) 3e. of the statutes is amended to read:

230.08 **(2)** (e) 3e. Corrections — ~~4~~ 7.

SECTION 323. 230.08 (2) (e) 4f. of the statutes is amended to read:

230.08 **(2)** (e) 4f. Financial institutions — ~~3~~ 5.

SECTION 324. 230.08 (2) (e) 5. of the statutes is amended to read:

230.08 **(2)** (e) 5. Health services — ~~6~~ 9.

SECTION 325. 230.08 (2) (e) 6. of the statutes is amended to read:

230.08 **(2)** (e) 6. Workforce development — ~~6~~ 8.

SECTION 326. 230.08 (2) (e) 8. of the statutes is amended to read:

230.08 **(2)** (e) 8. Natural resources — ~~7~~ 10.

SECTION 327. 230.08 (2) (e) 8h. of the statutes is created to read:

230.08 **(2)** (e) 8h. Office of the commissioner of insurance — 2.

SECTION 328. 230.08 (2) (e) 8j. of the statutes is created to read:

230.08 **(2)** (e) 8j. Office of state employment relations — 3.

SECTION 329. 230.08 (2) (e) 9m. of the statutes is amended to read:

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~~,~~

~~except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit for which a representative is recognized or certified, or for employees specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is certified, if a collective bargaining agreement is in effect covering employees in the collective bargaining unit, the determination of just cause and all aspects of the appeal procedure shall be governed by the provisions of the collective bargaining agreement~~.

SECTION 344. 230.34 (1) (ax) of the statutes is created to read:

230.34 **(1)** (ax) 1. Notwithstanding pars. (a), (am), and (ar), during a state of emergency declared by the governor under s. 323.10, an appointing authority may discharge any employee who does any of the following:

a. Fails to report to work as scheduled for any 3 working days during the state of emergency and the employee's absences from work are not approved leaves of absence.

b. 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 participation in purported mass resignations or sick calls.

2. Engaging in any action under subd. 1. constitutes just cause for discharge.

3. Before discharging an employee, the appointing authority shall provide the employee notice of the action and shall furnish to the employee in writing the reasons for the action. The appointing authority shall provide the employee an opportunity to respond to the reasons for the discharge.

SECTION 345. 230.35 (1s) of the statutes is amended to read:

230.35 **(1s)** Annual leave of absence with pay for instructional staff employed by the board of regents of the University of Wisconsin System who provide services

for a charter school established by contract under s. 118.40 (2r) (cm) shall be determined by the governing board of the charter school established by contract under s. 118.40 (2r) (cm), as approved by the chancellor of the University of Wisconsin−Parkside ~~and subject to the terms of any collective bargaining agreement under subch. V of ch. 111 covering the instructional staff~~.

SECTION 346. 230.35 (2d) (e) of the statutes is amended to read:

230.35 **(2d)** (e) 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 347. 230.35 (3) (e) 6. of the statutes is amended to read:

230.35 **(3)** (e) 6. 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 paragraph shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 348. 230.88 (2) (b) of the statutes is amended to read:

230.88 **(2)** (b) No collective bargaining agreement supersedes the rights of an employee under this subchapter. However, nothing in this subchapter affects any right of an employee to pursue a grievance procedure under a collective bargaining agreement under subch. V ~~or VI~~ of ch. 111, and if the division of equal rights determines that a grievance arising under such a collective bargaining agreement involves the same parties and matters as a complaint under s. 230.85, it shall order the arbitrator's final award on the merits conclusive as to the rights of the parties to the complaint, on those matters determined in the arbitration which were at issue 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:

233.10 **(1)** ~~Subject to s. 233.04 (4) to (4r) and 1995 Wisconsin Act 27, section 9159 (2) and (4), the~~ The authority shall employ such employees as it may require and shall determine the qualifications and duties of its employees. Appointments to and promotions in the authority shall be made according to merit and fitness.

SECTION 357. 233.10 (2) (intro.) of the statutes is amended to read:

233.10 **(2)** (intro.) Subject to subs. (3), ~~(3m),~~ (3r) and (3t) and ch. 40 ~~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~~, the authority shall establish any of the following:

SECTION 358. 233.10 (3) (a) (intro.) of the statutes is amended to read:

233.10 **(3)** (a) (intro.) In this subsection and ~~subs. (3m) and~~ sub. (4), "carry−over employee" means an employee of the authority who satisfies all of the following:

SECTION 359. 233.10 (3) (b) of the statutes is repealed.

