



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY AMENDMENT 7,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 100**

June 21, 2005 – Offered by Representatives KREUSER and RICHARDS.

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

2 **1.** Page 3, line 2: after that line insert:

3 “**SECTION 1d.** 13.101 (6) (a) of the statutes, as affected by 2003 Wisconsin Act
4 64, is amended to read:

5 13.101 **(6)** (a) As an emergency measure necessitated by decreased state
6 revenues and to prevent the necessity for a state tax on general property, the
7 committee may reduce any appropriation made to any board, commission,
8 department, or the University of Wisconsin System, or to any other state agency or
9 activity, by such amount as it deems feasible, not exceeding 25% of the
10 appropriations, except appropriations made by ss. 20.255 (2) (ac), (af), (bc), (bh), (cg),
11 ~~(er)~~, and (r), and (qr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to
12 (ax), and (6) (af), (aq), ~~and (ar)~~, and (au), 20.435 (6) (a) and (7) (da), and 20.445 (3)

1 (a) and (dz) or for forestry purposes under s. 20.370 (1), or any other moneys
 2 distributed to any county, city, village, town, or school district. Appropriations of
 3 receipts and of a sum sufficient shall for the purposes of this section be regarded as
 4 equivalent to the amounts expended under such appropriations in the prior fiscal
 5 year which ended June 30. All functions of said state agencies shall be continued in
 6 an efficient manner, but because of the uncertainties of the existing situation no
 7 public funds should be expended or obligations incurred unless there shall be
 8 adequate revenues to meet the expenditures therefor. For such reason the committee
 9 may make reductions of such appropriations as in its judgment will secure sound
 10 financial operations of the administration for said state agencies and at the same
 11 time interfere least with their services and activities.”.

12 **2.** Page 94, line 2: substitute “certification” for “licensure”.

13 **3.** Page 96, line 4: delete that line.

14 **4.** Page 97, line 9: delete lines 9 and 10.

15 **5.** Page 97, line 11: after that line insert:

16 “(qr) Aid for pupil transportation SEG A 20,942,500 30,942,500
 17 ”.

18 **6.** Page 256, line 1: delete lines 1 to 10.

19 **7.** Page 257, line 21: after that line insert:

20 “**SECTION 180m.** 20.255 (2) (cr) of the statutes is renumbered 20.255 (2) (qr) and
 21 amended to read:

22 20.255 (2) (qr) *Aid for pupil transportation.* ~~The~~ From the transportation fund,
 23 the amounts in the schedule for the payment of state aid for transportation of public
 24 and private school pupils under subch. IV of ch. 121.”.

1 **8.** Page 258, line 18: delete lines 18 to 21.

2 **9.** Page 757, line 6: after that line insert:

3 “**SECTION 1842b.** 111.70 (1) (b) of the statutes is amended to read:

4 111.70 (1) (b) “Collective bargaining unit” means ~~a- the unit consisting of~~
5 ~~municipal employees who are school district professional employees or of municipal~~
6 ~~employees who are not school district professional employees~~ that is determined by
7 the commission to be appropriate for the purpose of collective bargaining.

8 **SECTION 1843b.** 111.70 (1) (dm) of the statutes is repealed.

9 **SECTION 1844b.** 111.70 (1) (fm) of the statutes is repealed.

10 **SECTION 1845b.** 111.70 (1) (nc) of the statutes is repealed.

11 **SECTION 1846b.** 111.70 (4) (cm) 5s. of the statutes is repealed.

12 **SECTION 1847b.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

13 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one
14 or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~
15 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable
16 period of negotiation and after mediation by the commission under subd. 3. and other
17 settlement procedures, if any, established by the parties have been exhausted, and
18 the parties are deadlocked with respect to any dispute between them over wages,
19 hours and conditions of employment to be included in a new collective bargaining
20 agreement, either party, or the parties jointly, may petition the commission, in
21 writing, to initiate compulsory, final and binding arbitration, as provided in this
22 paragraph. At the time the petition is filed, the petitioning party shall submit in
23 writing to the other party and the commission its preliminary final offer containing
24 its latest proposals on all issues in dispute. Within 14 calendar days after the date

1 of that submission, the other party shall submit in writing its preliminary final offer
2 on all disputed issues to the petitioning party and the commission. If a petition is
3 filed jointly, both parties shall exchange their preliminary final offers in writing and
4 submit copies to the commission at the time the petition is filed.

5 **SECTION 1848b.** 111.70 (4) (cm) 6. am. of the statutes is amended to read:

6 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
7 commission shall make an investigation, with or without a formal hearing, to
8 determine whether arbitration should be commenced. If in determining whether an
9 impasse exists the commission finds that the procedures set forth in this paragraph
10 have not been complied with and such compliance would tend to result in a
11 settlement, it may order such compliance before ordering arbitration. The validity
12 of any arbitration award or collective bargaining agreement shall not be affected by
13 failure to comply with such procedures. Prior to the close of the investigation each
14 party shall submit in writing to the commission its single final offer containing its
15 final proposals on all issues in dispute that are subject to interest arbitration under
16 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
17 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
18 close the investigation based on the last written position of the party. ~~The municipal~~
19 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
20 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
21 bargaining, except that a permissive subject of bargaining may be included by a
22 party if the other party does not object and shall then be treated as a mandatory
23 subject. No later than such time, the parties shall also submit to the commission a
24 stipulation, in writing, with respect to all matters which are agreed upon for
25 inclusion in the new or amended collective bargaining agreement. The commission,

