



**ASSEMBLY AMENDMENT 94,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 75**

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

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

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

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

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

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

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

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

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

16           111.70 (4) (n) *Municipal employer-initiated change in health care coverage*  
17 *plan provider.* Notwithstanding the terms of a collective bargaining agreement, a  
18 municipal employer may unilaterally change its employees' health care coverage  
19 plan provider without the consent of any affected employee in the collective  
20 bargaining unit if the benefits provided by the new health care coverage plan  
21 provider are substantially similar to those provided by the former health care  
22 coverage plan provider and if either the persons who provide health care coverage  
23 under the new plan are the same as under the former plan or cost savings will result  
24 from changing the health care coverage plan provider. Any such unilateral change  
25 in health care coverage plan provider is not a violation of a collective bargaining

1 agreement or a prohibited practice under sub. (3) (a) and, for purposes of a qualified  
2 economic offer, satisfies the requirement to maintain fringe benefits under sub. (1)  
3 (ne).”.

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

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

6 601.41 (11) SUBSTANTIALLY SIMILAR HEALTH CARE COVERAGE PLAN. The  
7 commissioner shall promulgate rules that set out a standardized summary of  
8 benefits provided under health care coverage plans, including plans offered under  
9 s. 40.51 (7), for use in determining whether a health care coverage plan is  
10 substantially similar to a plan offered under s. 40.51 (7).”.

11 **4. Page 1864, line 11:** after that line insert:

12 “(3u) HEALTH CARE COVERAGE PROVIDERS. The treatment of section 111.70 (1) (a)  
13 (as it relates to change in health care coverage plan providers) and (4) (mc) 4. of the  
14 statutes and the creation of section 111.70 (4) (n) of the statutes first apply to  
15 collective bargaining agreements entered into, extended, modified, or renewed,  
16 whichever occurs first, on the effective date of this subsection.”.

17 **5. Page 1888, line 12:** after “of the statutes,” insert “the amendment of section  
18 111.70 (4) (n) of the statutes,”.

(END)