SECTION 360. 233.10 (3) (c) (intro.) of the statutes is amended to read:

233.10 **(3)** (c) (intro.) If an employee of the authority is a carry−over employee ~~and is an employee to whom par. (b) does not apply~~, the authority shall, when setting the terms of the carry−over employee's employment during the period beginning on June 29, 1996, and ending on June 30, 1997, do all of the following:

SECTION 361. 233.10 (3) (d) of the statutes is amended to read:

233.10 **(3)** (d) If an employee of the authority is not a carry−over employee ~~and is an employee to whom par. (b) does not apply~~, the authority shall, from June 29, 1996, to June 30, 1997, provide that employee the same rights, benefits and compensation provided to a carry−over employee under par. (c) who holds a position at the authority with similar duties.

SECTION 362. 233.10 (3m) of the statutes is repealed.

SECTION 363. 281.75 (4) (b) 3. of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

281.75 **(4)** (b) 3. An authority created under subch. II of ch. 114 or ch. ~~52,~~ 231, 233, 234, 237, or 238.

SECTION 364. 285.59 (1) (b) of the statutes, as affected by 2011 Wisconsin Act .... (January 2011 Special Session Senate Bill 6), is amended to read:

285.59 **(1)** (b) "State agency" means any office, department, 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 which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, ~~the Wisconsin Quality Home Care Authority,~~ the Wisconsin Economic Development Corporation, and the Wisconsin Health and Educational Facilities Authority.

SECTION 365. 704.31 (3) of the statutes is amended to read:

704.31 **(3)** This section does not apply to a lease to which a local professional baseball park district created under subch. III of ch. 229~~, the Wisconsin Quality Home Care Authority,~~ or the Fox River Navigational System Authority is a party.

SECTION 366. 851.71 (4) of the statutes is amended to read:

851.71 **(4)** In counties having a population of 500,000 or more, the appointment under subs. (1) and (2) shall be made as provided in those subsections but the judges shall not remove the register in probate and deputy registers, except through charges

for dismissal made and sustained under s. 63.10 ~~or an applicable collective bargaining agreement~~.

SECTION 367. 978.12 (1) (c) of the statutes is amended to read:

978.12 **(1)** (c) *Assistant district attorneys.* Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the director of the office of state employment relations shall establish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in s. 111.93 (3) (b), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the director of the office of state employment relations.

SECTION 368. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

[2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of state operations appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $200,000,000 during the 2007−09 fiscal biennium and ~~$200,000,000~~ $121,000,000 during the 2009−11 fiscal biennium. This paragraph shall not apply to appropriations to the Board of Regents of the University of Wisconsin System and to the technical college system board.

SECTION 369. 2009 Wisconsin Act 28, section 9222 (1d) is repealed.

SECTION 9101. Nonstatutory provisions; Administration.

(1) EVALUATION OF STAFFING NEEDS AT THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION. The department of administration shall evaluate the staffing requirements of the Wisconsin employment relations commission and shall submit the report of the evaluation to the joint committee on finance under section 13.10 of the statutes.

(2) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of administration are decreased by 1.0 FED position, funded from the appropriation under section 20.505 (1) (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 administration are decreased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (kr) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(c) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (ka) of the statutes, to provide for an unclassified division administrator.

(d) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (1) (kr) of the statutes, to provide for an unclassified division administrator.

(e) The authorized FTE positions for the department of administration are increased by 1.0 PR position, funded from the appropriation under section 20.505 (5) (ka) of the statutes, to provide for an unclassified division administrator.

SECTION 9103. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of agriculture, trade and consumer protection are decreased by 3.0 GPR positions, funded from the appropriation under section 20.115 (8) (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 agriculture, trade and consumer protection are increased by 3.0 GPR positions, funded from the appropriation under section 20.115 (8) (a) of the statutes, to provide for additional unclassified division administrators.

SECTION 9108. Nonstatutory provisions; Children and Families.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of children and families are decreased by 1.0 PR position, funded from the appropriation under section 20.437 (3) (k) 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 children and families are decreased by 1.85 GPR positions, funded from the appropriation under section 20.437 (3) (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 children and families are decreased by 0.15 FED position, funded from the appropriation under section 20.437 (3) (n) of the statutes, for the purpose for which the appropriation is made. 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. Employees covered under section 40.05 (4) (ag) 2. of the statutes, as affected by this act, 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 under section 40.51 (6) of the statutes; $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 under section 40.51 (6) of the statutes; 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 under section 40.51 (6) of the statutes.

