



2011 ASSEMBLY BILL 313

October 7, 2011 - Introduced by Representatives BARCA, SEIDEL, SINICKI, MASON, PASCH, RINGHAND, JORGENSEN, C. TAYLOR, POCAN, MILROY, BERNARD SCHABER, RICHARDS, KESSLER, DOYLE, STEINBRINK, TURNER, GRIGSBY, VRUWINK, ROYS, YOUNG, HINTZ, TOLES, MOLEPSKE JR, ZEPNICK, DANOU, POPE-ROBERTS, HEBL and CLARK, cosponsored by Senators MILLER, VINEHOUT, WIRCH, LASSA and S. COGGS. Referred to Committee on Homeland Security and State Affairs.

1 **AN ACT** *to repeal* 230.08 (2) (e) 4., 230.08 (2) (e) 8h., 230.08 (2) (e) 8j. and 230.08
2 (2) (e) 15.; and *to amend* 230.08 (2) (e) 1., 230.08 (2) (e) 2., 230.08 (2) (e) 2m.,
3 230.08 (2) (e) 3e., 230.08 (2) (e) 4f., 230.08 (2) (e) 5., 230.08 (2) (e) 6., 230.08 (2)
4 (e) 7., 230.08 (2) (e) 8., 230.08 (2) (e) 9m., 230.08 (2) (e) 11., 230.08 (2) (e) 11m.,
5 230.08 (2) (e) 12. and 230.08 (4) (a) of the statutes; **relating to:** unclassified
6 division administrators in the state civil service system.

Analysis by the Legislative Reference Bureau

During the 2011-12 legislative session, 2011 Wisconsin Acts 10 and 32 increased the number of unclassified division administrators in executive branch state agencies. An unclassified division administrator serves at the pleasure of his or her appointing authority, while a classified division administrator may only be removed from the position for cause. 2011 Wisconsin Act 10 also permitted appointing authorities in executive branch agencies to designate any managerial position as an unclassified division administrator position.

This bill eliminates the increases in the number of unclassified division administrator positions that were authorized in 2011 Wisconsin Acts 10 and 32 and eliminates the ability of an appointing authority to designate any managerial position as an unclassified division administrator position. The bill also requires the secretary of administration to submit a plan to the Joint Committee on Finance (JCF) for adjusting appropriations and authorized classified and unclassified

ASSEMBLY BILL 313

positions that result from the reduction in the number of unclassified division administrators under this bill. If the cochairpersons of JCF do not notify the secretary that JCF has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the secretary may implement the plan. If within 14 working days after the date of the submittal by the secretary the cochairpersons notify him or her that JCF has scheduled a meeting for the purpose of reviewing the plan, the secretary may implement the plan only with the approval of JCF.

For further information see the *state* 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:

1 **SECTION 1.** 230.08 (2) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

3 230.08 **(2)** (e) 1. Administration — ~~13~~ 8.

4 **SECTION 2.** 230.08 (2) (e) 2. of the statutes, as affected by 2011 Wisconsin Act
5 10, is amended to read:

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

7 **SECTION 3.** 230.08 (2) (e) 2m. of the statutes, as affected by 2011 Wisconsin Act
8 10, is amended to read:

9 230.08 **(2)** (e) 2m. Children and families — ~~8~~ 5.

10 **SECTION 4.** 230.08 (2) (e) 3e. of the statutes, as affected by 2011 Wisconsin Act
11 10, is amended to read:

12 230.08 **(2)** (e) 3e. Corrections — ~~7~~ 4.

13 **SECTION 5.** 230.08 (2) (e) 4. of the statutes, as created by 2011 Wisconsin Act
14 32, is repealed.

15 **SECTION 6.** 230.08 (2) (e) 4f. of the statutes, as affected by 2011 Wisconsin Act
16 10, is amended to read:

17 230.08 **(2)** (e) 4f. Financial institutions — ~~5~~ 3.

ASSEMBLY BILL 313

1 **SECTION 7.** 230.08 (2) (e) 5. of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

3 230.08 **(2)** (e) 5. Health services — ~~9~~ 6.

4 **SECTION 8.** 230.08 (2) (e) 6. of the statutes, as affected by 2011 Wisconsin Act
5 32, is amended to read:

6 230.08 **(2)** (e) 6. Workforce development — ~~9~~ 7.

7 **SECTION 9.** 230.08 (2) (e) 7. of the statutes, as affected by 2011 Wisconsin Act
8 10, is amended to read:

9 230.08 **(2)** (e) 7. Justice — ~~5~~ 3.

10 **SECTION 10.** 230.08 (2) (e) 8. of the statutes, as affected by 2011 Wisconsin Act
11 10, is amended to read:

12 230.08 **(2)** (e) 8. Natural resources — ~~10~~ 7.

13 **SECTION 11.** 230.08 (2) (e) 8h. of the statutes, as created by 2011 Wisconsin Act
14 10, is repealed.

15 **SECTION 12.** 230.08 (2) (e) 8j. of the statutes, as created by 2011 Wisconsin Act
16 10, is repealed.

17 **SECTION 13.** 230.08 (2) (e) 9m. of the statutes, as affected by 2011 Wisconsin
18 Act 10, is amended to read:

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

20 **SECTION 14.** 230.08 (2) (e) 11. of the statutes, as affected by 2011 Wisconsin Act
21 10, is amended to read:

22 230.08 **(2)** (e) 11. Revenue — ~~7~~ 4.

23 **SECTION 15.** 230.08 (2) (e) 11m. of the statutes, as created by 2011 Wisconsin
24 Act 32, is amended to read:

25 230.08 **(2)** (e) 11m. Safety and professional services — ~~8~~ 5.

ASSEMBLY BILL 313**SECTION 16**

1 **SECTION 16.** 230.08 (2) (e) 12. of the statutes, as affected by 2011 Wisconsin Act
2 10, is amended to read:

3 230.08 (2) (e) 12. Transportation — ~~9~~ 6.

4 **SECTION 17.** 230.08 (2) (e) 15. of the statutes, as created by 2011 Wisconsin Act
5 10, is repealed.

6 **SECTION 18.** 230.08 (4) (a) of the statutes, as affected by 2011 Wisconsin Acts
7 10 and 32, is amended to read:

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

19 **SECTION 19. Nonstatutory provisions.**

20 (1) APPROPRIATION AND AUTHORIZED POSITION ADJUSTMENTS. No later than 30 days
21 after the effective date of this subsection, the secretary of administration shall
22 submit a plan to the joint committee on finance for adjusting appropriations and
23 authorized classified and unclassified positions that result from the reduction in the
24 number of unclassified division administrators under this act. If the cochairpersons
25 of the committee do not notify the secretary that the committee has scheduled a

ASSEMBLY BILL 313

1 meeting for the purpose of reviewing the plan within 14 working days after the date
2 of his or her submittal, the secretary may implement the plan. If within 14 working
3 days after the date of the submittal by the secretary the cochairpersons notify him
4 or her that the committee has scheduled a meeting for the purpose of reviewing the
5 plan, the secretary may implement the plan only with the approval of the committee.

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(END)