1 after receiving a report from its investigator and determining that arbitration should
2 be commenced, shall issue an order requiring arbitration and immediately submit
3 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
4 alternately strike names until a single name is left, who shall be appointed as
5 arbitrator. The petitioning party shall notify the commission in writing of the
6 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
7 formally appoint the arbitrator and submit to him or her the final offers of the
8 parties. The final offers shall be considered public documents and shall be available
9 from the commission. In lieu of a single arbitrator and upon request of both parties,
10 the commission shall appoint a tripartite arbitration panel consisting of one member
11 selected by each of the parties and a neutral person designated by the commission
12 who shall serve as a chairperson. An arbitration panel has the same powers and
13 duties as provided in this section for any other appointed arbitrator, and all
14 arbitration decisions by such panel shall be determined by majority vote. In lieu of
15 selection of the arbitrator by the parties and upon request of both parties, the
16 commission shall establish a procedure for randomly selecting names of arbitrators.
17 Under the procedure, the commission shall submit a list of 7 arbitrators to the
18 parties. Each party shall strike one name from the list. From the remaining 5
19 names, the commission shall randomly appoint an arbitrator. Unless both parties
20 to an arbitration proceeding otherwise agree in writing, every individual whose
21 name is submitted by the commission for appointment as an arbitrator shall be a
22 resident of this state at the time of submission and every individual who is
23 designated as an arbitration panel chairperson shall be a resident of this state at the
24 time of designation.

1 **SECTION 1849b.** 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,
2 renumbered 111.70 (4) (cm) 8m. and amended to read:

3 111.70 (4) (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for
4 the initial collective bargaining agreement between the parties and, except as the
5 parties otherwise agree, and except as provided in par. (cn), every collective
6 bargaining agreement covering municipal employees subject to this paragraph ~~other~~
7 ~~than school district professional employees~~ shall be for a term of 2 years. ~~No, but in~~
8 no case may a collective bargaining agreement for any collective bargaining unit
9 consisting of municipal employees ~~subject to this paragraph other than school~~
10 ~~district professional employees~~ shall be for a term exceeding 3 years. e. No
11 arbitration award may contain a provision for reopening of negotiations during the
12 term of a collective bargaining agreement, unless both parties agree to such a
13 provision. The requirement for agreement by both parties does not apply to a
14 provision for reopening of negotiations with respect to any portion of an agreement
15 that is declared invalid by a court or administrative agency or rendered invalid by
16 the enactment of a law or promulgation of a federal regulation.

17 **SECTION 1850b.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

18 **SECTION 1851b.** 111.70 (4) (cm) 8p. of the statutes is repealed.

19 **SECTION 1852b.** 111.70 (4) (cm) 8s. of the statutes is repealed.

20 **SECTION 1853b.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

21 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
22 bargaining unit for the purpose of collective bargaining and shall whenever possible,
23 unless otherwise required under this subchapter, avoid fragmentation by
24 maintaining as few collective bargaining units as practicable in keeping with the size
25 of the total municipal work force. In making such a determination, the commission

1 may decide whether, in a particular case, the municipal employees in the same or
2 several departments, divisions, institutions, crafts, professions, or other
3 occupational groupings constitute a collective bargaining unit. Before making its
4 determination, the commission may provide an opportunity for the municipal
5 employees concerned to determine, by secret ballot, whether or not they desire to be
6 established as a separate collective bargaining unit. ~~The commission shall not~~
7 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
8 ~~collective bargaining unit if the group includes both municipal employees who are~~
9 ~~school district professional employees and municipal employees who are not school~~
10 ~~district professional employees.~~ The commission shall not decide, however, that any
11 other group of municipal employees constitutes an appropriate collective bargaining
12 unit if the group includes both professional employees and nonprofessional
13 employees, unless a majority of the professional employees vote for inclusion in the
14 unit. The commission shall not decide that any group of municipal employees
15 constitutes an appropriate collective bargaining unit if the group includes both craft
16 employees and noncraft employees unless a majority of the craft employees vote for
17 inclusion in the unit. The commission shall place the professional employees who are
18 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
19 a separate collective bargaining unit from a unit that includes any other professional
20 employees whenever at least 30% of those professional employees request an election
21 to be held to determine that issue and a majority of the professional employees at the
22 charter school who cast votes in the election decide to be represented in a separate
23 collective bargaining unit. Any vote taken under this subsection shall be by secret
24 ballot.”.

1 **10.** Page 757, line 7: delete lines 7 to 14.

2 **11.** Page 760, line 1: delete lines 1 to 25.

3 **12.** Page 761, line 1: delete lines 1 to 8.

4 **13.** Page 764, line 19: after that line insert:

5 “**SECTION 1882b.** 118.245 of the statutes is repealed.”.

6 **14.** Page 767, line 2: after that line insert:

7 “**SECTION 1894b.** 119.04 (1) of the statutes is amended to read:

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

16 **15.** Page 772, line 12: after that line insert:

17 “**SECTION 1908m.** 121.58 (6) of the statutes is amended to read:

18 121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) ~~(er)~~
19 ~~(qr)~~ in any one year is insufficient to pay the full amount of approved claims under
20 this section, state aid payments shall be prorated among the school districts entitled
21 thereto.”.

22 **16.** Page 1029, line 21: after that line insert:

1 “(1w) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (b), (dm),
2 (fm), and (nc) and (4) (cm) 5s., 6. a. and am., 8m. a., b., and c., 8p., and 8s. and (d) 2.
3 a. of the statutes first applies to petitions for arbitration that relate to collective
4 bargaining agreements that cover periods beginning on or after July 1, 2005, and
5 that are filed under section 111.70 (4) (cm) 6. of the statutes, as affected by this act,
6 on the effective date of this subsection.”

7 **17.** Page 1035, line 12: delete lines 12 to 15.

8

(END)