2. Eligible employees covered under section 40.02 (25) (b) 2. of the statutes, as affected by this act, shall pay 50 percent of the amounts required for employees under subdivision 1.

3. Employees covered under section 40.05 (4) (ag) 1. of the statutes, as affected by this act, and craft employees, as defined in section 111.81 (4) of the statutes, and related nonrepresented employees shall pay the same amounts that they are required to pay on the day before the effective date of this subdivision.

(b) If an employer is unable to modify payroll procedures in sufficient time to collect employees' increased share of the premium costs for health care coverage under paragraph (a), the employer shall recover all amounts that employees owe for the increased share of premium costs before July 1, 2011.

(2) EMPLOYER AND EMPLOYEE REQUIRED CONTRIBUTIONS FOR 2011. Notwithstanding the employer and employee required contributions rates established for 2011 under section 40.05 (1) and (2), 2009 stats., beginning on the first day of the first pay period after March 13, 2011, the employee required contributions under section 40.05 (1) (a) of the statutes, as affected by this act, shall be in effect for the remainder of 2011, and

the employer required contributions under section 40.05 (2) of the statutes shall be adjusted to reflect the increases in employee required contributions for the remainder of 2011. In addition, beginning on the first day of the first pay period after March 13, 2011, for the purpose of calculating employee required contributions, the benefit adjustment contribution established under section 40.05 (2m), 2009 stats., shall be treated as an employer required contribution for the remainder of 2011. If an employer is unable to modify payroll procedures in sufficient time to collect the increased employee required contributions before the first day of the first pay period after March 13, 2011, the employer shall recover all amounts that employees owe before July 1, 2011.

(3) MODIFICATIONS TO WISCONSIN RETIREMENT SYSTEM.

(a) The secretary of administration, the director of the office of state employment relations, and the secretary of employee trust funds shall study the structure of the Wisconsin Retirement System and benefits provided under the Wisconsin Retirement System. The study shall specifically address the following issues:

1. Establishing a defined contribution plan as an option for participating employees, as defined in section 40.02 (46) of the statutes.

2. Establishing a vesting period of 1, 5, or 10 years for employer contributions under section 40.05 (2) of the statutes and for eligibility for retirement benefits.

3. Modifying the supplemental health insurance premium credit program under subchapter IX of chapter 40 of the statutes.

4. Permitting employees to not make employee required contributions under section 40.05 (1) (a) of the statutes and limiting retirement benefits for employees

who do not make employee required contributions to a money purchase annuity calculated under section 40.23 (3) of the statutes.

(b) No later than June 30, 2012, the secretary of administration, the director of the office of state employment relations, and the secretary of employee trust funds shall report their findings and recommendations to the governor.

(4) ALLOCATION OF CERTAIN EXCESS RESERVES IN THE PUBLIC EMPLOYEE TRUST FUND TO REDUCE EMPLOYER HEALTH INSURANCE COSTS DURING 2011. Notwithstanding any action of the group insurance board under section 40.03 (6) (d) of the statutes, from reserve accounts established under section 20.515 (1) (r) of the statutes for group health insurance and pharmacy benefits for state employees, the secretary of employee trust funds shall allocate an amount equal to $28,000,000 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.

(5) AGREEMENTS TO MODIFY GROUP INSURANCE COVERAGE FOR STATE EMPLOYEES. Section 40.03 (6) (c) of the statutes shall not apply to any agreements entered into by the group insurance board to modify group insurance coverage for the 2012 and 2013 calendar years.

(6) REDUCTIONS IN HEALTH CARE PREMIUM COSTS FOR HEALTH CARE COVERAGE DURING 2012 CALENDAR YEAR. The group insurance board shall design health care coverage plans for the 2012 calendar year that, after adjusting for any inflationary increase in health benefit costs, as determined by the group insurance board, reduces the average premium cost of plans offered in the tier with the lowest employee premium cost under section 40.51 (6) of the statutes by at least 5 percent from the cost of such plans offered during the 2011 calendar year. The group insurance board shall 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.

(7) AUDIT OF DEPENDENT ELIGIBILITY UNDER BENEFIT PROGRAMS. If the department of employee trust funds determines that an audit of benefit programs administered by the department is necessary for the purpose of verifying the eligibility of dependents covered under the benefit programs, the department shall submit a written request to the secretary of administration to expend an amount not exceeding $700,000 from the appropriation account under section 20.515 (1) (w) of the statutes for the 2011−12 fiscal year to fund the cost of the audit. If the secretary of administration approves the request, the department of employee trust funds may proceed with the audit.

SECTION 9117. Nonstatutory provisions; Financial Institutions.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of financial institutions are decreased by 2.0 PR positions, funded from the appropriation under section 20.144 (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 financial institutions are increased by 2.0 PR positions, funded from the appropriation under section 20.144 (1) (g) of the statutes, to provide for additional unclassified division administrators.

SECTION 9121. Nonstatutory provisions; Health Services.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of health services are 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. "General municipal employee" has the meaning given in section 111.70 (1) (fm) of the statutes, as created by this act.

2. "School district employee" has the meaning given in section 111.70 (1) (ne) of the statutes.

(b) Each collective bargaining unit under subchapter IV of chapter 111 of the statutes, as affected by this act, containing general municipal employees who are subject to an extension of their collective bargaining agreement shall have their collective bargaining agreement terminated as soon as legally possible and shall vote to certify or decertify their representatives as provided in section 111.70 (4) (d) 3. b. of the statutes, as created by this act. Notwithstanding the date provided under section 111.70 (4) (d) 3. b. of the statutes, as created by this act, the vote shall be held in April 2011.

SECTION 9135. Nonstatutory provisions; Natural Resources.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of natural resources are decreased by 1.0 SEG position, funded from the appropriation under section 20.370 (1) (mu) 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 natural resources are decreased by 2.0 SEG positions, funded from the appropriation under section 20.370 (8) (mu) 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 natural resources are increased by 1.0 SEG position, funded from the appropriation under section 20.370 (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.

(a) The authorized FTE positions for the department of revenue are decreased by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (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 revenue are decreased by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of the statutes, for the purpose for which the appropriation is made. The secretary of administration shall identify the position.

(c) The authorized FTE positions for the department of revenue are increased by 2.55 GPR positions, funded from the appropriation under section 20.566 (3) (a) of the statutes, to provide for additional unclassified division administrators.

(d) The authorized FTE positions for the department of revenue are increased by 0.45 SEG position, funded from the appropriation under section 20.566 (8) (q) of the statutes, to provide for an unclassified division administrator.

SECTION 9143. Nonstatutory provisions; State Employment Relations, Office of.

(1) HEALTH INSURANCE OPTIONS. The director of the office of state employment relations and the secretary of employee trust funds shall study the feasibility of offering to employees eligible who receive health care coverage under subchapter IV of chapter 40 of the statutes, beginning on January 1, 2013, the options 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 in 26 USC 223. The director of the office of state employment relations and the secretary of employee trust funds shall also study the feasibility of requiring state employees to receive health care coverage through a health benefits exchange

established pursuant to the federal Patient Protection and Affordable Care Act of 2010 and creating a health care insurance purchasing pool for all state and local government 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.

(2) COMPENSATION FOR REPRESENTED STATE EMPLOYEES. Upon termination of any collective bargaining agreement between the state and a labor organization representing employees in a collective bargaining unit under section 111.825 (1) or (2) of the statutes, as affected by this act, the director of the office of state employment relations may continue to administer those provisions of the collective bargaining agreements that the director determines necessary for the orderly administration of the state civil services system until the compensation plan under section 230.12 of the statutes is established for the 2011−13 fiscal biennium.

(3) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the office of state employment relations are decreased by 1.0 PR position, funded from the appropriation under section 20.545 (1) (k) 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 office of state employment relations are increased by 1.0 PR position, funded from the appropriation under section 20.545 (1) (k) of the statutes, to provide for an unclassified division administrator.

SECTION 9147. Nonstatutory provisions; Tourism.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of tourism are decreased by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) 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 tourism are increased by 1.0 GPR position, funded from the appropriation under section 20.380 (1) (a) of the statutes, to provide for an unclassified division administrator.

SECTION 9148. Nonstatutory provisions; Transportation.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of transportation are decreased by 3.0 SEG positions, funded from the appropriation under section 20.395 (4) (aq) 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 transportation are increased by 3.0 SEG positions, funded from the appropriation under section 20.395 (4) (aq) of the statutes, to provide for additional unclassified division administrators.

SECTION 9151. Nonstatutory provisions; University of Wisconsin Hospitals and Clinics Board.

(1) TERMINATION OF CONTRACTUAL SERVICES AGREEMENT. On the effective date of this subsection any contractual services agreement between the University of Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals and Clinics Authority under section 233.04 (4) of the statutes is terminated.

(2) TRANSFER OF EMPLOYEES TO UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. On the effective date of this subsection, all employees of the University of Wisconsin Hospitals and Clinics Board are transferred to the University of Wisconsin Hospitals and Clinics Authority. The University of Wisconsin Hospitals and Clinics Authority shall adhere to the terms of any collective bargaining

agreement covering the employees that is in force on the effective date of this subsection, including specifically terms relating to employer payment of any employee required contributions under the Wisconsin Retirement System and employer payment of any health insurance premiums on behalf of employees. Upon termination of the collective bargaining agreement, the University of Wisconsin Hospitals and Clinics Authority shall establish the compensation and benefits of the employees under section 233.10 (2) of the statutes.

SECTION 9154. Nonstatutory provisions; Workforce Development.

(1) POSITION INCREASES AND DECREASES.

(a) The authorized FTE positions for the department of workforce development are decreased by 2.0 PR positions, funded from the appropriation under section 20.445 (1) (kc) 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 workforce development are increased by 2.0 PR positions, funded from the appropriation under section 20.445 (1) (kc) of the statutes, to provide for additional unclassified division administrators.

SECTION 9155. Nonstatutory provisions; Other.

(1) UNION REPRESENTATIVE CERTIFICATION VOTE.

(a) In this subsection, "general employee" has the meaning given in section 111.81 (9g) of the statutes, as created by this act.

(b) Each collective bargaining unit under subchapter V of chapter 111 of the statutes, as affected by this act, containing general employees shall vote to certify or decertify their representatives as provided in section 111.83 (3) (b) of the statutes,

as created by this act. Notwithstanding the date provided under section 111.83 (3) (b) of the statutes, as created by this act, the vote shall be held in April 2011.

(2) WISCONSIN QUALITY HOME CARE AUTHORITY ASSETS, LIABILITIES, PERSONAL PROPERTY, AND CONTRACTS.

(a) On the effective date of this paragraph, the assets and liabilities of the Wisconsin Quality Home Care Authority shall become the assets and liabilities of the department of health services.

(b) On the effective date of this paragraph, all tangible personal property, including records, of the Wisconsin Quality Home Care Authority is transferred to the department of health services.

(c) All contracts entered into by the Wisconsin Quality Home Care Authority in effect on the effective date of this paragraph remain in effect and are transferred to the department of health services. The department of health services shall carry out any obligations under such a contract until the contract is modified or rescinded by the department of health services to the extent allowed under the contract.

SECTION 9208. Fiscal changes; Children and Families.

(1) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT FUNDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of children and families under section 20.437 (2) (md) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $37,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to support an increase in the earned income tax credit.

(2) INCOME AUGMENTATION LAPSE.

(a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund from the appropriation account to the department of children and

families under section 20.437 (1) (kx) of the statutes, as affected by the acts of 2011, $2,011,200 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

(b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary of administration shall apply the lapse under paragraph (a) to the lapse requirement for the 2009−11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

SECTION 9211. Fiscal changes; Corrections.

(1) ADULT CORRECTIONAL SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $19,537,900 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purpose for which the appropriation is made.

(2) TRANSFERS.

(a) There is transferred from the appropriation account under section 20.410 (1) (f) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $5,362,500 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(b) There is transferred from the appropriation account under section 20.410 (1) (ab) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $2,825,300 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(c) There is transferred from the appropriation account under section 20.410 (2) (a) of the statutes to the appropriation account under section 20.410 (1) (a) of the

statutes $100,200 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(d) There is transferred from the appropriation account under section 20.410 (3) (cg) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $71,000 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(e) There is transferred from the appropriation account under section 20.410 (1) (bm) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $10,700 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(f) There is transferred from the appropriation account under section 20.410 (3) (a) of the statutes to the appropriation account under section 20.410 (1) (a) of the statutes $36,600 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(g) There is transferred from the appropriation account under section 20.410 (3) (cg) of the statutes to the appropriation account under section 20.410 (1) (b) of the statutes $2,138,400 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

SECTION 9219. Fiscal changes; Governor.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the governor shall take actions to ensure that from general purpose revenue appropriations to the office of the governor under section 20.525 of the statutes an amount equal to $37,500 is lapsed from sum certain

appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

SECTION 9221. Fiscal changes; Health Services.

(1) INCOME AUGMENTATION LAPSE.

(a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund from the appropriation account to the department of health services under section 20.435 (8) (mb) of the statutes, as affected by the acts of 2011, $4,500,000 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

(b) Notwithstanding 2007 Wisconsin Act 20, section 9201 (1c) (a), the secretary of administration shall apply the lapse under paragraph (a) to the lapse requirement for the 2009−11 fiscal biennium under 2007 Wisconsin Act 20, section 9201 (1c) (a).

(2) COMMUNITY AIDS APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (7) (b) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by $3,100,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(3) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $127,200,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(4) MEDICAL ASSISTANCE ADMINISTRATION APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health

services under section 20.435 (4) (bm) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $16,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(5) INCOME MAINTENANCE APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (bn) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $2,500,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(6) MEDICAL ASSISTANCE TRUST FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $6,700,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(7) MEDICAL ASSISTANCE PROGRAM BENEFITS APPROPRIATION INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2011, the dollar amount is increased by $6,800,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to fund the contribution for indigent health care in Milwaukee County.

SECTION 9227. Fiscal changes; Joint Committee on Finance.

(1) FEDERAL PROGRAM SUPPLEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (m) of the statutes, as affected by the acts of 2011, the dollar amount is

decreased by $37,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for supplementing federal earned income tax credit payments.

(2) GENERAL PURPOSE REVENUE FUNDS GENERAL PROGRAM SUPPLEMENTATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2011, the dollar amount is decreased by $4,590,400 for the second fiscal year of the fiscal biennium in which this subsection takes effect to reduce expenditures for the purpose for which the appropriation is made.

SECTION 9230. Fiscal changes; Legislature.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM.

(a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the cochairpersons of the joint committee on legislative organization shall take actions to ensure that from general purpose revenue appropriations to the legislature under section 20.765 of the statutes an amount equal to $717,700 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

(b) The amount lapsed under paragraph (a) shall be in addition to the amounts that are required to be lapsed or transferred to the general fund under 2009 Wisconsin Act 28, section 3416f.

SECTION 9241. Fiscal changes; Revenue.

(1) EARNED INCOME TAX CREDIT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.835 (2) (kf) of the statutes, as affected by the acts of 2011, the dollar amount is increased by

$37,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

SECTION 9245. Fiscal changes; Supreme Court.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the chief justice of the supreme court shall take actions to ensure that from general purpose revenue appropriations to the judicial branch of government under subchapter VII of chapter 20 of the statutes an amount equal to $1,153,400 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other type of appropriations, or both.

SECTION 9255. Fiscal changes; Other.

(1) LAPSES TO GENERAL FUND RELATING TO EMPLOYER SAVINGS IN FRINGE BENEFIT COSTS DURING THE 2009−11 FISCAL BIENNIUM.

(a) In this subsection, "state agency" means any office, department, or independent agency in the executive branch of state government.

(b) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, before July 1, 2011, the secretary of administration shall lapse to the general fund, from the unencumbered balances of general purpose revenue and program revenue appropriations to state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $27,891,400.

(c) The amount lapsed under paragraph (b) shall be in addition to the amounts that are required to be lapsed or transferred to the general fund under 2009 Wisconsin Act 28, section 3416d.

(d) The secretary of administration may not lapse moneys under paragraph (b) if the lapse would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse would violate the federal or state constitution. The secretary also may not lapse any amount from program revenue appropriations under section 20.285 of the statutes.

SECTION 9315. Initial applicability; Employee Trust Funds.

(1) HEALTH CARE COVERAGE PREMIUMS. The treatment of sections 40.02 (25) (b) 2., 40.05 (4) (ag), (ar), and (c), 40.51 (7), and 40.52 (3) of the statutes and SECTION 9115 (1) of this act first apply to employees who are covered by a collective bargaining agreement 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.

(2) PAYMENT OF EMPLOYEE REQUIRED CONTRIBUTIONS. The treatment of sections 13.111 (2), 40.02 (27), 40.05 (1) (a) (intro.), 1., 2., 3., and 4. and (b), (2m), and (2n), 40.32 (1), 59.875, 62.623, and 66.0518 of the statutes and SECTION 9115 (2) of this act first apply to employees who are covered by a collective bargaining agreement 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.

(3) CALCULATION OF ANNUITIES UNDER THE WISCONSIN RETIREMENT SYSTEM.

(a) Except as provided in paragraph (b), for elected officials, as defined in section 40.02 (24) of the statutes, 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 first day of a term of office that 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

agreement under subchapter I or VI 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.

(END)